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Act 668

YOUTH SOCIETIES AND YOUTH DEVELOPMENT ACT 2007

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**YOUTH SOCIETIES AND YOUTH DEVELOPMENT
ACT 2007**

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LAWS OF MALAYSIA**Act 668****YOUTH SOCIETIES AND YOUTH DEVELOPMENT
ACT 2007**

An Act to register youth societies, promote and facilitate the development of youth in Malaysia from the aspect of education, research and human resource, to establish a National Youth Consultative Council, to establish the Malaysian Institute For Research In Youth Development and to provide for related matters.

*[Throughout Malaysia—31 December 2007,
[P.U. (B) 455/2007];
except Sabah and Sarawak—1 October 2010,
[P.U. (B) 414/2010].*

ENACTED by the Parliament of Malaysia as follows:

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the Youth Societies and Youth Development Act 2007.

(2) This Act comes into operation on such date as the Minister may appoint by notification in the *Gazette*, and the Minister may appoint different dates—

- (a) for the coming into operation of this Act in different parts of Malaysia;
- (b) for the coming into operation of different provisions of this Act; or

- (c) for the coming into operation of different provisions of this Act in different parts of Malaysia.

Interpretation

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

“youth activity” means any activity involving the youth whose objectives include the following:

- (a) to build youth character;
- (b) to develop patriotism among youths;
- (c) to spread the principles of the Rukun Negara;
- (d) to create the awareness among youth against negative element and values;
- (e) to enable youth awareness of culture, the environment, sports, health, spirituality and social welfare;
- (f) to provide opportunities for youth participation in urban and rural community development programmes;
- (g) to provide opportunities for training in leadership, skills and entrepreneurship; and
- (h) to assist the youth to adapt and form positive attitudes in facing the challenges and exigencies of life through the use of educational and life skills components;

“main body of youth societies at the national level” means a youth society registered under this Act and recognized as the main body of youth societies at the national level under section 49;

“youth” means a person not less than fifteen years and not more than forty years old;

“Institute” means the Malaysian Institute For Research In Youth Development established under section 55;

“head” includes President, Yang Dipertua, Chairman or any supreme position which refers to a highest ranking office in youth societies;

“Director General” means the Director General responsible for youth appointed under subsection 3(1);

“Board” means the Board of Directors of the Institute established under section 59;

“Council” means the National Youth Consultative Council established under section 35;

“Minister” means the Minister charged with the responsibility for youth affairs;

“Panel” means the Dispute Resolution Panel under section 29;

“office-bearers” means any person who is the president or vice-president, or secretary or treasurer of such society or any branch of a society, or who is a member of the committee or governing body thereof, or of any branch thereof or who holds in such society or branch of a society any office or position analogous to any of those mentioned above;

“Registrar” means the Registrar of Youth Societies appointed under subsection 4(1);

“society” includes any club, company, partnership, or association of seven or more persons whatever its nature or object, whether temporary or permanent, but does not include—

- (a) any company registered under the provisions of any written law relating to companies for the time being in force in Malaysia;
- (b) any company or association constituted under any written law;
- (c) any trade union registered or required to be registered under the provisions of any written law relating to trade unions for the time being in force in Malaysia;
- (d) any company, association or partnership formed for the sole purpose of carrying on any lawful business that has for its object the acquisition of gain by the company, association or partnership, or by individual members thereof;

- (e) any co-operative society, registered as such, under any written law;
- (f) any organization or association which has been granted a certificate by a person or authority appointed under the provisions of a written law for the time being in force relating to the registration of schools and that such organization or association forms part of the curriculum of a school; or
- (g) any school, management committee of a school, parents association or parents and teachers association registered or exempted from registration under any law for the time being in force regulating schools;

“youth society” means any society having the following criteria:

- (a) has a name which contains the word “youth” or a word which has similar or like meaning to the youth;
- (b) all the members who shall not be less than the ages of fifteen years and not more than forty years old or any affiliated or group of societies whose members shall not be less than fifteen years and not more than forty years old; and
- (c) has the objective to conduct youth activities;

“registered youth societies” means a youth society which is registered under subsection 9(1).

PART II

ADMINISTRATION OF ACT

Appointment of Director General, Deputy Director General and Directors

3. (1) The Minister shall appoint a public officer to be the Director General for the purpose of carrying out or implementing the policies or directives issued by the Minister under Part IV relating to youth development.

