
Lembaga Kemajuan Wilayah Kedah Act 1981

Lembaga Kemajuan Wilayah Kedah

LAWS OF MALAYSIA

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Act 249

LEMBAGA KEMAJUAN WILAYAH

KEDAH ACT 1981

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LEMBAGA KEMAJUAN WILAYAH

KEDAH ACT 1981

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Act 249

LEMBAGA KEMAJUAN WILAYAH

KEDAH ACT 1981

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LEMBAGA KEMAJUAN WILAYAH KEDAH

ACT 1981

An Act to incorporate the Lembaga Kemajuan Wilayah Kedah and to provide for matters connected therewith.

[29 May 1981]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Lembaga Kemajuan Wilayah Kedah Act 1981.

Interpretation

2. In this Act, unless the context otherwise requires-- "accounting officer" includes every officer and servant who is charged with the duty of collecting, receiving, or accounting for, or who in fact collects, receives or accounts for, any money of the Fund, or who is charged with the duty of disbursing, or who does in fact disburse, any such money, and every officer and servant who is charged with the receipt, custody or disposal of, or the accounting for, any store and property of the Lembaga or who in fact receives, holds or disposes of such store and property; 8 Laws of Malaysia ACT 249

"Chairman" means the Chairman of the Lembaga appointed under section 5;

"company" has the same meaning as that assigned to "corporation" under subsection 4(1) of the Companies Act 1965 [Act 125]; "corporation" means a corporation established under section 28; "Deputy Chairman" means the Deputy Chairman of the Lembaga appointed under section 5;

"Deputy General Manager" means a Deputy General Manager appointed under subsection 13(6);

"Division" means a Division set up under section 14; "Fund" means the fund established under section 17; "General Manager" means the General Manager appointed under subsection 13(1);

"Kawasan Lembaga Kemajuan Wilayah Kedah" means any area determined by the Minister in accordance with section 9; "Lembaga" means the Lembaga Kemajuan Wilayah Kedah established under section 3;

"Minister" means the Minister charged with the responsibility for regional development;

"the State" means the State of Kedah.

PART II

THE LEMBAGA

The Lembaga

3. There is hereby established a body corporate by the name "Lembaga Kemajuan Wilayah Kedah" with perpetual succession and a common seal, which may sue and be sued in its name and, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold and enjoy movable and 9Lembaga Kemajuan Wilayah Kedah

immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Lembaga, upon such terms as it deems fit.

Functions of the Lembaga

4. (1) The functions of the Lembaga shall be-- (a) to promote, stimulate, facilitate and undertake economic and social development in the Kawasan Lembaga Kemajuan Wilayah Kedah;

(b) to promote, stimulate, facilitate and undertake residential, agricultural, industrial and commercial development in the Kawasan Lembaga Kemajuan Wilayah Kedah; and

(c) to control and co-ordinate the performance of the aforesaid activities in the Kawasan Lembaga Kemajuan Wilayah Kedah.

(2) The Lembaga shall have power to do all things expedient or reasonably necessary for, or incidental to, the discharge of its functions, and in particular, but without prejudice to the generality of the foregoing--

(a) to carry on all activities, particularly commercial and industrial activities, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said functions, including the manufacturing, assembling, processing, packing, grading and marketing of products, research and training; (b) to initiate preliminary studies of possible development and redevelopment areas and make preliminary plans outlining development or redevelopment activities and preliminary surveys to determine if the undertaking and carrying out of development or redevelopment projects are feasible;

(c) to co-operate with or act as agent or managing agent of, or otherwise act in association with or on behalf of, the Government of the Federation or of the State, any public authority, any company, any corporation, any body or any

person;

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(d) to promote and co-ordinate the carrying on of such activities by the Government of the Federation or of the State, any public authority, any company, any corporation, or any other body or person;

(e) to establish or expand, or promote the establishment or expansion, of companies, corporations or other bodies to carry on any such activities either under the control or partial control of the Lembaga or independently;

(f) to give assistance to any public authority, company, corporation or other body or person appearing to the Lembaga to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital or by loan or otherwise; (g) to purchase, underwrite or otherwise acquire any stock and shares in any public or private company, and to dispose of the same on such terms and conditions as the Lembaga may determine;

