

ENACTMENT No. 9 of 1972

I ASSENT,

ISMAIL,  
*Sultan of Trengganu*

6-5-1972.



An Enactment to provide for the establishment of a Foundation for the purposes of improving and furthering the progress of education and educational facilities in the State of Trengganu and of encouraging and promoting a Malaysian consciousness therein and for giving aid to charitable institutions; for the establishment of a Fund and the appointment of Trustees for the carrying out of the purposes of the Foundation; and for matters connected therein and incidental thereto.

[ ]

IT IS HEREBY ENACTED by the Legislature of Trengganu as follows:

1. This Enactment may be cited as the Trengganu Foundation Enactment, 1972. Short title.

2. In this Enactment, unless the context otherwise requires: Interpretation.

“the Board” means the Board of Trustees of the Trengganu Foundation established under Section 5 of this Enactment;

“the Chairman” means the Chairman of the Board and includes the Deputy Chairman;

“the Director” means the Director of the Foundation appointed under Section 11 of this Enactment;

“the Foundation” means the Trengganu Foundation established by Section 3 of this Enactment;

“the Fund” means the Trengganu Foundation Fund established under Section 4 of this Enactment;

“the Government” means the Government of the State of Trengganu;

“the member of the Board” includes the Chairman and the Deputy Chairman;

No. 3 of  
1952.

“the National of the State” means a subject or subjects of the Ruler of the State of Trengganu within the meaning of the Trengganu Nationality Enactment, 1952;

“relative” means by blood grandfather or grandmother, father or mother, brother or sister, uncle or aunt, first cousin paternal or maternal and by affinity means wife or husband, father-in-law or mother-in-law, sister-in-law or brother-in-law;

“the State” means the State of Trengganu;

“The Sultan Ismail Nasiruddin Shah Scholarship” means a Scholarship and/or loan for higher learning whether the same be for legal, professional, art or religious degrees, diplomas, recognised qualification in technical subjects (and may include fares, passages to and from the State, cost of maintenance, subsistence, clothing allowance, pocket money and tuition fees of the student);

“student” means a person to whom the Sultan Ismail Nasiruddin Shah Scholarship and/or loan has been awarded or given.

Establishment and  
objects of  
the Foundation.

3. There is hereby established the Trengganu Foundation and the objects for which the Foundation is established are:

- (a) actively to promote improvement of opportunity for education among all the national of the State and Malaysian citizens habitually residing in the State;
- (b) to grant and/or arrange for the award by other bodies or, scholarships, loan for primary and secondary education or other financial or educational assistance for the national of the State or any Malaysian citizen habitually residing in the State whenever it deems fit to do so;
- (c) to widen the scope, for national of the State and Malaysian citizens habitually residing in the State, in any institution of higher learning throughout the world, but especially in the institutions of higher learning established in Malaysia;
- (d) to promote and encourage the provision in the State of facilities for higher learning by the Government or by the Government of Malaysia or by any established institution of higher learning in Malaysia;

- (e) to grant, and/or arrange for the award by other bodies of, scholarships, loans for higher learning or other financial or educational assistance for the national of the State or any Malaysian citizen habitually residing in the State whenever it deems fit to do so;
- (f) voluntarily to give aid or assistance to the organisations and institutions which are organised and governed for charitable, scientific, medical, welfare, social, educational or other benevolent purposes and to contribute to the relief of national emergencies or calamities such as flood, fire, storm, draught and other Acts of God.

(g) notwithstanding . . . . .

4. (1) For the purposes of enabling the Foundation to carry out its objects, there shall be established a Fund to be called the Trengganu Foundation Fund. Establishment of the Fund.

(2) The Fund shall consist of :

- (a) such sums as the Government may from time to time contribute to the Fund;
- (b) all other monies donated, contributed, loaned, given as annuity or by will or in any other manner paid into the Fund by any Government, Statutory Body, Authority, Body, Corporation or individual person;
- (c) all monies received by the Board by way of profit, dividend, fee, commission or by way of interest, upon such portion of the monies of the Fund as may from time to time be invested or placed on deposit;
- (d) all monies received by the Board by way of profit or otherwise accrued from any commercial or industrial enterprises carried out by the Board;
- (e) all revenues from any property owned by the Board.

5. (1) For the purposes of managing the Foundation and administering and controlling the Fund there shall be established a Board of Trustees, to be called the Board of Trustees of the Trengganu Foundation and which shall consist of : Establishment of Board of Trustees.

