Act 29

NATIONAL SPORTS COUNCIL OF MALAYSIA ACT 1971

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NATIONAL SPORTS COUNCIL OF MALAYSIA ACT 1971

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Act 29

NATIONAL SPORTS COUNCIL OF MALAYSIA ACT 1971

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Act 29

NATIONAL SPORTS COUNCIL OF MALAYSIA ACT 1971

An Act to establish the National Sports Council of Malaysia and to provide for matters connected with it.

[Throughout Malaysia—30 April 1971]

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

PART I

PRELIMINARY

Short title

1. This Act may be cited as the National Sports Council of Malaysia Act 1971.

Interpretation

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

“Council” means the National Sports Council of Malaysia established under section 3;

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

“Federal Territory Sports Council” and “State Sports Council” mean respectively the Federal Territory Sports Council and a State Sports Council duly established under section 7;

“Minister” means the Minister charged with the responsibility for sports.
The Council

3. A body by the name “The National Sports Council of Malaysia” is established with power to acquire and hold movable or immovable property, and to dispose thereof or otherwise deal therewith.

Functions of the Council

4. (1) The functions of the Council shall be—

   (a) to advise the Minister on matters pertaining to sports generally and to the proper and more effective implementation of the provisions of this Act;

   (b) to co-ordinate the activities in respect of sports conducted by government departments or governmental or non-governmental agencies;

   (c) to make recommendations to the Government as the methods, measures and policies to be adopted to facilitate the development of sports, and where approved by Government, to implement and assist in the implementation thereof; and

   (d) generally to promote locally and internationally, and participate in, the development of sports in Malaysia.

   (2) The Council 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 conduct surveys and investigations in respect of sports;

   (b) to conduct and carry out feasibility studies for the development of sports;

   (c) to require government departments, and governmental and non-governmental agencies dealing in sports to submit reports regarding their activities;
(d) to engage or assist in the development of sports, and in the provision or improvement of sports facilities within Malaysia and outside Malaysia, where international co-operation can stimulate the development of sports in Malaysia;

(e) with the approval of the Minister in consultation with the Minister of Finance, to enter into equity participation in the development of sporting enterprises, and the provision of sports facilities and attractions;

(f) subject to the provision of any regulations made under section 15, to regulate standards to be maintained by sports enterprises;

(g) to acquire, purchase, take on lease, hire, hold and enjoy movable and immovable property of every description and to convey, assign, surrender, and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with or to develop any movable or immovable property belonging to the Council upon such terms as the Board deems fit;

(h) to enter into any contract;

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

(j) to exercise all functions and powers and perform all duties which, under or by virtue of any other written law, may be vested or delegated to it; and

(k) generally to do such acts as it thinks fit for the purpose of achieving any of the aforesaid objects.

Members of the Council

5. (1) The Council shall consist of the members specified in subsections (2) and (3).

(2) The Minister shall be the Chairman of the Council.

(3) The other members of the Council shall be appointed by the Minister and shall consist of the following:

(a) one representative nominated by the Federal Territory Sports Council and each State Sports Council;
(b) three representatives nominated by the Olympic Council of Malaysia;

(c) one representative nominated by the Malaysian Schools Sports Council;

(d) not less than five but not more than ten members appointed from amongst persons who in the opinion of the Minister can contribute to the development and promotion of sports; and

(e) not less than three but not more than five members appointed from amongst Ministries which the Minister considers necessary to be represented.

(4) Part I of the First Schedule shall apply to the members of the Council.

**PART III**

**BOARD OF MANAGEMENT**

**Board of Management**

6. (1) The management of the affairs of the Council shall be vested in a Board of Management which shall consist of the Chairman of the Council who shall also be the Chairman of the Board, and not less than six but not more than ten members to be appointed by the Minister in the manner specified in subsection (2).

(2) The members of the Board shall be appointed as follows:

   (a) four members shall be persons who are members of the Council appointed under section 5;

   (b) one representative each of the Ministry of Youth and Sports and the Ministry of Finance respectively; and

   (c) any other persons the Minister considers fit and proper persons to be members of the Board.

(3) At any meeting of the Board one third of the total membership of the Board shall constitute a quorum.