(h) to require departments and governmental and non- governmental agencies engaged in carrying out or intending to carry out development in the Kawasan Lembaga

Kemajuan Wilayah Kedah to submit reports regarding their activities or proposed activities containing such particulars and information as may be specified by the Lembaga;

(i) to appoint agents or establish such other bodies as it may deem fit for the purpose of carrying out its functions; (j) to impose fees or any other charges it deems fit for giving effect to any of its powers or functions;

(k) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon; (l) to regulate development in the Kawasan Lembaga Kemajuan Wilayah Kedah; and

(m) to do such other things as it deems fit for the effective carrying out of its functions and powers.

(3) Subject to section 8, it shall be the responsibility of the Lembaga in discharging its functions under this Act to ensure that the functions shall be performed in such manner as shall be in 11Lembaga Kemajuan Wilayah Kedah

furtherance of the policy of the Government for the time being in force and in

particular the policy relating to the restructuring of society.

(4) Notwithstanding subsections (1), (2) and (3), the Lembaga shall, before discharging any of its functions, first consult the State Government in all matters involving development planning. Membership of the Lembaga

5. (1) The Lembaga shall consist of the following members who, with the exception of the General Manager, shall be appointed by the Minister:

(a) a Chairman;

(b) a Deputy Chairman;

(c) three representatives of the Federal Government; (d) three representatives of the State Government; (e) three persons of relevant professional standing; and (f) the General Manager.

(2) Subject to subsections (3) and (4), the provisions of the First Schedule shall apply to the members of the Lembaga. (3) Paragraphs 1, 2, 3 and 7 of the First Schedule shall not apply to the General Manager.

(4) The General Manager shall not have the right to vote in any meeting of the Lembaga.

(5) Whenever the office of General Manager is vacant, subsection (1) shall be read as if paragraph (f) had been deleted. Public Authorities Protection Act

6. The Public Authorities Protection Act 1948 [Act 198] shall apply to any action, suit, prosecution or proceedings against the Lembaga or against any member, officer, servant or agent of the Lembaga in respect of any act, neglect or default done or committed by him in such capacity.

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Public servants

7. All members, officers and servants of the Lembaga, while discharging their duties as such members, officers and servants, shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

Power of Minister to give directions

8. (1) The Lembaga shall be responsible to the Minister, and the Minister may from time to time give directions not inconsistent with the provisions of this Act and the Lembaga shall, as soon as possible, give effect to all such

directions.

(2) Without prejudice to the generality of subsection (1), and subject to consultation with the Lembaga, the power of the Minister to give directions shall extend to the giving to it of directions-- (a) as to the disposal of capital assets; and

(b) as to the application of the proceeds of such disposals, notwithstanding that the directions may be of a specific character: Provided that no such direction shall, so long as any sum borrowed by the Lembaga in accordance with the provisions of this Act remains outstanding, be given.

The Kawasan Lembaga Kemajuan Wilayah Kedah

9. (1) For the purposes of this Act, the Minister may, with the concurrence of the Government of the State, from time to time determine by notification in the Gazette the area or areas within which the Lembaga shall perform its functions under this Act and such area or areas shall be known as the "Kawasan Lembaga Kemajuan Wilayah Kedah".

(2) Notwithstanding any other written law, it shall be the responsibility of the Lembaga to exercise the functions provided by this Act in the Kawasan Lembaga Kemajuan Wilayah Kedah. 13Lembaga Kemajuan Wilayah Kedah

Additional functions of the Lembaga

10. In addition to the duties imposed upon and powers vested in the Lembaga by this Act, the Lembaga may undertake such other functions, exercise such other powers and administer and expend such other moneys for such purposes as the Government of the Federation or of the State may assign or give to it and in so doing the Lembaga shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Lembaga in respect of such functions and the administration and expending of such moneys:

Provided always that the accounts of such moneys shall be kept separate and apart from those of the Fund.

Returns, reports, accounts and information

11. (1) The Lembaga shall furnish the Minister and such other person, body of persons or public authority as may be directed by the Minister such returns, reports, accounts and information with respect to its property and activities as the Minister may from time to time require or direct.