- (a) a Chairman, who shall be the Menteri Besar;
- (b) a Deputy Chairman, who shall be the State Secretary;
- (c) a member who shall be the State Financial Officer;
- (d) eight members appointed by the Ruler in Council.

(2) No salary, fee, honorarium or commission shall be paid to any member of the Board, but the Board may reimburse members thereof in respect of any out-of-pocket expenses necessarily and reasonably incurred by them in and about the business of the Board.

Incorporation of the Board and use of seal.

6. (1) The Board shall be a body corporate with perpetual succession and a common seal and may from time to time break, alter, change and make anew such seal if the Board shall think fit.

(2) The Board may sue and be sued by the name of the Board of Trustees of the Trengganu Foundation and may for all purposes be described by that name.

(3) The common seal of the Board shall not be used except by the authority of the Board, and every document requiring the seal of the Board shall be sealed with such seal in the presence of any two members of the Board each of whom shall sign such document, and such signing shall be sufficient evidence that the common seal was duly affixed by authority of the Board.

Term of appointment of Trustees.

7. (1) Subject to the provision of sub-section (2) of this Section, a person appointed as a member of the Board shall vacate his seat at the expiration of two years from the date of his appointment but shall be eligible for re-appointment:

Provided that whenever the seat of a member becomes vacant under the said sub-section, any person appointed to fill the vacancy thereby caused shall vacate his seat at the expiration of the original term of office of the person to whose place he is appointed.

(2) The seat of a member of the Board shall become vacant:

- (a) upon his death; or
- (b) if he be declared an insolvent or a bankrupt or enters into any composition with his creditors; or
- (c) if he be declared to be of unsound mind; or
- (d) if he be sentenced to a term of imprisonment without the option of a fine by a court of competent jurisdiction; or
- (e) if, by writing under his hand addressed to the Chairman, he resigns his seat on the Board;
- (f) upon removal by the Ruler in Council if it thinks fit.

(3) The Board may continue to act notwithstanding any vacancy in the number of its members.

8. (1) The quorum of the Board shall be five.

Procedure  
of Board.

(2) At the meetings of the Board the Chairman, if present, shall preside, but in the absence of the Chairman unless the members present at any meeting elect one of their number to preside thereat, the meeting shall be deemed to be postponed.

(3) All questions arising or coming before a meeting of the Board shall be decided by a majority of the members present and voting thereon at that meeting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(4) The Director shall be entitled to attend all the meetings of the Board and to speak, but not to vote, on any matter under discussion:

Provided that the person presiding at the meeting may require the Director to withdraw from any meeting if he considers that the Director should not be present during the discussion of any particular matter.

9. (1) Save as hereinafter provided, if any member of the Board:

Interest  
of members.

(a) has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter; or

(b) is a relative of any person to whom it is proposed that any scholarship should be granted or other financial or educational assistance should be given,

and is present at a meeting of the Board or a sub-committee at which such matter is the subject of consideration he shall at such meeting and as soon as practicable after the commencement thereof, disclose the fact of his interest or relationship, as the case may be, and, when such matter comes up for consideration, such member shall withdraw from the meeting and shall take no further part in the proceedings in so far as such matter is concerned.

(2) For the purposes of this Section:

(a) the Director shall be deemed to be a member of the Board;

(b) a person shall not be deemed to have a pecuniary interest in any matter by reason only:

(i) of membership of or employment under any public body; or

(ii) of membership of a company or other body if such person has no beneficial interest in any shares of such company or body;

(c) in the case of married persons living together, the interest of one spouse shall be deemed also to be an interest of the other spouse.

(3) Any person who contravenes or fails to comply with the provisions of sub-section (1) of this Section shall be guilty of an offence and shall be liable to a fine of one thousand dollars and/or imprisonment for six months:

Provided that a prosecution for an offence under this sub-section shall not be instituted without the consent in writing of the Attorney-General.

Powers of Board.

