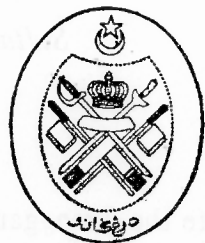


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GOVERNMENT OF TRENGGANU Gazette

PUBLISHED BY AUTHORITY

Vol. XVIII
No. 13

8th July, 1965

*ENACTMENT
SUPPLEMENT No. 2*

The following Enactments, passed at meetings of the State Legislative Assembly, on 31st day of March, 1965, are hereby published for general information in accordance with Article XXXVI (3) of the Laws of the Constitution of Trengganu (First Part):

Enactment No.	Short title	Page
1.	Sixth Supplementary Supply (1964) Enactment, 1965 ...	1
2.	Legislative Assembly (Member's Remuneration) (Amendment) Enactment, 1965 ...	3
3.	Trengganu State Economic Development Corporation Enactment, 1965 ...	5
4.	Loan (No. 1) (Amendment) Enactment, 1965 ...	17
5.	First Supplementary Supply (1965) Enactment, 1965 ...	19

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I ASSENT,
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Sultan of Trengganu

14-6-1965

An Enactment to incorporate the Trengganu State Economic Development Corporation and for purposes connected therewith.

[1st April, 1965]

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

PART I

PRELIMINARY

1. This Enactment may be cited as the Trengganu State Economic Development Corporation Enactment, 1965, and shall come into force on the first day of April, 1965.

Short title
and com-
mencement.

2. In this Enactment unless the context otherwise requires—

“The Corporation” means the Trengganu State Economic Development Corporation established under section 3 of this Enactment;

“Chairman” means the Chairman of the Corporation and includes the Deputy Chairman appointed by virtue of or under section 5;

“member” or “member of the Corporation” means any member of the Corporation appointed by virtue of or under sections 5 and 7 and includes the Chairman and Deputy Chairman;

“fund” means the fund of the Corporation established under section 24;

“quarter” means the three months commencing from the first day of January, the first day of April, the first day of July and the first day of October in any year;

“Land Development” means to include forest and mining development.

PART II

ESTABLISHMENT AND DUTIES AND POWERS OF THE
TRENGGANU STATE ECONOMIC DEVELOPMENT CORPORATION

Establishment and incorporation of Trengganu State Economic Development Corporation.

3. There is hereby established a body which shall be a body corporate by the name of "Trengganu State Economic Development Corporation" and shall have perpetual succession and a common seal and full power and authority under such corporate name to sue and to be sued and subject to and for the purposes of this Enactment to enter into contracts and to acquire, purchase, take, hold and enjoy movable and immovable property of every description and to convey, assign, surrender, yield up, charge, mortgage, demise, re-assign, transfer and otherwise dispose of or deal with any movable or immovable property or any interest therein vested in the Corporation on such terms as the Corporation may deem fit.

Duties and powers of the Corporation.

4. (1) It shall be the duty of the Corporation to stimulate, facilitate, and undertake land development in the State of Trengganu and more particularly in the rural areas thereof.

(2) The Corporation shall have power for purpose of the discharge of their duty under sub-section (1)—

(a) to carry on all activities, to carry on whereof appears to them to be requisite, advantageous or convenient for or in connection with the discharge of their said duty;

(b) to promote the carrying on of any such activities by other bodies or persons, and for that purpose to establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Corporation or independently, and to give assistance to such bodies or to other bodies or persons appearing to the Corporation 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;

(c) to carry on any such activities in association with other bodies or persons (including departments or authorities of the Government of the Federation or of any State) or as managing agents or otherwise on their behalf.

Constitution
of the Cor-
poration.

5. The Corporation shall consist of—

- (a) five ex officio members, namely:
 - (i) the Chairman, who shall be the Mentri Besar;
 - (ii) the Deputy Chairman, who shall be a senior Government officer appointed by the Mentri Besar either by office or otherwise;
 - (iii) one member, who shall be the State Financial Officer;
 - (iv) one member, who shall be the State Development Officer;
 - (v) one member, who shall be the Assistant State Secretary in charge of economy; and
- (b) not more than six other members who shall be appointed by the Ruler in Council.

6. (1) The Ruler in Council may by notification in the *Gazette* remove any member, other than an ex officio member, from office if he—

- (a) has been absent from three consecutive meetings of the Corporation without special leave from the Chairman; or
- (b) has committed any misconduct, default or breach of trust in the discharge of his duties as a member under this Enactment or otherwise which, in the opinion of the Ruler in Council, renders him unfit to continue to be a member; or
- (c) has been convicted of an offence of such nature as in the opinion of the Ruler in Council renders it desirable that he should be removed from office; or
- (d) is suffering from such mental or physical infirmity as in the opinion of the Ruler in Council renders him unfit to discharge his duties as a member.