(2) Without prejudice to the generality of the provisions of subsection (1), the Lembaga shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister and, if so directed by the Minister, to the Government of the State or any other public authority, a report dealing with the activities of the Lembaga during the preceding financial year and in such form and containing such information relating to the proceedings and policy of the Lembaga as the Minister may from time to time specify.

PART III

CHAIRMAN, OFFICERS, SERVANTS, DIVISIONS

The Chairman

12. (1) The Chairman shall perform such duties as the Minister may from time to time determine.

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(2) If the Chairman is temporarily absent from Malaysia or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Deputy Chairman shall perform the duties of the Chairman during such temporary absence or incapacity.

General Manager and his Deputies

13. (1) The Lembaga may, with the approval of the Minister, appoint any person, designated as "General Manager", to be the principal executive officer and vest him with such powers and impose upon him such duties and functions as may be determined by the Lembaga.

(2) The General Manager shall be responsible for— (a) the preparation of programmes, schemes or projects for the consideration of the Lembaga;

(b) the execution of all programmes, schemes or projects of the Lembaga; and

(c) the carrying out of the decisions of the Lembaga and the directions of the Chairman.

(3) The General Manager shall be responsible to the Chairman. (4) The General Manager shall have general control of the officers and servants of the Lembaga.

(5) The General Manager shall perform such other or further duties as the

Lembaga or the Chairman may from time to time direct.

(6) To assist the General Manager in his functions, the Lembaga may, with the approval of the Minister, appoint one or more Deputy General Managers and vest them with such powers and impose upon them such duties and functions as may be determined by the Lembaga.

(7) If the General Manager is temporarily absent from Malaysia or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Lembaga may direct any Deputy General Manager to perform his duties during such temporary absence or incapacity.

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(8) The General Manager and every Deputy General Manager are officers of the Lembaga.

Organization of the Lembaga into Divisions

14. (1) The Lembaga may set up such Divisions as it may think desirable, and each Division shall be under the control and charge of an officer.

(2) The officer in charge of each Division shall be appointed by the Chairman with the approval of the Minister. (3) It shall be the responsibility of the officer in charge of a Division to implement and execute the decisions of the Lembaga on matters pertaining to his Division, to submit policy recommendations for consideration by the Lembaga, to participate without the right to vote in any meeting of the Lembaga whenever matters pertaining to his Division are being considered in the meeting and also to exercise all the powers that may be delegated to him by the Lembaga.

Appointment of other officers and servants

15. (1) Subject to any regulations made under section 16, the Lembaga may appoint on such terms and conditions as the Lembaga may think desirable such other officers and servants as may be necessary for carrying out the purposes of this Act. (2) No person shall be eligible for employment as an officer or servant of the Lembaga who has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Lembaga.

(3) Any officer or servant of the Lembaga who has or acquires any such share or interest shall be liable in the discretion of the Lembaga to summary dismissal without notice.

Regulations governing conditions of service of officers and servants

16. The Lembaga may, from time to time, with the approval of the Minister, make regulations governing the conditions of service of its officers and servants.

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Disciplinary committees

16A. (1) The Lembaga shall have disciplinary authority over all its officers and servants and shall exercise disciplinary control in respect of all such persons in accordance with this Act and any regulations made under section 16C.

(2) For the purposes of this section--

(a) there shall be established a disciplinary committee of the Lembaga in respect of the General Manager consisting of--

(i) the Secretary General of the Ministry, who shall be the chairman of the committee; and

(ii) two members of the Lembaga to be appointed by the Lembaga; and

(b) the Lembaga may, by notification in the Gazette, establish different disciplinary committees for different categories of officers or servants of the Lembaga.

(3) The following shall apply to any disciplinary committee established pursuant to paragraph (2) (b):

(a) such committee shall consist of any number of members of the Lembaga, other than the Chairman of the Lembaga, or officers of the Lembaga, or any combination of such members and officers; and

(b) an officer who is a member of a disciplinary committee shall not be lower in rank than any officer or servant over whom the committee of which he is a member has

disciplinary authority.