(4) Part II of the First Schedule shall apply to members of the Board.
PART IV

FEDERAL TERRITORY AND STATE SPORTS COUNCILS

Establishment of Federal Territory and State Sports Councils

7. (1) There shall be established in the Federal Territory a Federal Territory Sports Council and in every State a State Sports Council in respect of which the provisions of the Second Schedule shall have effect.

(2) All the provisions of this Act which refer or apply to a State Sports Council shall, with such modification as the circumstances may require, be deemed to refer or apply to the Federal Territory Sports Council.

Power of Minister to make modification to provisions of Act

7A. (1) The Minister may by order make any modification he considers necessary to the provisions of this Act in their application to the Federal Territory Sports Council and the State Sports Councils of Sabah and Sarawak having regard in general to circumstances prevailing in the Federal Territory and in the States of Sabah and Sarawak and in particular to the division of the Federal Territory and the States of Sabah and Sarawak into areas by whatever name they may be known.

(2) The Minister may by order amend the First and Second Schedules.

PART V

ADMINISTRATION

Appointment of Director General and other servants of the Board

8. (1) The Board may appoint a Director General who shall be responsible for the day to day administration and management of the affairs of the Council and to perform such duties and exercise such 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 Director General immediately after the coming into force of this Act shall be a person appointed by the Minister.

(2) The Board may appoint such other officers and servants as it may consider necessary for the efficient conduct of the affairs of the Council.

(3) The Director General and other officers and servants of the Board shall be responsible to the Board.

(4) The Director General, officers and servants of the Council shall hold office for such period, receive such salaries and allowances and be subject to such conditions of service as may be determined by the Board.

PART VI
FINANCE

Fund of the Council

9. For the purpose of this Act, a National Sports Fund (hereinafter referred to as “the Fund”) is established to be administered and controlled by the Board—

(a) into which shall be paid—

(i) such sums as may be provided from time to time by Parliament;

(ii) such sums as may from time to time be borrowed by the Board upon terms and conditions approved by the Minister in consultation with the Minister of Finance for the purpose of meeting any of its obligations or discharging any of its duties;

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

(iv) all moneys earned or arising from any property, investment, mortgage, charges or debentures acquired by or vested in the Board;
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(iva) all gifts, donations and bequests from individuals, companies, foundations and other sources; and

(v) all other sums or property which may in any manner become payable to, or vested in, the Board in respect of any matter incidental to its powers and duties;

(b) out of which shall be defrayed—

(i) all expenditure (including capital expenditure) incurred by the Board in carrying out its functions; and

(ii) moneys for the repayment of any loan made to the Board pursuant to its power to borrow.

Borrowing powers

10. The Board may, upon conditions approved by the Minister in consultation with the Minister of Finance, borrow such sums as it may require for carrying out any of its functions under this Act.

Investment

11. The assets of the Board shall, insofar as they are not required to be expended by the Board under this Act, be invested in such manner as the Minister may approve:

Provided that the Board shall not make any investment in securities issued or registered or other properties situated outside Malaysia except with the approval of the Minister of Finance.

Estimates of expenditure

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

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

(3) The Board 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**

13. (1) The Board shall keep proper accounts and other records in respect of its operation and shall prepare statements of accounts in respect of each financial year.

(2) The accounts of the Board shall be audited annually by the Auditor General or other auditors appointed by the Board with the approval of the Minister.

(3) The accounts of the Board shall be audited within six months of the end of each financial year and within such period, the Board shall cause a copy of the statement of accounts in such manner as the Minister may require to be transmitted to the Minister, together with a copy of any observations made by the Auditor General or other auditors appointed under subsection (2) on any statement or on the accounts of the Board.

**PART VII**

**GENERAL**

**Annual Report**

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

**Regulations**

15. The Minister may make such regulations as may be expedient or necessary for prescribing anything required by this Act and for the better carrying out of the provisions of this Act.
Secrecy and penalty

16. (1) Except for the purposes of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Council shall disclose any information with respect to any individual business, which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) Any member knowingly contravening subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year.

Penal Code

17. The Director General and any officer or servant of the Council appointed under section 8 shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Protection against legal proceedings

18. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council or Board or against the Director General, officer of the Council or Board or against any director, officer or servant appointed by the Board in respect of any act done or statement made bona fide in pursuance or execution or intended execution of this Act.