(2) The Minister may, from time to time, appoint from amongst the public service, such number of Deputy Directors General, Directors, Deputy Directors, Assistant Directors and such other officers as are necessary to assist the Director General in the performance of his functions and duties under this Act.

(3) All officers appointed under subsection (2) shall be subject to the supervision, direction and control of the Director General.

Appointment of Registrar, Deputy Registrar, Assistant Registrars, officers and other servants

4. (1) A Registrar of Youth Societies shall be appointed by the Minister.

(2) The Minister may appoint a Deputy Registrar of Youth Societies and such number of Assistant Registrars of Youth Societies, officers and other servants who shall be under the general direction and control of the Registrar.

(3) The Registrar shall have the powers and exercise the functions conferred on him by this Act, and in his absence such powers and functions may be had or exercised by the Deputy Registrar.

(4) The Assistant Registrar may exercise all the powers and functions conferred on the Registrar by or under this Act, subject to any restriction that may be imposed by the Registrar.

(5) All officers and other servants appointed under subsection (2) shall be deemed to be public servants for the purposes of the Penal Code [*Act 574*].

Powers of Registrar

5. In addition to the powers, duties and functions conferred on the Registrar by this Act and any regulations made thereunder, the Registrar shall have and may exercise all such powers, discharge all such duties and perform all such functions as may be necessary for the purpose of giving effect to and carrying out the provisions of this Act.

Power of delegation

6. (1) The Registrar may, in writing, delegate any of the powers conferred on him under this Act, except the power of delegation under this section, to the Deputy Registrar or any of the Assistant Registrars appointed under subsection 4(2).

(2) Any delegation under subsection (1) shall be subject to any restriction and limitation as may be prescribed by the Registrar in the instrument of delegation.

PART III

YOUTH SOCIETIES

Chapter 1

*Registration***Application for registration**

7. (1) Every youth society, other than that in respect of which an order made under section 33 is in force shall, in the manner prescribed apply to the Registrar for registration under this Act.

(2) Every youth society shall register with the Registrar except—

(a) any society that is established under any of the Acts as prescribed under the First Schedule; and

(b) any youth wing to any society other than youth societies.

(3) Every youth society registered under the Societies Act 1966 [Act 335] shall, within twelve months from the date of commencement of this Act or any term as agreed by the Minister, apply to the Registrar to be registered under this Act.

(4) Until the Registrar approves the registration of any youth society under subsection (3), the Societies Act 1966 shall continue to apply to such youth society.

Power of Registrar to call for information

8. (1) The Registrar may, in relation to any application for registration under subsection 7(1) or any other provision of this Act or regulations, call for such further information, and make such inquiries, as he may consider necessary.

(2) Where a person making any application fails to supply the further information called for or answer the inquiries made, under subsection (1), to the satisfaction of the Registrar, the Registrar may refuse the application.

Registration and refusal to register

9. (1) Upon receipt of an application under subsection 7(1), the Registrar shall, subject to the provisions of this section and to such conditions as the Registrar may deem fit to impose, register the youth society making the application.

(2) The Registrar may refuse to register a youth society if—

(a) he is satisfied that such youth society is a branch of any youth society whose registration has been cancelled under paragraph 20(1)(c) or under the Societies Act 1966;

(b) he is not satisfied that such society has complied with the provisions of this Act and of the regulations made thereunder; or

(c) a dispute exists among the members of such society as to the persons who are to be the office-bearers or to hold or administer any property of the society until the dispute is resolved.

(3) The Registrar shall refuse to register a youth society if—

(a) it appears to him that such society is unlawful under the provisions of this Act or any other written law or is likely to be used for unlawful purposes or any purpose prejudicial to or incompatible with peace, welfare, security, public order or morality in Malaysia;

- (b) the society has been declared by the Minister to be unlawful under section 33;
- (c) the Registrar is satisfied that the society does not exist;
- (d) the name under which the society is to be registered—
 - (i) appears to the Registrar to mislead or be calculated to mislead members of the public as to the true character or purpose of the society or so nearly resembles the name of such other society as is likely to deceive the members of the public or members of either society;
 - (ii) is identical to that of any other existing youth society; or
 - (iii) is, in the opinion of the Registrar, undesirable; or
- (e) the constitution or rules of the society do not contain provisions for all matters set out in the Second Schedule or any other matters which the Registrar may reasonably require.

(4) Where the Registrar has refused to register a youth society under this section, the provisions of section 25 shall apply to that youth society.

(5) Any society that contravenes any condition imposed on it by the Registrar under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding three thousand ringgit.