(4) The committee established pursuant to paragraph (2) (b) shall exercise its powers in all matters relating to the discipline of officers and servants

placed under its jurisdiction. (5) In the exercise of its disciplinary functions and powers, a disciplinary committee referred to under subsection (2) shall have the power to take disciplinary action and impose any disciplinary punishment or any combination of two or more of disciplinary punishments as may be provided for under any regulations that may be made under section 16C.

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Appeal against decision of disciplinary committee 16B. (1) A decision of the disciplinary committee under paragraph 16A(2) (a) shall be appealable to the Minister.

(2) A decision of any disciplinary committee under paragraph 16A(2) (b) shall be appealable to the Disciplinary Appeal Committee which shall consist of the following members:

(a) the Chairman of the Lembaga, who shall be the chairman of the Disciplinary Appeal Committee and having a casting vote; and

(b) three members of the Lembaga, not being members of the disciplinary committee whose decision is the subject matter of the appeal, to be appointed by the chairman of the Disciplinary Appeal Committee with the approval of the Lembaga for the purpose of the appeal.

(3) The Minister or the Disciplinary Appeal Committee, as the case may be, may confirm, reverse or vary the decision of the disciplinary committee.

(4) When the Disciplinary Appeal Committee considers an appeal under subsection (2), a member of the disciplinary committee against whose decision the appeal is made who is also a member of the Lembaga shall not be present or in any way participate in any proceedings relating to that appeal.

(5) The decision of the Minister or the Disciplinary Appeal Committee under subsection (3) shall be final and conclusive. Power to make disciplinary regulations

16C. (1) The Lembaga may, with the approval of the Minister, make such regulations as it deems necessary or expedient to provide for the discipline of the officers and servants of the Lembaga. (2) The disciplinary regulations made under this section-- (a) may create disciplinary offences;

(b) may provide for disciplinary punishments as the Lembaga may deem appropriate, and the punishments may extend to warning, fine, forfeiture of emoluments, deferment of salary movement, reduction of salary, reduction in

rank and dismissal;

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(c) shall provide for an opportunity to the person against whom disciplinary proceedings are taken to make

representations against the disciplinary charge laid against him before a decision is arrived at by the disciplinary committee except in the following cases:

(i) where an officer or servant of the Lembaga is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been

proved against him;

(ii) where the Lembaga, on the recommendations of the Minister charged with home affairs, is satisfied that in the interest of the security of Malaysia or any part thereof it is not expedient to carry out the requirements of this paragraph; or

(iii) where there has been made against an officer or servant of the Lembaga any order of detention,

supervision, restricted residence, banishment or

deportation, or where there has been imposed on

such officer or servant of the Lembaga any form

of restriction or supervision by bond or otherwise, under any law relating to the security of Malaysia or any part thereof, prevention of crime, preventive detention, restricted residence, banishment,

immigration, or protection of women and girls;

(d) may provide for the interdiction with reduced emoluments of an officer or servant of the Lembaga during the pendency of a criminal proceedings against him or disciplinary proceedings against him with a view to his dismissal or reduction in rank; and

(e) may provide for the suspension without emoluments of an officer or servant of the Lembaga where the officer or servant has been convicted by any criminal court or where an order of detention or restriction has been made in respect

of or imposed on the officer or servant. Imposition of surcharge

16D. (1) A person who is or was in the employment of the Lembaga may be surcharged if it appears to the Lembaga that the person-- (a) has failed to collect money owing to the Lembaga for the collection of which he is or was responsible;

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(b) is or was responsible for any improper payment of money from the Lembaga or for any payment of money which is not duly approved;

(c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any money, store or other property of the Lembaga;

(d) being or having been an accounting officer, fails or has failed to keep proper accounts or records; or

(e) has failed to make any payment, or is or was responsible for any delay in the payment from the Lembaga, of money to any person to whom such payment is due under any law or under any contract, agreement or arrangement entered into between that person and the Lembaga. (2) The Lembaga shall, before the person is surcharged, serve on him a written notice calling on him to show cause why he should not be surcharged.