(2) Where any person is exempted from liability by reason only of the provisions of this section, the Council is liable to the extent that it would be if such person were a servant or agent of the Council.

Delegation by the Board

19. The Board may, by an instrument in writing, delegate to any person or body such of its duties as may be necessary to be performed in or outside Malaysia:

Provided that any such person or body shall have no control over the Fund and shall act in all respects in accordance with the direction of the Board.
Directions by the Minister

20. (1) The Minister may give to the Council or the Board such directions, not inconsistent with the provisions of this Act, as he may deem fit, as to the exercise and performance by the Council or the Board of its powers, duties and functions under this Act, and the Council or the Board shall give effect to all such directions.

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

Ineligibility for employment as officers of the Council

21. (1) No person shall be eligible for employment as an officer or servant of the Council who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, for or on behalf of the Council.

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

FIRST SCHEDULE

PART I

[Subsection 5(4)]

THE COUNCIL

1. The term of office for members of the Council except the Chairman shall be for a period of two years. Members shall be eligible for reappointment.

2. The term of office of a member appointed to fill a vacancy shall be the remainder of the term of office of the member who has vacated the post.

3. All expenses of the Council shall be met out of the Fund.

4. The office of a member of the Council other than a member appointed by virtue of office shall be vacated—
   (a) if he dies;
   (b) if he ceases to be qualified;
   (c) if he becomes bankrupt, lunatic or of unsound mind;
   (d) if he absents himself from three consecutive meetings without leave of the Council; or
in the event of his resignation being accepted by the Minister.

5. Subject to the provisions of this Act the Council may determine its own procedure.

PART II
[Subsection 6(4)]

BOARD OF MANAGEMENT

1. Members of the Board except the Chairman shall hold office for a period of two years and shall be eligible for reappointment.

2. The office of a member of the Board shall be vacated—
   (a) if he dies;
   (b) if he ceases to be qualified;
   (c) if he becomes bankrupt, lunatic or of unsound mind;
   (d) if he absents himself from three consecutive meetings without leave of the Board; or
   (e) in the event of his resignation being accepted by the Minister.

3. The period of office of any member appointed to replace another member who has vacated his post shall be the remainder of the term of office for which the latter member was originally appointed.

4. The Chairman of the Board shall have power to convene a meeting of the Board whenever he deems it necessary.

5. Subject to the provisions of this Act the Council may determine its own procedure.

SECOND SCHEDULE
[Subsection 7(1)]

RULES FOR THE ESTABLISHMENT OF SPORTS COUNCIL IN THE STATES OF THE FEDERATION OF MALAYSIA

Interpretation

1. In the interpretation of the Rules and any by-laws made thereunder, unless the context otherwise requires—

   “Committee” means the Committee of Management appointed under rule 9;
“Council” means the Sports Council of the State;

“Director” means the Director of State Sports Council appointed under subrule 10(1);

“District Sport Council” means the District Sports Council set up in the State by the State Sports Council or in the case of Federal Territory, Sabah and Sarawak, by the Sports Council of each administrative area;

“State Sports Association” means any association, club, institution or other body exercising exclusive control over any branch of sport within any State, on the State wide basis.

Name

2. The Council shall be called “THE STATE SPORTS COUNCIL”.

Objectives of the Council

3. The objectives of the Council shall be—

(a) to promote the general interest of sports in the state and in particular to provide adequate facilities for the advancement of all branches of sports at the State and District level;

(b) to undertake the coordination of all State Sports Association and other sports agency within the State; and

(c) to raise and administer any fund for the furtherance of the objectives of the Council with the National Sports Council of Malaysia.

Functions of the Council

4. The functions of the Council shall be—

(a) to carry out the objects of the Council;

(b) to establish District Sports Council to provide adequate facilities for the promotion of sports at District level;

(c) to make recommendation to the State Government as the methods, measures and policies to be adopted to facilitate the development of sports, and where approved by Government, to implement and assist in the implementation thereof; and

(d) to take all steps as are deemed necessary for the proper attainment of the objectives of the Council.

