



LAWS OF MALAYSIA

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Act 222

PERBADANAN KEMAJUAN KRAFTANGAN MALAYSIA ACT 1979

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**PERBADANAN KEMAJUAN KRAFTANGAN
MALAYSIA ACT 1979**

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LAWS OF MALAYSIA

Act 222

PERBADANAN KEMAJUAN KRAFTANGAN MALAYSIA ACT 1979

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LAWS OF MALAYSIA**Act 222****PERBADANAN KEMAJUAN KRAFTANGAN
MALAYSIA ACT 1979**

An Act relating to the Perbadanan Kemajuan Kraftangan Malaysia and the handicraft industry.

[1 October 1979, P.U. (B) 464/1979]

PART I**PRELIMINARY****Citation and commencement**

1. This Act may be cited as the Perbadanan Kemajuan Kraftangan Malaysia Act 1979 and shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“committee” means a committee appointed under section 13;

“company” means a company incorporated pursuant to the Companies Act 1965 [*Act 125*];

“Director General” means the Director General of the Perbadanan appointed under section 10;

“Fund” means the Fund established under section 15;

“handicraft industry” means any industry which is concerned with the production of handicraft products;

“handicraft product” means any artistic product which is graced with cultural or traditional appeal and is the outcome of any process which is dependent solely or partly on manual skill, and includes any batik product; and “batik product” means any article, however produced, which bears a batik design on or at any part thereof;

“Perbadanan” means the Perbadanan Kemajuan Kraftangan Malaysia referred to in section 3;

“subsidiary corporation” means a subsidiary corporation established under section 9.

PART II

THE PERBADANAN KEMAJUAN KRAFTANGAN MALAYSIA

Establishment of the Perbadanan Kemajuan Kraftangan Malaysia

3. (1) There shall be established a corporation by the name of “Perbadanan Kemajuan Kraftangan Malaysia” which shall have perpetual succession and a common seal and which may sue and be sued in the said name and, subject to and for the purposes of this Act, may enter into contracts and hold and deal in or with any movable or immovable property and do all other matters and things incidental or appertaining to a body corporate.

(2) Upon the commencement of this Act, the corporation known as “Lembaga Kraftangan Malaysia” established by the Majlis Amanah Rakyat (Lembaga Kraftangan Malaysia) Order 1973 [P.U.(A) 299/1973] shall be known as the Perbadanan Kemajuan Kraftangan Malaysia, shall be deemed to be the corporation established under subsection (1), and shall cease to be regarded as a corporation established by the Majlis Amanah Rakyat under section 25 of the Majlis Amanah Rakyat Act 1966 [Act 489].

Membership of the Perbadanan

4. (1) The Perbadanan shall consist of the following members, that is to say:

(a) a Chairman;

(b) a Deputy Chairman;

(c) the Director General; and

(d) not less than five nor more than nine other members of whom at least three shall be public officers.

(2) The members of the Perbadanan, other than the Director General, who becomes a member by virtue of his appointment as Director General, shall be appointed by the Minister.

(3) The Minister shall, in respect of each member of the Perbadanan who is a public officer, appoint an alternate member who may attend any meeting of the Perbadanan which the member concerned is for any reason unable to attend; and an alternate member, when attending a meeting of the Perbadanan, shall for all purposes be deemed to be a member of the Perbadanan.

(4) A member of the Perbadanan, other than the Director General, shall, unless his appointment is sooner revoked or he sooner resigns, hold office for two years, but is eligible for reappointment.

(5) Every person who was a member or alternate member of the Perbadanan immediately before the commencement of this Act shall, upon such commencement, cease to hold office as member or alternate member, as the case may be, but any such person may be appointed afresh under subsection (2) or (3).

Remuneration and allowances

5. There shall be paid to the Chairman, the Deputy Chairman, and the other members of the Perbadanan, including the alternate members, such remuneration or allowances as the Minister may determine.