(3) If a satisfactory explanation is not received within fourteen days from the date of service of the aforesaid notice, the Lembaga may--

(a) in the case of paragraphs (1) (a), (b) and (c), surcharge against the person a sum not exceeding the amount not collected, or of the improper payment made, or of the deficiency in or destruction of the property caused; and (b) in the case of paragraphs (1) (d) and (e), surcharge against the person, such sum as the Lembaga may think fit. Notification of surcharge

16E. The Lembaga shall notify the person surcharged in respect of any surcharge made under subsection 16D(3).

Withdrawal of surcharge

16F. Notwithstanding subsection 16D(3) and section 16E, the Lembaga may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Lembaga shall forthwith notify the person surcharged of the withdrawal. 20 Laws of Malaysia ACT 249

Recovery of surcharge

16G. The amount of any surcharge made under subsection 16D(3) and not withdrawn under section 16F shall be a debt due to the Lembaga from the person surcharged and may be sued for and recovered in any court at the suit of the Lembaga and may also if the Lembaga so directs, be recovered by deduction--

(a) from the salary of the person surcharged; or

(b) from the pension of the person surcharged,

by equal monthly instalments not exceeding one-fourth of the total monthly salary or pension, as the case may be, of that person. Composition of the Lembaga in special cases

16H. In any action for surcharge against the General Manager, the composition of the Lembaga for the purposes of sections 16D and 16G shall not include the General Manager.

PART IV

FINANCE

Establishment of the Fund

17. (1) For the purposes of this Act there is hereby established a fund to be administered and controlled by the Lembaga. (2) The Fund shall consist of--

(a) such sums as may be provided from time to time for those purposes by Parliament or the Legislative Assembly of the State;

(b) such sums as may be paid from time to time to the Lembaga from loans;

(c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

(d) moneys earned or arising from any property investments, mortgages, charges or debentures acquired by or vested in the Lembaga;

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(e) any property, investments, mortgages, charges or debentures acquired by or vested in the Lembaga;

(f) sums borrowed by the Lembaga for the purposes of meeting any of its

obligations or discharging any of its duties; and (g) all other sums or property which may in any manner become payable to or vested in the Lembaga in respect of any matter incidental to its powers and duties. (3) In this section the expression "loans" means such sums as may be made available from time to time to the Government of the Federation or of the State by way of loan.

Balancing of revenue account

18. It shall be the duty of the Lembaga to conserve the Fund by so exercising and performing its powers, functions and duties under this Act as to secure that the total revenues of the Lembaga are, subject to any directions given by the Minister under section 8, sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Reserve fund

19. The Lembaga shall establish and manage a reserve fund within the Fund.

Expenses to be charged on the Fund

20. The Fund shall be expended for the purpose of-- (a) granting loans under section 27;

(b) paying any expenses lawfully incurred by the Lembaga, including survey, legal and other fees and costs, and the remuneration of officers and servants appointed and employed by the Lembaga, including superannuation allowances, pensions or gratuities;

(c) paying any other expenses, cost or expenditure properly incurred or accepted by the Lembaga in the execution of its duties or in the discharge of its functions under section 4;

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(d) purchasing or hiring plant, equipment, machinery, stores and any other materials and acquiring land and erecting buildings and carrying out any other works and undertakings in the execution of its duties or in the discharge of its functions under section 4;

(e) repaying any moneys borrowed under this Act and the interest due thereon; and

(f) generally, paying any expenses for carrying into effect the provisions of this Act.

Expenditure and preparation of estimates

21. (1) The expenses of the Lembaga up to such amount as may be authorized by the Minister for any one year shall be defrayed out of the Fund.

(2) Before the beginning of September of each year the Lembaga shall submit to the Minister an estimate of the expenses (including those for development projects) for the following year in such form and containing such particulars as the Minister may direct; and the Minister shall before the beginning of that following year notify the Lembaga of the amount authorized for expenses generally or of the amounts authorized for each description of expenditure.

(3) The Lembaga may at any time submit to the Minister a supplementary estimate for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

(4) The Minister may direct the Lembaga to submit a copy of the estimate or supplementary estimate, as the case may be, to the Government of the State or to such other person as may be specified in the direction.

Statutory Bodies (Accounts and Annual Reports) Act

22. The provisions of the Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Lembaga and any corporations established under this Act.