Powers of the Council

5. The Council shall have power to do all things expedient or reasonably necessary or incidental to but without prejudice to the generality of the aforesaid rule—

(a) to conduct surveys and investigation in respect of sports;
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(b) to require government departments, and governmental and non-governmental agencies dealing in sports to submit reports regarding their activities;

(c) to engage or assist in the development of sports, and in the provision or improvement of sports facilities;

(d) to acquire, purchase, take on lease, hire, hold and enjoy movable and immovable property of every description and to convey, assign, surrender and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with or to develop any movable or immovable property belonging to the Council upon such terms as the Council deems fit;

(e) to enter into any contract;

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

(g) generally to do such acts as it thinks fit for the purpose of achieving any of the aforesaid objects.

Membership of the Council

6. Membership shall be open to any State Sports Association or District Sports Association within the State.

Members of the Council

7. (1) The Council shall consist of the following members:

*(a) a Chairman who shall be appointed by the Minister in consultation with the Menteri Besar or Chief Minister of the State;

**(b) two Deputy Chairman, who shall be appointed by the Menteri Besar or Chief Minister of the State, one of them is the Secretary of the State Government;

(c) a representative nominated by each State Sports Association;

(d) the Chairman of each District Sport Council;

*** (e) the Director of the State Education Department or his representative;

*NOTE—In its application to the Federal Territory Sports Council is modified by substituted with “a Chairman who shall be appointed by the Minister;” – see National Sports Council of Malaysia (Modification) Order 1988 [P.U.(A)367/1988].

**NOTE—In its application to the Federal Territory Sports Council is modified by substituted with “two Deputy Chairman who shall be appointed by the Minister, one of them is the Chief Secretary or his representative;” – see [P.U.(A)367/1988].

***NOTE—In its application to the Federal Territory Sports Council is modified by substituted for the word “State” the words “Federal Territory” – see [P.U.(A)367/1988].
(f) the State Finance Director or his representative;

**(g)** the Director of the State Youth and Sports Department or his representative; and

(h) not less than three and not more than six persons who in the opinion of the Chairman can contribute to the development and promotion of sports.

(2) Members of the Council, except the Chairman shall be appointed by the Minister, Menteri Besar or Chief Minister for a period of two years and may be reappointed.

(3) Where any casual vacancy of the Council under subparagraphs (c) and (d) arises, the appropriate authority in question shall appoint any person to fill the vacancy.

(4) Where any casual vacancy of the Council under subparagraph (h) above arises, the Chairman shall appoint any person to fill the vacancy.

Meetings of the Council

8. (1) The Council shall meet at least once in every 3 months or more often as is considered necessary.

(2) At least fourteen days notice in writing shall be given to members.

(3) One third of the members of the Council present and entitled to vote at such meeting shall constitute a quorum.

(4) Every member of the Council present shall be entitled to one vote.

(5) In the event of an equality of votes the Chairman shall be entitled to a second or casting vote.

(6) The Chairman shall chair all the meetings of the Council and of the Committee. In the absence of the Chairman one of the Deputy Chairman shall become the Chairman of such meeting. In the absence of the Deputy Chairman, the members present shall elect one of their members to be chairman of that meeting.

Committee of Management

9. (1) The management of the affairs of the Council shall be vested in a Committee of Management which shall consist of—

**NOTE**—In its application to the Federal Territory Sports Council is modified by substituted with “a representative from the Treasury;” – see [P.U.(A)367/1988].

**NOTE**—In its application to the Federal Territory Sports Council is modified by substituted for the word “State” the words “Federal Territory” – see [P.U.(A)367/1988].
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(a) the Chairman;
(b) the two Deputy Chairmen pursuant to paragraph 7(1)(b);
(c) four members appointed under paragraph 7(1)(c);
(d) two members appointed under paragraph 7(1)(d);
(e) the Director of the State Education Department or his representative;
(f) the State Finance Director or his representative;
(g) the State Youth and Sports Director; and
(h) not more than three other persons who in the opinion of the Chairman can contribute to the development and promotion of sports.

(2) The committee shall meet at least once every 3 months and seven days notice in writing thereof shall be given to all members.

(3) The Committee shall be responsible for the carrying out of the functions and administration of the affairs and business of the Council.

(4) At any meeting of the Committee one third of the total membership of the Committee shall constitute a quorum.

(5) Any member of the Committee who absents himself from three consecutive meetings, either without satisfactory explanation or without leave of the Committee shall ipso facto cease to be a member thereof.

(6) Where any vacancy arises in the Committee, the Committee shall appoint any person to fill the vacancy.

Administration of the Committee

10. (1) The Committee may appoint a Director who shall be responsible for the day to day administration and management of the affairs of the Council and to perform such duties and exercise such powers as may be entrusted or delegated by the Committee or Chairman of the Committee acting on behalf of the Committee.

(2) The Committee may appoint such other officers and servants as it may consider necessary for the efficient conduct of the affairs of the Council.

*NOTE—In its application to the Federal Territory Sports Council is modified by substituted for the word “State” the words “Federal Territory” – see [P.U.(A)367/1988].

**NOTE—In its application to the Federal Territory Sports Council is modified by substituted with “the representative from the Treasury;” – see [P.U.(A)367/1988].
(3) The Director and other officers and servants of the Council shall be responsible to the Committee.

(4) The Director, officers and servants of the Council shall hold office for such period, receive such salaries and allowances and be subject to such condition of service as may be determined by the Committee.

Finance Fund

11. For the purpose of this Schedule, there is hereby established a State Sports Fund to be administered and controlled by the Committee—

(a) into which shall be paid—

*(i) such sums as may be provided from time to time by the State Authority;

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

(iii) such sums as may from time to time be borrowed by the Council upon terms and conditions approved by the Minister after consultation with the Minister of Finance and State Authority for the purpose of meeting any of its obligation or discharging any of its duties;

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

(v) all gifts, donation and bequests from individuals companies, foundation and other sources;

(b) out of which shall be defrayed—

(i) all expenditure incurred by the Council in carrying out its functions; and

(ii) moneys for the repayment of any loan made to the Council pursuant to its power to borrow.

*NOTE—In its application to the Federal Territory Sports Council is modified by substituted for the word “State” the words “Federal Territory” – see [P.U.(A)367/1988].

**NOTE—In its application to the Federal Territory Sports Council is modified by substituted with “such sums as may from time to time be borrowed by the Council upon terms and conditions approved by the Minister of Finance and Federal Government for the purpose of meeting any of its obligations or discharging any of its duties;” – see [P.U.(A)367/1988].
Borrowing powers

*12. The Council may, upon the conditions approved by the Minister, in consultation with the Minister of Finance and the State Authority borrow such sums as it may require for carrying out any of its function under this Act.

Estimate of expenditure

13. (1) The Council shall provide the estimates of expenditure for every financial year and it shall be paid from the State Sports Fund. The estimate of expenditure shall be approved by the Minister, Menteri Besar or Chief Minister of the State.

(2) The Director shall be responsible for the custody of all funds of the Council which shall be deposited with a bank approved by the Chairman.

(3) All cheques drawn on the Account of the Council shall be signed by the Director and officers approved by the Committee.

(4) The Financial Year of the Council shall be from the 1st January to the 31st December.

Account and audit

14. (1) The Council 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 Council shall be audited annually by the Auditor General or his representative, State Auditor or auditors appointed by the Council with the approval of the Minister, Menteri Besar or Chief Minister of the State.

(3) The accounts of the Council shall be audited within six months of the end of each financial year and within such period the Committee shall cause a copy of the statement of accounts in such manner as the Minister, Menteri Besar or Chief Minister of the State may require to be transmitted to them, together with a copy of any observation made by the State Auditor or auditors appointed by the Committee.

Annual report

15. The Council shall not later than the 30th day of June of each year, cause to be made and transmitted to Minister, Menteri Besar or Chief Minister, a report dealing with the activities of the Council during the preceding year and containing such information relating to the proceedings and policy of the Council.

*NOTE—In its application to the Federal Territory Sports Council is modified by substituted with “The Council may, upon the conditions approved by the Minister of Finance and the Federal Government borrow such sums as it may require for carrying out any of its function under this Act.” – see [P.U.(A)367/1988].
Secrecy and penalty

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

(2) Any member knowingly contravening the above paragraph (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year.

Penal Code

17. All members of the Council and any officer or servant of the Council shall be deemed to be a public servant within the meaning of the Penal Code.

General

18. Subject to the provisions of this Act the Council may determine its own procedure.
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# LAWS OF MALAYSIA

## Act 29

**NATIONAL SPORTS COUNCIL OF MALAYSIA ACT 1971**

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