(2) Any member, other than an ex officio member, may resign his office by giving one month's notice in writing to the Chairman.

7. If any member, other than an ex officio member, dies, resigns, or is removed from office under the provisions of section 6 of this Enactment, the vacancy thereby caused shall be filled by a fresh appointment made in the same manner as that in which the member, whose place it is intended to fill thereby, was appointed.

Casual
vacancy of
office of
member.

ERS OF THE
CORPORATION

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8. (1) Every member, other than an ex officio member shall hold office for a period of three years, or such shorter period from the date of this appointment at the discretion of the Ruler in Council.

(2) A member may be re-appointed on the conclusion of his term of office.

Member
interested
not to act.

9. Any member who has or acquires, directly or indirectly by himself, his partner or agent,

(a) any share or interest in any contract made with or work done for the Corporation or in any company or with any person or in respect of any undertaking with which the Corporation proposes to contract; or

(b) any beneficial interest in land proposed to be acquired, purchase, leased;

shall, before taking part in any proceeding at a meeting of the Corporation, relating to or affecting directly or indirectly any such contract or land inform the person presiding at such meeting of the nature and extent of such share or interest, and such information shall be recorded in the minutes of the Corporation, and such member, unless specifically authorised by the Chairman, shall not vote upon any resolution or question relating to such contract, acquisition, purchase, lease, dealing, or take part in any deliberation or decision relating thereto, or to matters incidental thereto:

Provided that no person shall be deemed to have or acquire any share or interest in a contract with the Corporation by reason only that he has or acquires a share in any loan issued by the Corporation or in any security for the same.

Common
Seal of the
Corporation.

10. (1) The Common Seal of the Corporation shall bear such device as the Corporation may approve, and may from time to time be broken, changed, altered and made anew by the Corporation, as the Corporation may think fit.

(2) Until a seal is approved by the Corporation under this section a stamp bearing the inscription "The Trengganu State Economic Development Corporation" may be used as the common seal.

(3) The common seal, or stamp referred to in sub-section (2) of this section so long as it is used as the common seal, shall be in the custody of the Chairman and shall not be affixed to any instrument except in the presence of the Chairman and of either of the Secretary of the Corporation

or a member authorised by the Corporation to act in that behalf, who shall sign their names to each instrument in token of their presence and such signing shall be prima facie evidence that such seal or stamp was duly and properly affixed and that the same is or is used as the lawful seal of the Corporation.

(4) The seal or stamp of the Corporation shall be officially or judicially noticed.

11. (1) The Corporation shall meet at least once in the first and the third quarter respectively of each year for the purpose of considering, in addition to any other business of which due notice shall have been given, a report on the work of the Corporation during the half-year ending on the 31st day of December and the 30th day of June (as the case may be) immediately preceding such quarter.

Meetings of the Corporation.

(2) The Chairman may at any time call a meeting of the Corporation and shall, upon the written request of not less than five members of the Corporation, call a special meeting thereof within one month of the date of such request.

(3) Minutes in proper form of each meeting of the Corporation shall be kept and shall be confirmed and signed by the Chairman or Deputy Chairman as soon as practicable thereafter at a subsequent meeting.

(4) The Corporation may invite any one or more persons to attend any particular meeting of the Corporation for the purpose of assisting or advising the Corporation but such invited person shall have no right to vote.

(5) All acts done by the Corporation shall, notwithstanding any vacancy in the Corporation or that it is afterwards discovered that there was a defect in the appointment of any person purporting to be a member thereof, be as valid as if no such vacancy or defect had existed.

12. (1) The quorum at all meetings of the Corporation shall be three members present in addition to the Chairman, or the Deputy Chairman, and, in the absence of the Chairman, the Deputy Chairman shall preside.

Quorum.

(2) In the event of the votes on any question being equal the Chairman or the Deputy Chairman (as the case may be) shall have a casting vote in addition to his original vote.

Procedure
of the
Corporation

13. Subject to the provisions of this Enactment, the Corporation shall have power to regulate its own proceedings, including the manner, time and place of holding meetings, the order of proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, by Regulations made under the provisions of section 31 of this Enactment.

Travelling,
lodging or
other out of
pocket
expenses.