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PART V

OTHER POWERS OF THE LEMBAGA

Delegation of powers of Lembaga

23. (1) The Lembaga may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to the Chairman, General Manager or any other person the power and authority to carry out on its behalf such powers, duties or functions by this Act vested in or imposed on the Lembaga as the Lembaga may determine, except the power to borrow money, raise loans or make regulations; and any power or function so delegated may be exercised or performed by the Chairman or General Manager or other person, as the case may be, in the name and on behalf of the Lembaga. (2) Without prejudice to the generality of subsection (1), the Lembaga may delegate to the Chairman, General Manager, any of its other members or any other person authorized to

sanction expenditure from the Fund or any other money under the control of the Lembaga up to such limit as the Lembaga shall specify. Power to borrow

24. (1) The Lembaga may from time to time borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister, with the concurrence of the Minister of Finance, may approve, any sums required by the Lembaga for meeting any of its obligations or discharging any of its duties.

(2) The Lembaga may from time to time, with the approval of the Minister and the concurrence of the Minister of Finance, borrow money by the issue of bonds, debentures or debenture stock or raise capital by the issue of shares or stock of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes:

(a) the provision of working capital;

(b) the fulfilling of the duties of the Lembaga under this Act; (c) the fulfilling of such additional functions as may be undertaken by the Lembaga under this Act;

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(d) the redemption of any shares or stock which it is required or entitled to redeem; and

(e) any other expenditure properly chargeable to capital account.

Investment

25. The assets of the Lembaga shall, in so far as they are not required to be expended by the Lembaga under this Act, be invested in such manner as the Minister, with the concurrence of the Minister of Finance, may approve.

Power to employ agents

26. The Lembaga may employ and pay agents and technical advisers, including advocates and solicitors, bankers, stockbrokers, surveyors or valuers or other persons, to transact any business or to do any act required to be transacted or done in the execution of its duties or for the better carrying into effect of the purposes of this Act. Power to grant loans

27. In the execution of its duties or in the discharge of its functions, the Lembaga may grant loans, and such loans may be granted subject to such terms and conditions as the Lembaga may deem fit to impose in particular cases.

Power to establish corporations

28. (1) The Lembaga may from time to time, by order published in the Gazette, establish a corporation by such name as the Lembaga may think fit, to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Lembaga in the execution of its duties or the discharge of its functions.

(2) The provisions of the Second Schedule shall apply to every corporation established by the Lembaga under subsection (1). 25Lembaga Kemajuan Wilayah Kedah

Compulsory acquisition of land

29. (1) When any immovable property, not being State land, is needed to be acquired by the Lembaga for the purposes of this Act, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose for the time being in force in the State, and any declaration required by any such written law that such land is so needed may be made notwithstanding that compensation is to be paid by the Lembaga, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose in accordance with such written law.

(2) The expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Lembaga. (3) When any immovable property has been acquired under this section, the Lembaga shall extract the necessary documents of title in respect of such property and shall pay any rent to which such property may be subject.

PART VI

GENERAL

30. (Deleted by Act 478). Obligation of secrecy

31. (1) Except for the purpose of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Lembaga shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not

exceeding six months or to a fine not exceeding one thousand ringgit or to both.

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Power to make regulations

32. (1) The Lembaga may, with approval of the Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations under that subsection may be made for-- (a) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Lembaga;

(b) prescribing for the responsibilities and control of officers and servants of the Lembaga;

(c) imposing fees in such cases as may be determined by the Lembaga;

(d) providing for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Lembaga, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock; (e) prescribing the manner in which and the terms and conditions on which loans may be granted by the Lembaga under section 27; and

(f) providing generally for the exercise of the powers and duties of the Lembaga under the provisions of this Act. (3) Such regulations--

(a) may provide that any act or omission in contravention of any provision thereof shall be an offence; and

(b) may provide for the imposition of penalties for such offences, which penalties shall not exceed one thousand ringgit.