Meetings of the Perbadanan

6. (1) In the absence of the Chairman from any meeting of the Perbadanan, the Deputy Chairman shall preside over the meeting, and if the Deputy Chairman is also absent, such other member as may be elected by the members present shall preside.

(2) The quorum for a meeting of the Perbadanan shall be four.

(3) If on any question to be determined at any meeting of the Perbadanan there is an equality of votes, the person presiding over the meeting shall have a casting vote.

Duties of the Perbadanan

7. (1) The duties of the Perbadanan shall be—

- (a) to promote and, where necessary, to stimulate and rehabilitate traditional skill and craftsmanship;
- (b) to develop, and stimulate the growth and maintain the standards of, the handicraft industry by various means, including the provision of research, advisory, and extension services;
- (c) to guide, orientate, and assist existing craftsmen towards the use of modern methods of production, management, and marketing;
- (d) to regulate, develop, and improve the quality and maintain the standards of handicraft products for local and foreign markets; and
- (e) to promote the marketing and export of handicraft products.

(2) In the discharge of its duties under subsection (1), the Perbadanan shall place due importance on the need to protect the special interests of traditional craftsmen.

Powers of the Perbadanan

8. The Perbadanan shall have power, exercisable subject to the prior approval of the Minister, to do all things expedient or reasonably necessary for or incidental to the discharge of its duties, and in particular, but without prejudice to the generality of this section—

- (a) to provide training facilities and to control and supervise the implementation of training projects and programmes;
- (b) to bring about sufficient production of handicraft products for export purposes;
- (c) to develop and supply raw materials for the use of the handicraft industry;
- (d) to provide plant, machinery, equipment, and tools required by the handicraft industry;
- (e) to disseminate information to the public on the various aspects of the handicraft industry;
- (f) to conduct research towards raising the standards of the handicraft industry;
- (g) to provide incentives in any form or manner for the handicraft industry;
- (h) to establish centres, subcentres, workshops, and other premises for the undertaking of research and other activities necessary for the development of the handicraft industry;
- (i) to establish warehouses for the storage of handicraft products and raw materials for making handicraft products;
- (j) to carry on the business of producing, marketing, and exporting handicraft products on a commercial basis;
- (k) to receive, in consideration of the services rendered by the Perbadanan, such commission or payment as may be agreed upon; and

- (l) to prescribe and levy fees of other charges in respect of facilities, services, plant, machinery, equipment, tools and raw materials provided by the Perbadanan in the performance of its duties and the exercise of its powers under this Act.

Power to establish subsidiary corporations and companies

9. (1) The Perbadanan may from time to time with the approval of the Minister and the concurrence of the Minister of Finance—

- (a) by order published in the *Gazette*, establish a subsidiary corporation by such name as the Perbadanan may think fit;
- (b) establish or promote the establishment of a company by such name as the Perbadanan may think fit; or
- (c) take-over any company,

to carry out and have the charge, conduct, and management of any project, scheme or enterprise which has been planned or undertaken by the Perbadanan in the execution of its duties under section 7 or the exercise of its powers under section 8.

(2) The provisions of the Schedule shall apply to every subsidiary corporation established by the Perbadanan under subsection (1) and the provisions of the Companies Act 1965 shall apply to every company established or taken over by the Perbadanan under subsection (1).

PART III

ADMINISTRATION

Appointment of the Director General

10. (1) There shall be a Director General of the Perbadanan who shall be appointed by the Minister on such terms and conditions as may be determined by the Minister.

(2) The Director General shall be the chief executive officer of the Perbadanan and shall perform such duties and exercise such powers as may be determined or delegated to him by the Perbadanan.

(3) The person who was the Director of the Perbadanan immediately before the commencement of this Act shall, upon such commencement, cease to be the Director; but such person shall, subject to any subsisting contract of service or employment between him and the Perbadanan, continue to be an employee of the Perbadanan on terms and conditions of service or employment no less favourable than those applicable to him immediately before such commencement, and may be appointed as Director General under subsection (1).