14. There may be paid out of the funds of the Corporation to each member such travelling, lodging or other out of pocket expenses as may be incurred by him in the business of the Corporation but such travelling, lodging or other out of pocket expenses shall be subject to such limits and conditions prescribed by the Ruler in Council.

Appoint-
ment of
officers and
servants of
the Corpora-
tion.

15. (1) The Corporation may, from time to time, appoint and employ at such remuneration and on such terms and conditions as they think fit, a Secretary and Executive Officer and such other officers and servants as may be necessary for the purposes of this Enactment.

(2) The officers and servants of the Corporation other than the members thereof, shall be under the administrative control of the Chairman.

(3) All members, officers and servants of the Corporation shall be deemed to be public servants within the meaning of the Penal Code.

Public
Authorities
Protection
Ordinance,
1948, to
apply to the
Corpora-
tion.

16. The Public Authorities Protection Ordinance, 1948, shall apply to any action, suit, prosecution or proceeding against the Corporation or against any member, officer, servant or agent of the Corporation in respect of any act, neglect or default done or committed by the Corporation or such persons in such capacity.

Power to
delegate.

17. (1) Subject to the provisions of this Enactment and of any Regulations made by the Corporation, the Corporation may delegate to any member of the Corporation or to any other person, whether an officer or servant of the Corporation or not, the power and authority to carry out on their behalf such duties, powers or functions as the Corporation may determine.

(2) The Corporation may at the time of delegating any power or authority under sub-section (1) to any member or any other person or at any time thereafter give directions as to the manner in which such delegated power or authority is to be exercised and may at any time revoke, modify or increase such delegation.

(3) Without prejudice to the generality of sub-section (1) and subject to the provisions of sub-section (2), the Corporation may delegate to any member of the Corporation or to any other person, whether an officer or servant of the Corporation or not, authority to sanction expenditure, up to such limit as the Corporation shall in each case prescribe, from the Fund or of any other money under the control of the Corporation.

(4) No resolution to delegate any duty, power or function under this section shall be valid unless at least 5 members of the Corporation vote in favour thereof.

18. The Corporation shall have power—

(a) to enter into partnership or into any arrangements for sharing profits, union of interests, co-operation, joint-venture, reciprocal concession, or otherwise, with any person or company carrying on or engage in, any business or transaction which this Corporation is authorised to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit the Corporation. And to take or otherwise acquire, shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

Power to enter into partnership.

(b) to take, or otherwise acquire, and hold shares in any other company having objects altogether or in part similar to these of the Corporation, or carrying on any business capable of being conducted so as directly or indirectly to benefit the Corporation;

Power to take or hold shares in any company.

(c) to enter into any arrangements with the State Government or any Governments or authorities, municipal, local or otherwise that may seem conducive to the objects of the Corporation, or any of them, and to obtain from any such Government or authority, any rights, privileges, and concessions which the Corporation may think it desirable to obtain, and to carry out, exercise, and comply with any such arrangements, rights, privileges and concessions;

Power to enter into any arrangements with State Government or any Governments or authorities.

(d) to promote any company or companies for the purpose of acquiring all or any of the property, rights and liabilities of the Corporation, or for any other purpose which may seem directly or indirectly calculated to benefit the Corporation.

Power to promote any company or companies for purpose of acquiring property and rights.

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Power to invest the funds of the Corporation.

19. The Corporation may invest and deal with the funds of the Corporation not immediately required in such manner as may from time to time be determined by the Corporation.

Power of borrowing.

20. The Corporation 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 Corporation shall think fit, any sums required by them for meeting any of their obligations or discharging any of their duties.

General powers of the Corporation.

21. The Corporation shall have power to do anything and 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 any movable or immovable property, including vehicles and vessels, or rights) which in their opinion is calculated to facilitate the proper discharge of their duty or is incidental or conducive thereto.

Power to employ agents.

22. The Corporation may employ and pay agents and technical advisers whether 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 the duties of the Corporation or for the better carrying into effect the purposes of this Enactment and may pay from the Fund all charges and expenses so incurred.

Compulsory acquisition of land by the Corporation

23. (1) When any immovable property, not being State land, is needed to be acquired by the Corporation for the purposes of this Enactment, 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 in which such property is situate, and any declaration required under any such written law that such land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Corporation, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) The expenses and compensation in respect of any immovable property acquired by the Corporation under this section shall be paid by the Corporation.

(3) When any immovable property has been acquired under this section the Corporation shall take out the necessary documents of title in respect of such property and shall pay the rent to which such property is subject.

PART III

FUNDS AND REVENUES OF THE CORPORATION

24. (1) For the purposes of this Enactment there is hereby established a fund to be called "the Trengganu State Economic Development Fund" and the Fund shall be administered and controlled by the Corporation.

The Trengganu State Economic Development Fund.

(2) The Fund and the resources of the Corporation shall consist of—

- (a) such sums as may from time to time be paid to the Corporation out of the General revenues of the State of Trengganu, or donated by the Government of Trengganu for the purposes of this Enactment;
- (b) monies earned by the operation of any project, scheme or enterprise financed from the Fund;
- (c) monies earned or arising from any property, investments, mortgages, charges or debentures acquired by or vested in the Corporation;
- (d) any property, investments, mortgages, charges or debentures acquired by or vested in the Corporation;
- (e) sums borrowed by the Corporation for the purpose of meeting any of their obligations or discharging any of their duties;
- (f) all other sums or property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to their powers and duties.

25. The Corporation may from the Fund and their resources pay—

Application of Corporation Fund.

- (a) any expenses and allowances lawfully incurred by the members of the Corporation other than ex officio members;
- (b) the salaries, fees or remuneration of the officers, agents and servants, and technical or other advisers of the Corporation;
- (c) all costs and charges and expenses of and incidental to the exercise of the powers of the Corporation under this Enactment;

- (d) interest on any loan raised by the Corporation;
- (e) sums required for the repayment of monies borrowed;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Corporation;
- (g) any other architect, management and agency fees;
- (h) any other expenditure authorised by the Corporation and property chargeable to revenue account.

Mark
account.

26. (1) All moneys paid to the Corporation shall forthwith be paid into an account in such bank or banks as may be approved by the Corporation.

(2) All orders or cheques against the said account shall be signed by the Chairman or Deputy Chairman and Secretary of the Corporation.

Account
and audit.

27. (1) The Corporation shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year.

(2) The accounts of the Corporation shall be audited annually by the Auditor-General.

(3) At the end of each financial year, as soon as the accounts of the Corporation shall have been audited, the Corporation shall cause a copy of the statement of account to be transmitted to the Ruler in Council together with a copy of any report made by the Auditor-General on any statement or on the accounts of the Corporation.

(4) The Ruler shall cause a copy of every such statement and report to be laid on the table of the State Legislative Assembly.

Annual
report.

28. (1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Ruler in Council a report dealing generally with the activities of the Corporation during the preceding financial year and containing such information relating to the proceedings and policy of the Corporation as the Ruler in Council may direct.

(2) A copy of every such report shall be laid on the table of the Legislative Assembly of the State.

Winding up.

29. (1) The Ruler in Council may by order published in the *Gazette* direct that the Corporation shall be wound up and dissolved.

(2) Upon the dissolution of the Corporation under this section the assets of the Corporation after payment of all liabilities shall be vested in the Ruler in Council.

(3) The winding up of the Corporation shall be conducted in such manner as may be prescribed by the Ruler in Council.

30. (1) The Corporation shall be exempted from the payment of stamp duty under the Stamp Ordinance, 1949.

Exemption granted to the Corporation.

(2) The Ruler in Council may by order exempt the Corporation from any rate, tax, charge or fee leviable or recoverable by any local authority in the State in respect of any property owned by the Corporation on such terms and subject to such conditions as the Ruler in Council think fit.

PART IV
MISCELLANEOUS

31. The Corporation may with the approval of the Ruler in Council, make regulations not inconsistent with the provisions of this Enactment.

Power to make regulations.

- (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 Corporation;
- (c) prescribing for the responsibilities and control of officers and servants of the Corporation;
- (d) prescribing the circumstances in which members of the Corporation and the officers and servants of the Corporation may receive travelling and subsistence allowances and fixing the rates of such allowances;
- (e) the opening, keeping, closing and audit of accounts of the Corporation;
- (f) the delegating of its powers under the provisions of section 17 of this Enactment;
- (g) generally for the exercise of their powers and duties under the provisions of this Enactment.

Passed by the State Legislative Assembly on this 31st day of March, 1965.

[SUK. Tr. 1200/72; L.A.T. 2/65.]

WAN MOHD. NOOR BIN ENDUT,
Clerk of the Assembly, Trengganu

KUALA TRENGGANU
DI-CHEKAT OLEH PENYELIA JABATAN CHETAK KERAJAAN DAN DI-TERBITKAN DENGAN PERENTAH PADA
8HB JULAI, 1965

Harga: 50 sen