Things done in anticipation of this Act

33. All things done by any person or authority on behalf of the Lembaga in the preparation of and towards the proper implementation of any of the provisions of this Act and any expenditure incurred 27Lembaga Kemajuan Wilayah Kedah

in relation thereto, in anticipation of the promulgation of this Act, shall be

deemed to have been authorized by this Act, and all rights and obligations acquired or incurred on behalf of the Lembaga from anything so done or any expenditure so incurred shall upon the coming into force of this Act be deemed to be the rights and obligations of the Lembaga.

Enforcement period of the Act

34. This Act shall be in force for a period of twenty years from the date of its coming into force but may be extended to such further period as may be determined by agreement between the State and the Federal Governments.

Winding up

35. (1) The Minister shall, six months before the termination of this Act, give directions for the winding up and dissolution of the Lembaga.

(2) Upon the dissolution of the Lembaga, the assets of the Lembaga, after payment of all liabilities, shall be deposited into the Consolidated Fund.

(3) The winding up of the Lembaga shall be conducted in such manner as the Minister may prescribe.

FIRST SCHEDULE

[Subsection 5(2)]

Terms and conditions of appointment, revocation and resignation

1. (1) A member of the Lembaga shall, subject to such conditions as the Minister may specify in the instrument appointing him, hold office for a term not exceeding three years and is eligible for reappointment from time to time.

(2) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(3) A member may at any time resign his office by letter addressed to the Minister.

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(4) A member shall devote such time to the business of the Lembaga as may be necessary to the discharge of his duties.

Vacation of office

2. (1) The office of a member of the Lembaga shall be vacated-- (a) if he dies;

(b) if there has been proved against him, or he has been convicted on, a charge in respect of--

(i) an offence involving fraud, dishonesty or moral turpitude; or (ii) an offence under any law relating to corruption; or (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years; or

(c) if he becomes bankrupt; or

(d) if he is of unsound mind or is otherwise incapable of performing his duties; or

(e) if he absents himself from three consecutive meetings without leave of the Lembaga; or

(f) in the event of his resignation being accepted by the Minister; or (g) if his appointment is revoked.

(2) Where any member ceases to be a member by reason of any of the provisions of this Act, a person shall be appointed in his place in accordance with the provisions applicable.

Remuneration and allowances

3. There shall be paid to members of the Lembaga or any other person such salaries, remuneration or allowances as the Lembaga may determine after consultation with the Minister.

Meetings

4. (1) The Lembaga shall meet at least once in every month. (2) The quorum of the Lembaga shall be six.

(3) At all meetings of the Lembaga the Chairman or, in his absence, such member as the members present may elect, shall preside. (4) If on any question to be determined by the Lembaga there is an equality of votes, the Chairman or the member presiding shall have a casting vote in addition to his deliberative vote.

(5) Subject to subparagraphs (1), (2), (3) and (4), the Lembaga shall determine its own procedure.

Lembaga may invite others to meetings

5. The Lembaga may request any person (not being a member of the Lembaga) to attend any meeting or deliberation of the Lembaga for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation. Common seal

6. (1) The Lembaga shall have a common seal, which shall bear such device as the Lembaga shall approve and such seal may from time to time be broken, changed, altered or made anew, as the Lembaga may think fit. (2) Until a seal is provided by the Lembaga a stamp bearing the description "Lembaga Kemajuan Wilayah Kedah" may be used and shall be deemed to be a common seal.

(3) The common seal or the stamp referred to in subparagraph (2) shall be kept in the custody of the Chairman or such other person as may be authorized by the Lembaga, and shall be authenticated by either the Chairman or such authorized person or by any officer authorized by either of them in writing; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall until the contrary is proved be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the Lembaga; and any such document or instrument may be executed on behalf of the Lembaga by any officer or servant of the Lembaga generally or specially authorized by the Lembaga in that behalf. (4) The seal of the Lembaga shall be officially and judicially noticed. Disclosure of interest

7. A member of the Lembaga having, directly or indirectly, by himself or his partner, any interest in any company or undertaking with which the Lembaga proposes to make any contract or having any interest in any such contract or in any matter under discussion by the Lembaga shall disclose to the Lembaga the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Lembaga, and unless specifically authorized thereto by the Chairman, such member shall take no part in any deliberation or decision of the Lembaga relating to the contract or matter. Minutes

8. (1) The Lembaga shall cause minutes of all meetings of the Lembaga to be maintained and kept in a proper form.