(4) If during any period the Director General is for any reason unable to exercise the powers and perform the duties of his office, the Minister may appoint any other person to act as Director General.

Appointment of other officers and servants

11. (1) The Perbadanan may appoint such other officers and servants as it considers necessary for the efficient conduct of its affairs.

(2) The officers and servants of the Perbadanan shall be responsible to the Director General.

(3) The officers and servants of the Perbadanan shall hold office for such period or periods, receive such remuneration, fees, and allowances, and be subject to such conditions of service as may be determined by the Perbadanan with the approval of the Minister.

(4) The Perbadanan shall have power to formulate and regulate the procedure for the appointment and disciplining of its officers and servants.

Administrative divisions

12. The Director General may, with the approval of the Perbadanan, set up any number of administrative divisions for the efficient and effective functioning of the Perbadanan.

Committees

13. (1) The Perbadanan may appoint such committees as it thinks desirable to exercise such functions as may be delegated to them by the Perbadanan or to examine and report to the Perbadanan on any matter arising out of or connected with any of its duties and powers under this Act.

(2) A committee may do all such things as may be necessary for the effective carrying out of its functions but shall be subject to the general directions of the Perbadanan.

(3) A committee shall consist of a chairman and not more than five other persons.

(4) A committee may consist of persons who are not members of the Perbadanan.

(5) Members of a committee may be paid such remuneration or allowances as the Perbadanan may determine with the approval of the Minister.

(6) Every committee in existence immediately before the commencement of this Act shall be deemed to have been appointed under subsection (1).

Meetings of a committee

14. (1) In the absence of the chairman of a committee from any meeting of the committee, such other member of the committee as may be elected by the members present shall preside over the meeting.

(2) The quorum for a meeting of a committee shall be three.

(3) If on any question to be determined at any meeting of a committee there is an equality of votes, the person presiding over the meeting shall have a casting vote.

(4) A committee may invite to any of its meetings any person who can in its opinion contribute to its deliberations; but such a person shall have no right to vote at the meeting.

(5) Subject to this section and the directions of the Perbadanan, a committee shall regulate its own procedure.

PART IV

FINANCE

The Fund

15. (1) For the purposes of this Act, there shall be established a Fund to be administered and controlled by the Perbadanan.

(2) The Fund shall consist of—

- (a) moneys belonging to the Perbadanan immediately before the commencement of this Act;
- (b) moneys provided from time to time for the purposes of the Fund by Parliament;
- (c) moneys earned from the operation of any project, scheme, or enterprise financed from the Fund;
- (d) moneys earned or arising from any property, investment, mortgage, charge, or debenture acquired by or vested in the Perbadanan;
- (e) all property, investments, mortgages, charges, and debentures acquired by or vested in the Perbadanan;
- (f) moneys borrowed by the Perbadanan under section 16; and
- (g) all other moneys and property which may in any manner become payable to or vested in the Perbadanan in respect of any matter incidental to its duties and powers.

(3) The Fund may be expended for the purposes of—

- (a) paying the expenses properly incurred by the Perbadanan in carrying out its functions under this Act, including the remuneration, superannuation allowances, pensions, and

gratuities of the officers and servants of the Perbadanan;
and

(b) making loans to or providing capital for—

- (i) any subsidiary corporation established or to be established under section 9; or
- (ii) any company established or taken over by the Perbadanan under section 9.

Power to borrow

16. The Perbadanan may from time to time borrow, at such rate of interest and for such period and on such terms as to the time and method of repayment and other matters as the Minister of Finance may approve, any sum required by the Perbadanan for meeting any of its obligations or discharging any of its duties.

Estimates of income and expenditure

17. (1) Before the beginning of March of each year, the Perbadanan shall submit to the Minister estimates of the income and expenditure of the Perbadanan for the following year, and the Minister shall, before the beginning of the following year, notify the Perbadanan of the amount authorised for expenses generally.

(2) The Perbadanan 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.

Statutory Bodies (Accounts and Annual Reports) Act 1980

18. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply in respect of the Perbadanan.