10. (1) The Board shall, in addition to any other powers conferred by this Enactment, have power:

- (a) to acquire, take, hold and enjoy, whether as owner or by way of security, may sell, convey, transfer, assign, re-convey, re-assign, surrender or otherwise deal with or dispose of movable and immovable property of every description;
- (b) to enter into or modify any contracts or agreements which may be necessary and expedient for carrying out the objects of the Foundation;
- (c) subject to provision of any written law relating to public collections, from time to time to raise public subscriptions or make public collection for the Fund;
- (d) to carry on all activities, particularly the development of commercial and industrial enterprises, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its duty, including the manufacturing, assembling, processing, packing, grading and marketing of products, research and training;
- (e) to purchase, underwrite or otherwise acquire any stock and share in any public or private company established under any written law and to dispose of the same on such terms and conditions as the Board may determine;
- (f) to carry on the business of carriers by air, sea, river, canal, railway, road and otherwise;
- (g) to promote the carrying on of any such activities, bodies or persons and for that purpose to establish or expand or promote the establishment or expansion of other bodies to carry on such activities either under the control of the Board, or independently, and to give assistance to such bodies or to other bodies or

persons appearing to the Board to have facilities for the carrying on any such activities, including financial assistance by taking up share or loan capital or by loan or otherwise;

- (h) generally to do all such things as a body corporate may by law perform and which are necessary and expedient for carrying out the objects of the Foundation;
- (i) to become agent or to employ and pay agents and technical advisers including advocates and solicitors, bankers, stock brokers, 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 the purposes of this Enactment;
- (j) to establish from time to time as corporation by such name as the Board 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 Board in execution of its duty or discharge of its functions in pursuit of the objects of the Foundation;
- (k) to make loans and any such loans may be granted subject to such terms and conditions as the Board may deem fit to impose in particular cases;
- (l) to borrow from time to time 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 Board may approve any sums required by the Foundation for meeting any of its obligations or discharging any of its duties;
- (m) to enter into any transaction (whether or not involving expenditure, borrowing, granting of loans or investment of money in accordance with the provisions of this Enactment in that behalf, the acquisition, use and disposal of property, including vehicles and vessels or rights) which in the opinion of the Board is calculated to facilitate the proper discharge of its duty or is incidental or conducive thereto;
- (n) to establish and maintain training institutions, institutions of learning, cultural and social centres, theatres and such other institutions as the Board thinks necessary and expedient for carrying out the objects of the Foundation;

- (o) to grant and/or arrange for the award by other bodies of, scholarships, loans for higher learnings or other financial or educational assistance for the national of the State or any Malaysian citizen habitually residing in the State whenever it deems fit to do so and to impose conditions before granting thereof that the student shall serve as a Government Officer in the service of the State or Federation or any service for any period of time the Board thinks fit upon the return of the student to the State;
- (p) to administer any established scholarship Funds in the State and the award thereon and in so doing to contribute or supplement the said Fund from the monies of the Fund;
- (q) generally to do all acts which the Board considers desirable or expedient to achieve the objects of the Foundation.

(2) The Board may delegate any of the powers and duties conferred or imposed upon it by any of the provisions of this Enactment to any sub-committee consisting of members of the Board and the Director shall be entitled to attend the meetings of any such sub-committee and to speak, but not to vote, on any matter under discussion:

Provided that any such delegation shall be exercised by the sub-committee concerned subject to any general or special directions which may from time to time be given by the Board.

Appoint-  
ment, etc.  
of Director  
and Staff.

11. (1) The Board shall appoint a suitable person to be the Director of the Foundation, and may from time to time appoint such other officers, clerks and servants as may be necessary for conducting the business of the Foundation.

(2) Any appointment made under the provisions of subsection (1) of this Section shall be on such terms and conditions as the Board may deem fit.

(3) The Director shall be the executive officer of the Foundation and shall exercise such powers and perform such duties and functions as the Board shall from time to time direct, and all other persons appointed under this Section shall, subject to any general or special directions of the Board, exercise the powers and functions and perform the duties assigned to them by the Director.



12. (1) Subject to the provisions of sub-section (3) of this Section, the Board shall apply the capital and income of the Fund whencesoever derived to the carrying out of the objects for which the Foundation is established.

Application  
of Fund.

(2) Where any monies are applied to the grant of scholarships and/or loans for higher learning or the provision of other financial or educational assistance, the Board may make such grant or provision upon such terms and conditions as it may think fit and any such grant of scholarships and/or loans shall be known as the Sultan Ismail Nasiruddin Shah Scholarship.

(3) All expenses incurred by the Board in the control and management of the Foundation or the Fund shall be defrayed out of the Fund and shall be a first charge on the assets thereof.

13. (1) The Board may invest and deal with the Fund not immediately required in such manner as may from time to time be determined by the Board.

Investment  
of Fund.

(2) All investments made under this Section shall be registered in the name of the Board.

14. No member of the Board shall be liable for any loss arising from or contingent upon any investment made unless such loss has been occasioned by his negligence, fraud or dishonesty; and no member of the Board and no agent or person acting under authority of the Board shall be personally liable to any action or proceeding for or in respect of any action made or thing done or omitted to be done in good faith and in the proper exercise of any of the powers of the Board or of the members thereof.

Liability of  
members.

15. (1) The Board shall keep proper accounts and other records in respect of its activities and shall cause to be prepared a statement of account in respect of each financial year.

Accounts  
and audit.

(2) The account of the Board shall be audited by an auditor or auditors, duly qualified to audit the accounts of limited liability companies, to be appointed annually by the Board.

(3) At the end of each financial year, as soon as the accounts of the Board have been audited, the Board shall cause a copy of the statement of account, together with a copy of any report of the auditor, to be transmitted to the Ruler in Council who shall cause the same to be laid before the Legislative Assembly.

Repeal and  
saving.

16. (1) The Enactments specified in the Schedule are hereby repealed.

(2) Notwithstanding the repeal of the Enactments specified in the Schedule the following provisions shall have effect:

- (a) any rule, regulation or order or contracts made under and by virtue of the said Enactments and in force immediately before the commencement of this Enactment shall, so far as it is not inconsistent with this Enactment, be deemed to have been made under the corresponding provisions of this Enactment and shall continue in force until the same shall have been revoked, amended or replaced by regulations or orders or contracts made under this Enactment;
- (b) All scholarships and/or loan granted by the Board of the Enactments specified in the Schedule are deemed to have been awarded or given by the Board of Trustees established under this Enactment and are hereby certified and any scholarship and/or loan contract entered into under and by virtue of the repealed Enactments and in force before the coming into force of this Enactment shall, at the commencement of this Enactment, continue in force until the same shall have been revoked, amended or varied by another contract or otherwise the same shall naturally expire;
- (c) The Funds established under the Enactments specified in the Schedule shall vest in, on the coming into force of this Enactment, the Fund established under Section 4 of this Enactment;
- (d) All properties, movable or immovable held by the Board, and monies standing to the credit of the Fund, established under the Enactments specified in the Schedule wherever found and monies accruing or would be accruing and payable to the Board into the abovementioned Fund by virtue thereof under any contract or agreement subsisting before the commencement of this Enactment shall, on the coming into force of this Enactment, vest in and become the property of the Foundation and be payable into the Fund established under this Enactment.

Power to  
make  
Regulations.

17. The Board may with the approval of the Ruler in Council, make regulations not inconsistent with the provisions of this Enactment:

- (a) with respect of its procedure;

- (b) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Foundation;
- (c) prescribing for the responsibilities and control of officers and servants of the Foundation;
- (d) prescribing the circumstances in which the officers and servants of the Foundation may receive travelling and subsistence allowances and fixing the rates of such allowances;
- (e) the delegating of its powers under the provisions of Section 10(2) of this Enactment;
- (f) prescribing for the establishment and management, as from such date specified in the regulations, of contributing provident fund, and for the transfer into that fund of contribution or contributions or parts of contributions paid into any other provident fund in anticipation of the establishment of the first mentioned fund;
- (g) with regard to the placing of contracts and the manner in which or the person by whom such contracts may be entered on its behalf;
- (h) in respect of imposing fees in such cases as may be determined by the Board;
- (i) prescribing the manner in which officers of the Foundation may receive advances to purchase conveyances for the efficient performance of their duties;
- (j) generally for the exercise of their powers and duties under the provisions of this Enactment.

## SCHEDULE

<i>No.</i>	<i>Title</i>
Tr. Enactment No. 3 of 1949	The Sultan Ismail Nasiruddin Shah Scholarship Fund Enactment, 1949.
Tr. Enactment No. 1 of 1953	The Trengganu Nationals (Non-Malays) Scholarship Fund Enactment, 1953.
Tr. Enactment No. 4 of 1958	The Religious Scholarship Fund Enactment, 1958.

Passed by the State Legislative Assembly on this 27th day of March, 1972.

[M.B. Tr. (S) 35/1971; PUN. Tr. (S) 48.]

KHALID BIN AWANG,  
*Clerk of the State Legislative Assembly,  
Trengganu*

KUALA TRENGGANU  
DI-CHETAK OLEH PENYELIA DAN DI-TERBITKAN DENGAN PERENTAH PADA  
11HB MEI, 1972

*Harga: \$1*