(2) Any minutes made of meetings of the Lembaga shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every meeting of the Lembaga in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act. Validity of acts and proceedings

9. No act done or proceeding taken under this Act shall be questioned on the ground--

(a) of any vacancy in the membership of, or of any defect in the constitution of, the Lembaga; or

(b) of the contravention by any member of the Lembaga of the provisions of paragraph 7; or

(c) of any omission, defect or irregularity not affecting the merits of the case.

SECOND SCHEDULE

[Subsection 28(2)]

Power of Lembaga to make regulation in respect of a corporation

1. The Lembaga shall, on or before the date on which any corporation is established under section 28, make regulations in respect of such corporation defining--

(a) the purposes and objects for which such corporation is established; (b) the rights, powers, duties and functions of such corporation; (c) the system of management thereof; and

(d) the relations between such corporation and the Lembaga and its rights of control over such corporation.

Saving

2. Nothing in paragraph 1 shall be deemed to authorize the Lembaga to make regulations to establish any corporation for any purpose or object more extensive in scope than the purposes or objects for which the Lembaga was constituted or to confer on any corporation any right, duty, power or function which is not within the rights, duties, powers or functions of the Lembaga

under this Act. Effect of regulations

3. Subject to the provisions of this Act and of any regulations made under section 32, any regulations made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act. 31Lembaga Kemajuan Wilayah Kedah

Amendment of regulations

4. The Lembaga may at any time amend, revoke or add to any regulations made in respect of any corporation under paragraph 1. Register of corporations

5. The Lembaga shall keep a register in the prescribed form of all corporations established by it under section 28 and such register together with copies of all regulations made under paragraph 1 shall be open to public inspection at such place or places and at such time as it may prescribe.

Winding up

6. (1) The Lembaga may by order published in the Gazette direct that any corporation established by it shall be wound up and dissolved. (2) Upon the dissolution of any corporation under this paragraph the assets of the corporation, after payment of all liabilities, shall be transferred to and vested in the Lembaga.

(3) The winding up of a corporation under this paragraph shall be conducted in such manner as the Lembaga may prescribe.

Corporations to be bodies corporate

7. Every corporation established under section 28 shall be a body corporate by such name as the Lembaga shall give to such corporation and shall have perpetual succession and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, scheme or enterprise for which it has been established, may enter into contracts and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with the provisions of this Act and subject to such restrictions or limitations as may be prescribed by the Lembaga in each case.

Common seal of corporations

8. (1) Every corporation shall have a common seal, which shall bear such device as the corporation, with the approval of the Lembaga, may approve, and

such seal may from time to time be broken, changed, altered and made anew by the corporation, with the approval of the Lembaga, as the corporation shall think fit.

(2) Until a seal is provided by the corporation under this paragraph a stamp bearing the name of the corporation encircling the letters "LKWK" may be used as a common seal.

(3) The common seal, or the stamp referred to in subparagraph (2), shall be in the custody of such person as the corporation shall direct and shall be authenticated by such person; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed: 32 Laws of Malaysia ACT 249

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorized by the corporation in that behalf. (4) The seal of every corporation shall be officially and judicially noticed. 33Lembaga Kemajuan Wilayah Kedah

LAWS OF MALAYSIA

Act 249

LEMBAGA KEMAJUAN WILAYAH KEDAH

ACT 1981

LIST OF AMENDMENTS

Amending law Short title In force from

Act 478 Revocation of Exemption 21-02-1992

from Payment of Stamp

Duties Act 1992

Act A969 Lembaga Kemajuan Wilayah 27-09-1996

Kedah (Amendment) Act 1996

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LIST OF SECTIONS AMENDED

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16A Act A969 27-09-1996

16B Act A969 27-09-1996

16C Act A969 27-09-1996

16D Act A969 27-09-1996

16E Act A969 27-09-1996

16F Act A969 27-09-1996

16G Act A969 27-09-1996

16H Act A969 27-09-1996

30 Act 478 21-02-1992

DICETAK OLEH

PERCETAKAN NASIONAL MALAYSIA BERHAD,

KUALA LUMPUR

BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA