

**THE SARAWAK TIMBER INDUSTRY DEVELOPMENT CORPORATION
ORDINANCE, 1973 (ORD. NO. 3 OF 1973)**

[Incorporating all amendments made up to 25 July 2006]

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**SARAWAK TIMBER INDUSTRY DEVELOPMENT CORPORATION
ORDINANCE, 1973**

An Ordinance to provide for the establishment of the Sarawak Timber Industry Development Corporation and for matters connected therewith and incidental thereto.

[17th May, 1973] (Swk. L.N 51/73)

Enacted by the Legislature of Sarawak -

**PART I
PRELIMINARY**

Short title and
Commencement.

1. This Ordinance may be cited as the Sarawak Timber Industry Development Corporation Ordinance, 1973, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

*Am. Swk. Ord. 5/92
w.e.f. 5.6.92*

Interpretation.

2. In this Ordinance -

“Board” means the Board of Management established under section 6;

“Certificate of Registration” means a certificate issued pursuant to section 5A to any person who has been registered with the Corporation to carry on any timber industry;

*Cap.A125/06
w.e.f. 25.7.06
(New definition)*

“Chairman” means the Chairman of the Board and includes a temporary Chairman appointed under section 6(6);

*Cap.A58/98
w.e.f. 1.6.98*

“Corporation” means the Sarawak Timber Industry Development Corporation established under section 3;

*Am. Swk. Ord. 5/92
w.e.f. 5.6.92*

“Fund” means the Fund of the Corporation established under section 15;

“General Manager” means the General Manager appointed under section 11 and includes the Deputy General Manager and any person, who for the time being, is appointed by the Board, to discharge temporarily the duties and functions of the General Manager;

*Cap.A58/98
w.e.f. 1.6.98*

“manufacture of timber” includes the processing of timber and the production and manufacture of goods or products, of whatever description, from timber;

*Cap.A71/99
w.e.f.1.1.2000
(New definition)*

“Member” means a member of the Board and includes the Chairman;

“Minister” means the Minister for the time being charged with the responsibility for forestry;

Cap. 126.
(1958 Ed.).

“planted forest” shall have the same meaning assigned to that expression in the Forests Ordinance;

Cap.A58/98
w.e.f: 1.6.98

“sale, distribution and marketing of timber” means the business of or any activity relating to the selling, supplying, transporting, exporting, importing, trading, treating, seasoning or storage of timber or timber products;

Cap.A71/99
Am.1.1.2000
(New definition)

Cap.A125/06
w.e.f: 25.7.06
(Adding the words trading,
treating, seasoning)

“storage of timber” means –

(a) the keeping of timber to be sawn or hewn or for sale or distribution, but does not include timber for the manufacturing of timber products on the site where the timber is kept; and

Cap.A125/06
w.e.f: 25.7.06
(New definition)

(b) the keeping of timber in a timberyard or logpond subject to an area covered by a forest timber licence;

“timber” shall have the meaning assigned to it in the Forests Ordinance;

“timber industry” means any business or activity relating to –

Cap.A125/06
w.e.f: 25.7.06
(New definition)

(a) the manufacture of timber or timber products; and

(b) the sale, distribution or marketing of timber;

“timber products” includes timber which have been processed and any goods or articles or products made or manufactured from timber.

Cap.A71/99
w.e.f:1.1.2000
(New definition)

Cap.A125/06
w.e.f: 25.7.06
(Deleting the words or
sawn or hewn)

PART II THE CORPORATION

Establishment of the Corporation.

3. There is hereby established a body corporate by the name of Sarawak Timber Industry Development Corporation with perpetual succession and may sue and be sued in its corporate name and, subject to and for the purposes of this Ordinance, may enter into contracts, and may acquire, purchase, take, hold and enjoy movable or 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 Corporation upon such terms as the Board deems fit.

Am. Swk. Ord. 5/92
w.e.f: 5.6.92

Seal of the Corporation.

4.(1) The Corporation shall have a common seal and such seal may, from time to time, be broken, changed, altered or made anew as it deems fit:

Provided that until a seal is provided under this section, a stamp bearing the inscription "Perbadanan Kemajuan Perusahaan Kayu Sarawak" may be used as common seal.

*Am. Ord. No.5/92
w.ef. 5.6.92*

(2) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed accordingly in the presence of the Chairman and one other member of the Board who shall sign every such deed, document or instrument to which such seal is affixed, and such signing shall without further attestation be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Corporation.

Functions of the Corporation.

5.(1) The functions of the Corporation shall be –

(a) to regulate and control the manufacture of timber and timber products, and the sale, distribution or marketing thereof, and to set or determine the manufacturing standards or quality, and trade practices of the timber industry in Sarawak;

*Cap.A71/99
w.e.f. 1. 1.2000
(Substituting (a) with new paragraph)*

(b) to make recommendations to the Government as to the methods, measures and policies to be adopted, to facilitate the improvement of existing timber industries and the establishment of new industries, and, where approved by the Majlis Mesyuarat Kerajaan Negeri, to implement and assist in the implementation of the same;

*Am. Ord. No.9/76
Cap. A28*

(c) to encourage effective utilization of timber with emphasis on product diversification and quality control;

(d) generally to promote, stimulate, and facilitate the development of timber industry in Sarawak, and in connection with the discharge of its functions to assist any person engaged in the production and marketing of timber;

(e) to provide technical advisory services for the purpose of assisting in the development of existing timber industries and in the establishment of new industries;

(f) to arrange and where possible provide training in various aspects of logging operations, activities connected with timber processing, sawmilling, sales and marketing of timber;

(g) to promote the growth, development and establishment of planted forests; and

*Cap.A58/98
w.e.f. 1.6.98
(new paragraph)*

(h) to facilitate or organise the distribution of merchantable timber in order to ensure adequate or constant supply of timber for processing or manufacture of timber products, by the timber industries in the State.

*Cap.A58/98
w.e.f: 1.6.98
(new paragraph)*

(2) The Corporation shall have power to do all things expedient or reasonably necessary 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 the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions;

(b) to devise, recommend or promote means and systems for facilitating and improving the manufacture, sale, distribution and marketing of timber and timber products;

*Cap.A71/99
w.e.f: 1.1.2000
(Substituting (b) with new paragraph)*

(c) to conduct surveys and investigation in respect of all matters associated with the timber industry and trade;

(d) to require departments and governmental and non-governmental agencies or any person engaged in or associated with the timber industry and trade to submit statistics and other matters relating to the timber industry and trade;

*Cap.A71/99
w.e.f: 1.1.2000
(Adding the words 'or any person')*

(e) to appoint managing agents or establish such other bodies as it may deem fit for the purposes of carrying out its functions;

(f) to initiate and carry out, by itself or through its managing agents or local development board, projects or schemes for the development and improvement of the timber industry and trade in the State;

(g) to initiate and carry out, by itself or through its managing agents or local development board, projects or schemes for the production, manufacture, sale, distribution or marketing of timber or timber products;

*Cap.A71/99
w.e.f: 1.1.2000
(Substituting the word exploiting with the words the production, timber products)*

(h) to engage, participate or assist in the development and managing of timber industries conducted by the Government of the State of Sarawak or the Federation;

(i) to prescribe schemes for the processing and marketing of timber by any public or private body or person, and to give assistance to any such body or person, including financial assistance by way of grant, loans or otherwise;

(j) subject to the approval of the Minister, to acquire, subscribe to or accept offers of, shares, equity or interests in any company, or to incorporate or form companies which are either wholly owned by, or as subsidiary of the Corporation, or, in association or joint venture with other persons;

*Cap.A58/98
w.e.f: 1.6.98
(Substituting (j) with new
paragraph)*

(k) to carry on any of the activities listed in paragraphs (a), (f), (g), (h) and (i) in association with any public or private body or person or as managing agents or otherwise on their behalf;

(l) to make loans, subject to such terms and conditions including management by staff approved by the Corporation, as the Corporation may think fit, in accordance with the provisions of this Ordinance;

(m) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon;

*Am. Ord. No.5/92
w.e.f: 19.11.92*

(n) to guarantee, within such limits as shall be fixed by the Minister, any loans made by any bank or other financial source to an applicant approved by the Corporation for any purpose for which the Corporation might itself have granted such loan.

Swk. Ord.No.8/82

(3) The Corporation shall not promote, carry out, assist or participate in any such project, scheme or activity as is referred to in subsection (2), until such measures for consultation with the Minister and all interested parties as appear to the Minister to be appropriate have been taken.

(4) Subject to section 8, it shall be the responsibility of the Corporation in discharging its functions under this Ordinance to ensure that the functions shall be performed in such manner as shall be in furtherance of the policy of the Government for the time being in force and in particular the policy relating to the restructuring of society.

PART IIA REGISTRATION WITH CORPORATION

*Cap.A125/06
w.e.f: 25.7.06
(New Part IIA)*

Registration of person involved in timber industry.

5A.(1) No person shall establish, manage or operate any plant, factory or premises for carrying on any timber industry unless he is registered with the Corporation and holds a valid Certificate of Registration issued by the Corporation in accordance with regulations made under section 24.

(2) Every Certificate of Registration shall –

(a) be in the form prescribed by regulations made under section 24;

(b) be displayed in a conspicuous part of the premises in respect of which the Certificate relates; and

(c) be produced for inspection upon demand by the General Manager or any person duly authorized by him, to demand production thereof.

Register.

5B.(1) The Corporation shall keep and maintain a Register which shall contain the names, business addresses and other particulars as the Corporation shall determine, of all persons who are registered pursuant to section 5A.

(2) The Corporation shall appoint a Registrar who shall have custody of the Register and exercise such other powers or functions as may be assigned the General Manager.

(3) The Register may be open to inspection on application to the Registrar and upon payment of such fees as may be prescribed by the Corporation.

(4) The Registrar may by notice in writing require any person who is registered in the Register to furnish him such particulars relating to its business or which may be required by the Corporation as specified in the notice within the period stipulated therein.

Cancellation and suspension of registration.

5C.(1) The Registrar may, with the approval of the General Manager, cancel the registration of any person if –

(a) he has breached any of the terms and conditions stipulated in the Certificate of Registration;

(b) he has committed any offence under this Ordinance or any offence under the Forests Ordinance [**Cap. 126 (1958 Ed.)**] or any offence relating to fraud, corruption or dishonesty;

(c) he has been adjudged a bankrupt or in the case of a company, an order of winding up has been made against it by a court of competent jurisdiction; and

(d) he or any person having charge of the management of a plant or premises to which the Certificate relates or any employee thereof–

(i) has been charged or convicted of an offence under the Forests Ordinance [**Cap.126 (1958 Ed.)**], this Ordinance or any rules or regulations made thereunder or any laws relating to fraud, corruption or dishonesty;

(ii) is found to have in his employment any person who is a non-resident employee, unless that person has the requisite pass, permit or authorization under the Immigration Act 1959/53 **[Act 155]** or the Labour Ordinance **[Cap. 76 (1958 Ed.)]**, to work in the plant or premises to which the Certificate relates; and for the purpose of this subparagraph, the expression “non-resident employee” shall have the same meaning assigned to it in the Labour Ordinance **[Cap. 76 (1958 Ed.)]**; and

(e) the building or premises for the purposes of any timber industry, is erected by him in contravention of any written law.

(2) The Registrar may, by notice addressed to any person registered under section 5A, suspend his registration for such period as may be specified if he is satisfied that the person has been in breach of the terms and conditions stipulated in the Certificate of Registration or there are reasonable grounds to believe that the person has committed any offence under the Forests Ordinance **[Cap. 126 (1958 Ed.)]** or this Ordinance or any rules or regulations made thereunder or under any law relating to fraud, corruption or dishonesty.

Order to stop business activities relating to timber industry.

5D.(1) The Corporation may by Order signed by the General Manager or any officer duly authorized by the Corporation direct any person –

(a) who is not registered with the Corporation under section 5A; or

(b) whose registration under section 5A has been cancelled or suspended; or

(c) who has committed any offence under the Forests Ordinance **[Cap 126 (1958 Ed.)]** or this Ordinance or any regulations made thereunder,

to cease all business activities to or connected with the timber industry or any works relating to the building or construction of any plant, factory or premises to be used for any activity connected with a timber industry.

(2) Any person who fails to comply with an Order issued under subsection (1) shall be guilty of an offence: Penalty –

(a) in the case of a first offence, a fine not exceeding one hundred thousand ringgit or imprisonment not exceeding three years or both such fine and imprisonment and, in the case of a continuing offence, a further fine not exceeding two thousand ringgit for each day during which the offence continues; and

(b) in the case of a second or subsequent offence, a fine not exceeding two hundred thousand ringgit or imprisonment not exceeding four years or both such fine and imprisonment and, in the case of a continuing offence a further fine not exceeding three thousand ringgit for each day during which the offence continues.

Penalty for non-registration, etc.

5E.(1) Any person who, without a valid Certificate of Registration issued in accordance with section 5A (1) –

(a) carries out any business or activity relating to or connected with a timber industry; or

(b) proceeds with work to build or construct any plant, factory or premises to carry out any business or activity connected with a timber industry or is involved in the management or operation of such plant, factory or premises,

shall be guilty of an offence: Penalty –

(a) in the case of a first offence, a fine not exceeding three hundred thousand ringgit or imprisonment not exceeding five years or both such fine and imprisonment, and in the case of a continuing offence, a further fine not exceeding three thousand ringgit for each day during which the offence continues; and

(b) in the case of a second or subsequent offence, a fine not exceeding five hundred thousand ringgit and imprisonment not exceeding seven years, and in the case of a continuing offence a further fine not exceeding five thousand ringgit for each day the offence continues or imprisonment not exceeding five years or both such fine and imprisonment.

PART III BOARD OF MANAGEMENT

Board of Management.

6.(1) The management of the affairs of the Corporation shall be vested in a Board of Management which shall consist of the following:

(a) a Chairman to be appointed by the Yang Di-Pertua Negeri in Council on such terms and subject to such conditions as it may decide; and

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(b) not less than five and not more than seven other members to be appointed by the Minister:

Provided that not less than three of these shall be persons holding office in the public service.

(2) The Board shall be responsible for carrying out the functions and general administration of the affairs and business of the Corporation.

(3) A member other than the Chairman shall, unless his appointment is sooner resigned or revoked, hold office for such term and subject to such conditions as the Minister may decide, and shall be eligible for reappointment.

(4) A member may at any time resign his office by letter addressed to the Yang Di-Pertua Negeri in Council or the Minister as the case may be.

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

(6) The Minister may appoint any member to be temporary Chairman of the Board during the temporary absence of the Chairman.

(7) If any member, other than the Chairman, is temporarily absent from the State or temporarily incapacitated through illness or any sufficient cause for the performance of his duties as a member, another person may be appointed in his place by the Minister but shall hold office only during such absence or incapacity of such member.

Salaries and fees payable to members.

7. There shall be paid to members, out of the Funds of the Corporation, such salaries, fees and allowances or expenses as the Minister may from time to time determine.

Power of the Minister to give directions.

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

(2) The Board shall furnish the Minister with such information with respect to the Corporation's property and activities as he may from time to time require.

Meetings of the Board.

9.(1) The Chairman shall have power to convene a meeting of the Board whenever he deems it necessary.

(2) Subject to the provisions of this Ordinance the Board may determine its own procedure.

Disclosure of interest.

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

PART IV ADMINISTRATION

Appointment of General Manager and other officers and servants of the Board.

11.(1) The Board may, with the approval of the Minister, appoint and employ a General Manager who shall be the principal executive officer of the Corporation and shall be responsible for the day-to-day administration and management of the affairs of the Corporation and to exercise such duties and powers as may be entrusted or delegated by the Board or the Chairman of the Board acting on behalf of the Board:

Provided that the first General Manager immediately after the coming into force of this Ordinance shall not be appointed as hereinbefore provided but shall instead be appointed by the Minister.

(2) The General Manager appointed under sub-section (1) may participate without the right to vote in any meeting of the Board.

(3) The Board may, with the approval of the Minister, appoint and employ a Deputy General Manager who shall assist the General Manager with the day-to-day administration and management of the affairs of the Corporation.

*Am. Ord. No.4/83
w.e.f. 9.5.83
(new subsection (3))*

(4) The Board may appoint such other officers, servants and agents as it may consider necessary for the efficient conduct of the affairs of the Corporation.

*Subsection (4)
renumbered*

(5) The General Manager, Deputy General Manager and other officers, servants and agents of the Corporation shall be responsible to the Board.

*Am. Ord. No.4/83
w.e.f. 9.5.83
(Adding the word Deputy
General' Manager)*

(6) The General Manager, Deputy General Manager, officers, servants and agents of the Corporation shall hold office for such period or periods, receive such salaries and allowances, and be subject to such conditions of service, as may be determined by the Board with the approval of the Minister.

*Am. Ord. No.4/83
w.e.f. 9.5.83
(Adding the word Deputy
General' Manager)*

Public Authorities
Protection.

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

F.M. Ord. No.19/48.

Public servants.

13. All members of the Board, officers and servants of the Corporation, while discharging their duties as such members, officers or servants shall be deemed to be public servants within the meaning of the Penal Code (Act 574).

Standing Orders
governing conditions of
service.

14. The Corporation may, with the approval of the Minister, make standing orders to provide for the following matters:

(a) the terms and conditions of service, including loans and allowances and conduct and discipline, of officers and servants of the Corporation;

(b) the pensions, gratuities, provident fund or other superannuation benefits, of officers and servants of the Corporation; and

(c) any other matter as it may deem necessary or expedient for the proper conduct and discipline of its officers and servants.

PART V FINANCE

Fund of the Corporation.

15. For the purpose of this Ordinance, there is hereby established a Fund to be administered and controlled by the Corporation –

(a) into which shall be paid –

(i) such sums as may be appropriated from time to time for the purposes of the Corporation by Council Negeri;

(ii) such sums as may from time to time be borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions;

(iii) all monies earned by the operation of any project, schemes or enterprise financed from the Fund;

(iv) all monies earned or arising from any property, investment, mortgage, charges or debentures acquired by or vested in the Corporation; and

(v) 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 its powers and duties;

(b) out of which shall be defrayed –

(i) all expenses incurred by the Board in the administration of this Ordinance;

(ii) the salaries, fees, allowances or remuneration of the members, officers, agents and servants, and technical or other advisers of the Corporation;

(iii) all expenditure (including capital expenditure) incurred by the Corporation in carrying out its functions;

(iv) monies for the repayment of any loan made to the Corporation pursuant to its powers to borrow and the interest due thereon;

(v) grants and loans made by the Corporation;

(vi) paying any other expenses lawfully incurred by the Corporation in the execution of its functions under this Ordinance;

*Am. Ord. No.4/83
w.e.f: 9.5.83*

(vii) grants or donations made by the Corporation to institutions or organisations engaged in social welfare, charitable work or activities, or for support of any religious, educational or recreational purposes: Provided that such grant or donation shall not exceed at any one time such amount as may be determined by the Majlis Mesyuarat Kerajaan Negeri.

*Am. Ord. No.4/83
w.e.f: 9.5.83
(new subparagraph)*

Reserve fund.

16. The Corporation shall establish and manage a reserve fund within the Fund.

Balancing of revenue account.

17. It shall be the duty of the Corporation to conserve the fund by so exercising and performing its powers, functions and duties under this Ordinance as to secure that the total revenues of the Corporation are, subject to any directions given by the Minister under section 8, sufficient to meet all sums properly chargeable to its revenue account, including, without prejudice to the generality of that expression provisions in respect of its obligations under section 15 and 16 and depreciation and interest on capital, taking one year with another.

*Am. Swk. Ord. No.6/77
w.e.f: 17.12.77
(Substituting the word or with the word on)*

Borrowing powers.

18. The Corporation may, from time to time, for the purposes of this Ordinance raise loans from the Government or, with the approval of the Minister, borrow money from any financial institution, and to offer as securities for any of its borrowings –

*Cap.A58/98
w.e.f: 1.6.98
(Substituting section 18 with new section)*

(a) a mortgage, charge, pledge or debenture over any of its assets or undertakings; or

(b) guarantees or other form of securities as may be approved by the Minister.

Investment. **19.** The assets of the Corporation shall, in so far as they are not required to be expended by the Corporation under this Ordinance, be invested in such manner as the Minister may approve.

Budgets. **20.(1)** The Corporation shall in every year cause to be prepared in a form to be approved by the Minister a budget to be forwarded to the Minister not later than the 31st day of August containing estimates of income and expenditure of the Corporation for the ensuing year and such other particulars as the Minister may require.

(2) The Minister may approve or disallow any item or portion of any item shown in the budget, and shall return the budget as amended by him to the Chairman.

(3) The Corporation 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.

Accounts and audit. **21.(1)** The Corporation shall keep proper accounts and other records in respect of its operation and shall prepare statement of accounts in respect of each financial year.

(2) The accounts of the Corporation shall be audited annually by the Director of Audit or other auditor appointed by the Corporation with the approval of the Minister.

(3) After the end of such financial year, and as soon as the accounts of the Corporation have been audited, the Corporation shall cause a copy of the statement of accounts to be transmitted to the Minister together with a copy of any observations made by the Director of Audit or other auditor appointed under subsection (2) on any statement or on the accounts of the Corporation.

(4) The Minister shall cause a copy of every such statement and observations to be laid on the table of the Council Negeri.

**PART VI
GENERAL**

Obligation to secrecy.

22.(1) Except for the purpose of this Ordinance or of any criminal proceedings under this Ordinance, no member of the Board or officer or servant of the Corporation 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 Ordinance.

(2) Any person contravening the provision of subsection (1) shall be guilty of an offence: Penalty, imprisonment for six months and a fine of one thousand dollars.

Corporation deemed to be a Native.

23. For the purpose of any written law relating to land the Corporation shall be deemed to be a Native as defined in the Interpretation Ordinance, 2005.

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Power to make regulations.

24. The Majlis Mesyuarat Kerajaan Negeri may, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Ordinance and in particular, such regulations may provide for –

*Swk. Ord.No.5/92
w.e.f: 5.6.92 (renumbering section)
Cap.A71/99
w.e.f: 1.1.2000*

(a) the manner in which and the terms and conditions on which loans may be granted by the Corporation;

(b) controlling and restricting the sale, distribution and marketing of timber subject to such conditions as may be specified under the regulations;

*Swk. Ord.No.5/92
w.e.f: 5.6.92 (deleting the word production)*

(c) requiring persons engaged in the manufacture, sale, distribution or marketing of timber to submit reports and such other information as may be required by the Corporation;

(d) controlling and prescribing the standards and grade of timber to be marketed;

(e) regulating the quality of timber to be exported;

(f) the establishment, control and co-ordination of centres for the training of persons in timber industry and trade;

(g) regulating and controlling the conduct and administration of timber industries conducted by the Government or those financed by the Corporation and for all matters connected therewith;

(h) regulating and controlling the accounts of timber industries conducted by the Government or those financed by the Corporation;

(i) defining the relations of the Corporation with owners of timber industries financed by the Corporation and the rights of control over such industries by the Corporation;

(j) the prescription of forms and fees in connection with any matter under this Ordinance;

*Am. Ord. No.6/77
w.e.f 17.12.77 (deleting
the word and)*

(k) the prescription of anything which requires to be, or which may be, prescribed under this Ordinance;

*Cap.A71/99
w.e.f 1.1.2000
(deleting the word and)*

(l) requiring persons engaged in or associated with the manufacture, sale, distribution or marketing of timber or the management or operation of any of plant or premises for the treatment and seasoning of timber to register;

*Am. Ord. No.6/77
w.e.f: 17.12.77
(new paragraph)
Swk. Ord.No.5/92
w.e.f : 5.6.92
(deleting the
word production)
Cap.A71/99
w.e.f : 1.1.2000*

(m) prescribing penalties (not exceeding a fine of one hundred thousand ringgit or imprisonment not exceeding five years or to both such fine and imprisonment) for breach or contravention of any regulations made thereunder; and

*Cap.A71/99
w.e.f : 1.1.2000
(new paragraph)*

(n) prescribing the procedure for compounding of offences.

*Cap.A71/99
w.e.f : 1.1.2000
(new paragraph)*

Offences in respect
on loan.

25. Any person who –

(a) obtains a loan or guarantee from the Corporation under the provisions of this Ordinance by means of any false representation;

(b) wilfully applies any loan made to him by the Corporation under the provisions of this Ordinance to any purpose other than that for which the loan was made; or

(c) having obtained the loan or guarantee from the Corporation under the provisions of the Ordinance willfully destroys any security given in relation to any such loan,

shall be guilty of an offence: Penalty, imprisonment for six months and a fine of one thousand dollars.

Annual Report.

26. The Corporation shall, not later than the 30th day of September of each year, cause to be made and transmitted to the Minister, a report dealing with the activities of the Corporation during the preceding year and containing such information relating to the proceedings and policy of the Corporation.

*Cap.A125/06
w.e.f: 1.1.07
(Substituting the word
June with the word
September)*

Power to enter into contracts of guarantee or indemnity.

27. The Corporation may, with the approval of the Minister, enter into contracts of guarantee or indemnity for the purpose of facilitating the acquisition or erection of dwelling houses by officers or other servants of the Corporation.

*Am. Ord.No.6/77
(new paragraph)
w.e.f. 7.12.77*

PART VII OFFENCES, PROSECUTION AND PENALTIES

*Cap. A58/98
w.e.f. 1.6.98
(New Part VII)*

Powers of arrest and investigation.

28.(1) The General Manager or any person duly authorized by him (in this Part referred to as “an authorized officer”) or any police officer, may arrest without warrant any person whom he reasonably suspects of having committed an offence under this Ordinance or regulations made thereunder if –

(a) he has reasons to believe that the person is about to abscond;

(b) the person suspected of committing an offence, refuses to give his identity or address; or

(c) that person has given an identity or address which is false.

(2) Where the General Manager or authorized officer arrests a person pursuant to subsection (1), he shall, as soon as reasonably and conveniently possible, bring him to the nearest police station.

(3) Any authorized officer may investigate any offence committed under this Ordinance or regulations made thereunder.

Power of entry and search.

29. The General Manager or any authorized officer or police officer may –

*Cap.A71/99
w.e.f. 1.1.2000
(Inserting the words or
police officer)*

(a) enter any premises or place which he knows or reasonably suspects is used for the processing, sale, distribution or marketing of timber or the manufacturing of timber products, and conducts or carries out therein such investigation to determine if any offence against this Ordinance or regulations made thereunder has been committed;

(b) require any person involved in the processing, sale, distribution or marketing of timber or the manufacture of timber products to produce for his inspection, and to make copies thereof, all documents, data, statistics and information in the possession of that person; and

(c) exercise such other powers of search and investigation as may be reasonably necessary for the enforcement of the provisions of this Ordinance or any regulations made thereunder.

Power of seizure and detention.

29A. Where there is any reason to believe that an offence under this Ordinance or regulations made under section 24 has been committed, any timber or any timber product which is believed to be the subject matter of such an offence, or any tool, equipment, vessel, vehicle or property used or involved in the commission thereof, may be seized or detained by an authorized officer or any police officer investigating the offence:

*Cap.A71/99
w.e.f : 1.1.2000
(New section)*

Provided that the Court or the General Manager or any police officer not below the rank of Superintendent, may release anything so seized under this section upon the furnishing of a bond or other security sufficient to cover the value of the article or property seized, or to produce such article or property in Court as and when required.

Disposal of perishable article or property by General Manager.

29B.(1) Where any article or property seized or detained pursuant to section 29A is of a perishable nature, the General Manager may, by order in writing, direct the article or property to be sold in such manner as he deems fit.

*Cap.A71/99
w.e.f : 1.1.2000
(New section)*

(2) A proper account of the proceeds of sale derived therefrom shall be kept and held in the custody of the General Manager pending the completion of any prosecution or proceedings in respect of the offence for which the article or property was seized or detained.

Disposal of article or property by the Court.

29c. Where it is proven to the satisfaction of the Court that any article or property seized or detained pursuant to section 29A was the subject matter of any offence or used in the commission thereof, the Court shall order the article or property or the proceeds of any sale thereof to be forfeited to the Corporation or disposed off in such manner as the Court may direct.

*Cap.A71/99
w.e.f : 1.1.2000
(New section)*

Return of article or property seized or detained.

29D. Where any article or property is seized or detained under section 29A and there is no prosecution within a period of ninety days of such seizure or detention, the article or property seized or detained shall be deemed to be forfeited to the Corporation upon the expiry of that period unless, before the expiry thereof, a written claim is made by the lawful owner thereof or his duly authorized agent, to the General Manager or a Superintendent of Police, as the case may be, for the return of the article or property seized or detained.

*Cap.A71/99
w.e.f : 1.1.2000
(New section)*

Identification of authorized officer.	29E. Any authorized officer when discharging his duties or functions or exercising his powers under this Ordinance or regulations made thereunder shall, on demand, produce to any person against whom he is taking action, such identification or written authority to show that he is an authorized officer for the purposes of this Ordinance or any regulations made thereunder.	<i>Cap.A71/99 w.e.f: 1.1.2000 (New section)</i>
Liability of directors, partners, etc. Act 335.	30. Where a body corporate or a firm or a society registered under the Societies Act 1966, is guilty of an offence under this Ordinance or any regulations made thereunder, and that offence is committed with the consent or connivance of, or attributable to any neglect on the part of, any director, manager, secretary, trustee or office bearer of that body corporate or firm or society, or any person purportedly to act in such capacity; such director, manager, secretary, trustee or office bearer shall be guilty of that offence and shall be liable to be prosecuted, convicted and punished in the same manner and to the same extent as the body corporate, firm or society.	
Compounding of offences.	31.(1) Any officer of the Corporation duly authorized by the General Manager by notification in the <i>Gazette</i> , may accept from any person reasonably suspected of having committed any offence under this Ordinance or regulations made thereunder a sum of money of not more than one-half of the fine prescribed for such offence. (2) Deleted.	<i>Cap.A71/99 w.e.f: 1.1.2000 (Substituting the word Board' with the words General Manager)</i> <i>Cap.A71/99 w.e.f: 1.1.2000</i>
Prosecution of offences.	32. Prosecution of any offence under this Ordinance or any regulations made thereunder may be instituted and conducted by any person duly authorized to do so under section 377(b) of the Criminal Procedure Code [Act 593].	
Jurisdiction.	33. All offences committed under this Ordinance or any regulations made thereunder may be tried by a Judge of the Sessions Court.	
General penalty.	34. Any person who contravenes any provision of this Ordinance or any regulations made thereunder shall be guilty of an offence, and, if no penalty is expressly provided for such offence, he shall, on conviction, be liable to imprisonment for six months and to a fine of two thousand ringgit.	