Annual report

19. (1) The Perbadanan shall, not later than 30 June of each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Perbadanan during the preceding year and containing such information relating to the proceedings and policy of the Perbadanan as the Minister may from time to time require.

(2) The Minister shall cause a copy of every report transmitted to him under subsection (1) to be laid on the table of each House of Parliament.

PART V

LICENCE TO USE LOGO OF THE PERBADANAN

Logo of the Perbadanan

20. The logo used by the Perbadanan immediately before the commencement of this Act shall continue to be the logo of the Perbadanan unless and until a different logo is adopted by the Perbadanan.

Licence to use logo of the Perbadanan

21. (1) Any person who is a producer of any handicraft product may apply to the Perbadanan for a licence to use the logo of the Perbadanan in relation to the handicraft product that he produces.

(2) An applicant for a licence under this section shall, if so required by the Perbadanan, submit the handicraft product in respect of which the licence is applied for to the Perbadanan for examination and testing and shall furnish the Perbadanan with such information relating to his business or to the handicraft product as the Perbadanan may require.

(3) A licence under this section shall be valid for such period as may be specified by the Perbadanan in the licence, but may be renewed from time to time for such further period as the Perbadanan may determine.

(4) There shall be stated in every licence under this section the handicraft product or products in relation to which the licensed person is authorised to use the logo of the Perbadanan.

Duties of licensed persons

22. A person licensed under section 21 shall—

- (a) whenever requested by any person authorised in writing by the Perbadanan, permit him to enter and inspect during working hours the premises or any part of the premises in which the handicraft products of the licensed person are produced or stored;
- (b) maintain such records as may be required by the Perbadanan and, whenever requested by any person authorised in writing by the Perbadanan, submit any such record to the Perbadanan for inspection;
- (c) furnish the Perbadanan with such information as it may require.

Revocation and suspension of licences

23. (1) A licence granted under section 21 to any person shall be revoked in the following circumstances, that is to say:

- (a) where the person is a natural person, on his death;
- (b) where the person is a corporation, society, or any other body of persons, on the dissolution or winding up, whether voluntary or compulsory, of the corporation, society, or body, or in the event of a take-over, merger, or amalgamation of the corporation, society, or body by or with any other corporation, society, or body;
- (c) where the person is a partnership, on the dissolution of the partnership;
- (d) on the person ceasing to produce the handicraft product to which the licence relates;

(e) on transfer of ownership of the person's business of producing handicraft products.

(2) If it appears to the Perbadanan that any person licensed under section 21 has contravened or failed to comply with any provision of this Act or of regulations made thereunder or any term or condition of his licence, the Perbadanan may call upon the person to show cause why his licence should not be suspended or revoked, and if the person fails to appear to show cause or if the Perbadanan is not satisfied with his explanation, the Perbadanan may suspend or revoke his licence.

(3) A person called upon to show cause under subsection (2) shall be supplied by the Perbadanan with particulars in writing of the contravention or non-compliance alleged against him, and he may appear in person or be represented by any person authorized by him in writing.

(4) A person aggrieved by any decision of the Perbadanan under subsection (2) may, within one month of the receipt by him of the decision, appeal to the Minister whose decision shall be final.

(5) A decision of the Perbadanan under subsection (2) shall be of immediate effect notwithstanding any appeal under subsection (4).

(6) A person whose licence has been revoked or suspended under this section shall, within seven days of being informed of the revocation or suspension, surrender his licence to the Perbadanan.

Offences

24. Any person who—

(a) uses the logo of the Perbadanan except in relation to a handicraft product stated in a licence granted to him under section 21;

(b) uses any mark resembling the logo of the Perbadanan with the intention of representing it to be the logo of the Perbadanan, or any mark which misleads or is likely to

mislead any other person into thinking that the mark is the logo of the Perbadanan;

(c) in an application for a licence under section 21 or in response to a requirement under subsection 21(2) or paragraph 22(c), knowingly gives any false information or makes any false statement,

commits an offence and is liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

PART VI

SPECIFIC DUTIES AND POWERS OF THE DIRECTOR GENERAL

Plan for future development

25. (1) The Director General shall from time to time prepare a plan for the future development of the handicraft industry during such period as the Director General shall determine or as the Perbadanan shall specify.

(2) A plan prepared under subsection (1) shall include details of development projects planned to be put into effect by the Perbadanan and details of estimates of the cost of such projects.

Dissemination of information

26. The Director General shall be responsible for the dissemination to the public of information concerning the handicraft industry, the facilities and services provided by the Perbadanan, the subject of licensing in respect of the use of the logo of the Perbadanan, the methods of improving the quality and durability of handicraft products, and the markets available for handicraft products both within and outside the country.

Charge of matters relating to dealings in stock, materials, and products of the Perbadanan

27. (1) The Director General shall have charge of all matters relating to the purchase, import, sale, and export of the stock, the raw materials for making handicraft products, and the handicraft products of the Perbadanan.

(2) The Director General may appoint agents to conduct sales of the handicraft products of the Perbadanan.

Advertising and publicity

28. The Director General may carry out advertising and publicity activities as part of the effort to gain a better market for handicraft products.

PART VII

MISCELLANEOUS PROVISIONS

Common seal of the Perbadanan

29. (1) The common seal of the Perbadanan shall bear such device as the Perbadanan may approve and may from time to time be broken, changed, altered, and made anew by the Perbadanan.

(2) The common seal used by the Perbadanan immediately before the commencement of this Act shall continue to be the common seal of the Perbadanan unless and until a different seal is approved by the Perbadanan.

(3) The common seal of the Perbadanan shall be kept in the custody of, and shall be authenticated by, such person as the Perbadanan may direct.

(4) All deeds, documents, and other instruments purporting to be sealed with the common seal of the Perbadanan and authenticated by the person in whose custody the common seal is kept shall, until the contrary is proved, be deemed to have been validly executed.

(5) The seal of the Perbadanan shall be officially and judicially noticed.

Directions of the Minister

30. The Minister may from time to time give the Perbadanan directions of a general nature, not inconsistent with the provisions of this Act, as to the exercise of the functions of the Perbadanan; and the Perbadanan shall give effect to all such directions.

Public Authorities Protection Act

31. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution, or proceeding against the Perbadanan or any subsidiary corporation or against any member, officer, servant, or agent of the Perbadanan or of any subsidiary corporation in respect of any act, neglect, or default done or committed by such member, officer, servant, or agent.

Public servants

32. All members, officers, and servants of the Perbadanan and of a subsidiary corporation shall be deemed to be public servants for the purposes of the Penal Code [*Act 574*].

33. (*Deleted by Act 478*).

Obligation of secrecy

34. (1) Except for the purposes of this Act or of any criminal proceedings under this Act, no member, officer, or servant of the Perbadanan or of any subsidiary corporation shall disclose any information concerning any business of any person which has been obtained by him in the course of his duties and which is not published pursuant to this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

Civil proceedings

35. Notwithstanding the provisions of any other written law—

(a) any person holding the appointment of Federal Counsel and authorised by the Attorney General for the purpose; or

(b) any officer of the Perbadanan authorised by the Chairman or Deputy Chairman of the Perbadanan for the purpose,

may institute any civil proceedings on behalf of the Perbadanan or a subsidiary corporation and may, on behalf of the Perbadanan or a subsidiary corporation, appear in and conduct any such proceedings by or against the Perbadanan or the subsidiary corporation and make and do all appearances, acts, and applications in respect of such proceedings.

Power to make regulations

36. The Perbadanan may, with the approval of the Minister, make regulations—

(a) concerning any matter relating to the establishment of subsidiary corporations under section 9 and to the subsidiary corporations so established;

(b) prescribing the manner in which documents, cheques, and instruments of any description shall be signed or executed on behalf of the Perbadanan or any subsidiary corporation;

(c) prescribing the responsibilities and control of officers and servants of the Perbadanan;

(d) prescribing the fees to be charged and the forms to be used in the implementation of Part V;

- (e) concerning the opening, keeping, closing, and audit of the accounts of subsidiary corporations; and
- (f) generally for the better carrying out of the provisions of this Act and the functions of the Perbadanan.

Repeal

37. The Majlis Amanah Rakyat (Lembaga Kraftangan Malaysia) Order 1973 [*P.U.(A) 299/1973*] and the Majlis Amanah Rakyat (Lembaga Kraftangan Malaysia) Regulations 1973 [*P.U.(A) 300/1973*] are repealed.

SCHEDULE
[Subsection 9(2)]

PROVISIONS APPLICABLE TO SUBSIDIARY
CORPORATIONS

Duty of the Perbadanan to make regulations in respect of a subsidiary corporation

1. The Perbadanan shall, on or before the date on which a subsidiary corporation is established, make regulations in respect of the subsidiary corporation defining—

- (a) the purposes and objects for which the subsidiary corporation is established;
- (b) the rights, powers, duties, and functions of the subsidiary corporation;
- (c) the system of management of the subsidiary corporation; and
- (d) the relationship between the subsidiary corporation and the Perbadanan and the right of control of the Perbadanan over the subsidiary corporation.

Scope of a subsidiary corporation

2. Nothing in this Act shall be construed as authorizing the Perbadanan to establish any subsidiary corporation for any purpose or object more extensive in scope than the purposes or objects for which the Perbadanan was established or as conferring on any subsidiary corporation any right, duty, power, or function which is not within the rights, duties, powers, or functions of the Perbadanan under this Act.

Binding effect of regulations

3. Subject to the provisions of this Act and of any regulations made under section 36, regulations made under paragraph 1 shall be binding on the subsidiary corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

Register of subsidiary corporations

4. The Perbadanan shall keep a register in the prescribed form of all subsidiary corporations and the 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 times as the Perbadanan may determine.

Winding-up

5. (1) The Perbadanan may by order published in the *Gazette* direct that any subsidiary corporation be wound up and dissolved.

(2) Upon the dissolution of a subsidiary corporation under this paragraph, the assets of the subsidiary corporation after payment of all liabilities shall be transferred to and vested in the Perbadanan.

(3) The winding-up of a subsidiary corporation under this paragraph shall be conducted in such manner as may be prescribed.

Legal character of a subsidiary corporation

6. Every subsidiary corporation shall be a body corporate by such name as the Perbadanan shall give 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 purposes and objects for which it was established, may enter into contracts and hold and deal in or with any movable or immovable property and 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 Perbadanan.

Common seal of a subsidiary corporation

7. (1) Every subsidiary corporation shall have a common seal, which shall bear such device as the subsidiary corporation, with the approval of the Perbadanan, may approve, and the seal may from time to time be broken, changed, altered, and made anew by the subsidiary corporation with the approval of the Perbadanan.

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

(3) The common seal, or the stamp used as the common seal, shall be kept in the custody of, and shall be authenticated by, such person as the subsidiary corporation may direct.

(4) All deeds, documents, and other instruments purporting to be sealed with the common seal of the subsidiary corporation and authenticated by the person in whose custody the common seal is kept shall, until the contrary is proved, be deemed to have been validly executed.

LAWS OF MALAYSIA**Act 222****PERBADANAN KEMAJUAN KRAFTANGAN
MALAYSIA ACT 1979**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A562	Perbadanan Kemajuan Kraftangan Malaysia (Amendment) Act 1983	01-09-1980
Act 478	Revocation of Exemption from Payment of Stamp Duties Act 1992	21-02-1992

LAWS OF MALAYSIA**Act 222****PERBADANAN KEMAJUAN KRAFTANGAN
MALAYSIA ACT 1979**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A562	01-09-1980
8	Act A562	01-09-1980
9	Act A562	01-09-1980
15	Act A562	01-09-1980
33	Act 478	21-02-1992