Certificate of registration

10. The Registrar, on registering a youth society under subsection 9(1), shall issue to the society a certificate of registration in the prescribed form and that certificate unless proved to have been cancelled, shall be conclusive evidence for all purposes that the society has been duly registered under this Act.

Chapter 2

Provisions applicable to registered youth societies

Provisions applicable to registered youth societies

11. The following provisions shall apply to registered youth societies:

- (a) the movable property of any youth society, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of the youth society, and may, in all civil and criminal proceedings, be described as the property of the governing body of the youth society by its proper title if known;
- (b) the immovable property of any youth society may, if not registered in the names of trustees, notwithstanding the provisions of any written law to the contrary, be registered in the name of the youth society, and all instruments relating to that property shall be as valid and effective as if they had been executed by a registered proprietor provided that they are executed by three office-bearers for the time being of the youth society, whose appointments are authenticated by a certificate of the Registrar, and sealed with the seal of the youth society;
- (c) a youth society may sue or be sued in the name of such one of its members as shall be declared to the Registrar and registered by him as the public officer of the youth society for that purpose, and, if no such person is registered, it shall be competent for any person having a claim or demand against the youth society to sue the youth society in the name of any office-bearer of the youth society;
- (d) no suit or proceedings by or against any youth society in any civil court shall abate or discontinue by reason of the person, by or against whom the suit or proceedings has been brought or continued, dying or ceasing to fill the character in the name whereof he has sued or been sued, but the same suit or proceedings shall be continued in the name of or against, the successor of, that person;

- (e) (i) no judgment in any such suit against any youth society shall be put into force against the person or property of the person sued but against the property of the youth society;
- (ii) the application for execution shall set forth the judgment, the fact of the party against whom it has been recovered having sued or having been sued, as the case may be, on behalf of the youth society, and shall require to have the judgment enforced against the property of the youth society;

(f) any member who—

- (i) fails to pay a subscription which, according to the rules of the youth society to which he belongs, he is bound to pay;
- (ii) owes money to the youth society;
- (iii) contrary to the rules of the youth society, takes possession of or detains, any property thereof; or
- (iv) injures or destroys any property thereof,

may be sued for that subscription or money or for the damage accruing from that wrongful possession, detention, injury or destruction of property:

Provided that if the defendant is successful in that suit and is awarded costs, he may elect to recover them from the officer in whose name the suit was brought or from the youth society and, in the latter case, may have execution against the property of the youth society;

(g) any member who—

- (i) commits theft of, or dishonestly misappropriates or converts to his own use, any money or other property;
- (ii) wilfully and maliciously destroys or injures any property of the youth society; or

- (iii) forges any deed, bond, security for money, receipt or other instrument whereby the funds of the youth society may be exposed to loss,

shall be liable to be prosecuted and punished as if he were not a member; and

- (h) in the absence of specific provision in the rules of a youth society, any number not less than three fifths of the members of any such youth society for the time being resident in Malaysia may determine that such youth society shall be dissolved forthwith or at a time agreed, and all necessary steps shall be taken for the disposal and settlement of the property of such youth society, its claims and liabilities, according to the rules, if any, of the said youth society applicable thereto and if none, then as the governing body shall direct:

Provided that if any dispute shall arise among the members of the said governing body or the members of such youth society under paragraph (h), such dispute shall be resolved in accordance to sections 28 and 29.

Head of youth societies

12. Any member appointed or elected as a head in any youth society at the national level shall hold office for a period not exceeding six years continuously.

Disqualifications applicable to office-bearers, advisers and employees of registered youth societies

13. (1) Subject to subsections (2) and (4), a person shall be disqualified from being, and shall not become or remain, an office-bearer, adviser or employee of a registered youth society—

- (a) if he has been convicted of any offence against this Act;
- (b) if he has been convicted of any offence under any other law and sentenced to a fine of not less than five thousand ringgit or to imprisonment for a term of not less than one year or to both;

- (c) if there is in force against him any order of detention, restriction, supervision, restricted residence, banishment or deportation under any law relating to the security of or public order in Malaysia or any part thereof or to prevention of crime, preventive detention, restricted residence, banishment or immigration;
- (d) if he is an undischarged bankrupt;
- (e) if he is and has been found or declared to be of unsound mind;
- (f) if he dies; or
- (g) subject to section 14, if he is found to be disqualified by the Registrar from holding such office on any reasons as the Registrar may consider proper and necessary.

(2) The disqualification of a person under paragraph (1)(b) shall cease at the end of the period of five years beginning with the date on which the person convicted was released from custody or the date on which the fine mentioned was imposed, as the case may be.

(3) The disqualification of any person under paragraph (1)(c) shall cease as soon as such person is discharged from the relevant order.

(4) The disqualification of any office-bearer due to bankruptcy shall cease when a receiving and adjudicating order has been revoked.

(5) Where the Registrar, by notice under his hand notifies a youth society that any office-bearer, adviser or employee of a youth society has become disqualified under subsection (1), the youth society shall immediately give effect to such disqualification.

(6) Any person who is subject to any disqualification under paragraph (1)(a), (b) or (c) may apply to the Registrar to be exempted from the application of such disqualification, and the Registrar may, if he deems it is proper to do so, grant him such exemption for such period as the Registrar may specify and subject to such limitations, restrictions, terms or conditions as he may decide to impose.

(7) Any person who contravenes any provision of subsection (1), other than paragraphs (1)(e) and (f), or any limitation, restriction, term or condition imposed under subsection (6) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding three years or to both.

(8) For the purposes of subsection (1), “office-bearer” includes—

- (a) a member of any sub-committee or other body established or formed by the governing body of a registered youth society, or by the governing body of a branch of such youth society;
- (b) any person who is responsible for the management of any of the affairs or the conduct of any of the activities of a registered youth society or any branch of such youth society; and
- (c) any person who is appointed or authorized to represent, or act on behalf of, a registered youth society or any branch of such youth society, in any matter, other than a person who, not being a member of the youth society, is engaged by the youth society to represent, or act on behalf of, the youth society or any branch of such society in his professional capacity or by contractual arrangement.

(9) Any person who is, immediately before the commencement of this section, an office-bearer, advisor, or employee of a registered youth society may continue to remain as such until the expiry of the current term of his office or appointment or the termination of his contract of service, as the case may be, notwithstanding that he is disqualified under subsection (1).

Representations

14. (1) The Registrar may give notice to any office-bearer of a registered youth society to make representations to the Registrar before he can be disqualified by the Registrar from holding an office under paragraph 13(1)(g).

(2) The representations may be made before the Registrar by personal appearance or through the presentation of documents, or both.

(3) The representations shall be made within thirty days from the date of the notice by the Registrar to the office-bearer.

(4) Any office-bearer of a registered youth society who is disqualified from holding office may appeal to the Minister against the Registrar's decision within thirty days from the date of such decision.

(5) The Minister's decision against an appeal shall be final and shall not be challenged in any court in Malaysia.

Condition to cessation of disqualification

15. The cessation of disqualification of an office-bearer of a registered youth society shall be subject to the condition that he has yet to attain the age of forty years on the date of such cessation.

Inspection of documents and evidentiary value of copies certified by Registrar

16. (1) Subject to subsection (2), documents filed with the Registrar in pursuance to any provision of this Act or any regulations made thereunder and any copy of any certificate, order, notice or any other document issued by the Registrar under this Act may, on payment of the prescribed fee—

(a) be inspected by any person; or

(b) be obtained by any person from the Registrar:

Provided that the person seeking the inspection or copy states the purpose for which he requires the same, and the Registrar is satisfied that such purpose is a lawful purpose, and that the inspection or copy is not being sought by or on behalf of an unlawful society.

(2) No person, other than a person whom the Registrar is satisfied to be a member of a registered youth society, may inspect or obtain from the Registrar the accounts of such youth society or a copy thereof.

(3) A copy of or an extract from any document received at the office of the Registrar certified to be true copy or extract under the hand and seal of the Registrar shall, in any proceedings be admissible in evidence without any further proof.

Change of name, place of business and rules of registered youth society

17. (1) No registered youth society shall—

(a) change its name or place of business; or

(b) amend its rules,

without the prior approval of the Registrar, and an application for any such change, or amendment of its rules shall be made to the Registrar within sixty days from the date of the decision to make the change or the amendment.

(2) If a registered youth society fails to comply with this section, the registered youth society and every office-bearer of such youth society shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

(3) For the purpose of this section—

(a) the expression “amend” and its cognate expression shall include a new rule and a resolution rescinding a rule; and

(b) the expression “rules” includes the aims and objects for which a youth society is formed, or which it may pursue, or which its funds may be applied, the qualifications for membership and for the holding of any office, the method of appointment or election to any office, the

rules by which the youth society is to be governed and the method and manner by and in which any of the above matters may be amended.

Branch of a youth society

18. (1) No registered youth society shall establish a branch without the prior written approval of the Registrar.

(2) The Registrar may refuse his consent to the establishment of a branch of the registered youth society if—

(a) the rules of the registered youth society do not provide for the establishment of a branch of the registered youth society; or

(b) the rules of the branch of the registered youth society are such as to make the branch of the registered youth society an independent society under the control of the youth society.

(3) Where a registered youth society establishes a branch without the prior approval of the Registrar, the branch so established shall be an unlawful youth society:

Provided that a branch of a registered youth society established and in existence immediately before the commencement of this Act shall not be deemed to be an unlawful youth society if within six months from the commencement of this Act or such extended period, not being more than three months, as the Registrar may allow, such youth society applies to the Registrar in writing for his approval under this section, and in considering such application the Registrar shall have all the powers conferred upon him by subsection (2).

(4) The provisions of this Act, other than subsection 7(1), sections 9 and 10, shall apply to any branch of a registered youth society approved under this section as though such branch were a registered youth society under Part III of this Act.

(5) Where an approval to establish a branch has been given, such branch shall be established within three months thereof unless the Registrar has granted an extension of time.

Liability of registered youth society in respect of contracts entered into by a branch

19. (1) Notwithstanding anything contained in section 18, a registered youth society shall not sue or be sued in respect of any contract entered into by any branch thereof, or by any office-bearer of such branch, unless such contract—

- (a) has been entered into by the branch by virtue of an express permission given to the branch by the committee or governing body of the registered youth society; or
- (b) is a contract within a particular class or description which the branch is generally or specifically authorized by the registered youth society to enter into, and,

the provisions of paragraphs 11(c), (d) and (e) shall be construed accordingly in their application to any suit, proceeding, judgement, or application for execution in relation to any contract entered into by a branch of a registered youth society.

(2) Without prejudice to subsection (1), where a branch, which in this subsection is referred to as the “subordinate branch”, is under the control and responsible to another branch, which in this subsection is referred to as the “superior branch”, the superior branch may sue or be sued for contracts entered into by the subordinate branch if—

- (a) such contract is entered into by virtue of an express written permission given by the superior branch; or
- (b) such contract is a contract which is within the class or description of contracts which the subordinate branch is authorized by the superior branch to enter:

Provided that a branch shall in any case be deemed to be under the control and responsible to another branch if members of the superior branch are nominated or elected or otherwise chosen from the members of the subordinate branches.

Cancellation and suspension

20. (1) Subject to subsection (2), the Registrar may, in the following cases, cancel the registration of any youth society registered under section 9:

- (a) upon its dissolution by the registered youth society to be verified in such manner as the Registrar may require or upon dissolution by the Registrar in accordance with this Act;
- (b) on the order made by the Minister under section 33;
- (c) if the Registrar is satisfied—
 - (i) that the registration was effected as the result of a fraud or a mistake or misrepresentation in any material particular;
 - (ii) that the registered youth society is likely to be used for unlawful purposes or for purposes prejudicial to or incompatible with peace, welfare, security, public order or morality in Malaysia;
 - (iii) that the registered youth society is pursuing objects other than the objects with which the youth society is registered;
 - (iv) that the registered youth society has willfully contravened any provision of this Act or of any regulations made thereunder or of any of its rules or that any members of the registered youth society have habitually contravened the provision of subsection 4(1) of the Sedition Act 1948 [Act 15] by any acts or utterances to which paragraph 3(1)(f) of that Act applies;
 - (v) that the registered youth society has ceased to exist;
 - (vi) that the registered youth society has failed to comply with an order made by the Registrar under section 21;

(vii) that the registered youth society has failed to comply with the provisions of section 31; or

(viii) that the registered youth society has contravened the provisions of section 91; and

(d) upon the registered youth society becoming unlawful under subsection 23(6) for failure to furnish written information.

(2) Where the Registrar proposes to cancel the registration of any registered youth society under paragraph (1)(c) the Registrar—

(a) shall notify one or more of the office-bearers of such youth society of his intention to cancel the registration of that youth society; and

(b) shall give him or them an opportunity to submit reasons in writing within thirty days from the date of the notification why the registration should not be cancelled.

(3) The Registrar may, during the period specified in paragraph (2)(b), by order in writing suspend all or any of the activities of the youth society—

(a) where he thinks it necessary to do so—

(i) in the public interest; or

(ii) in the interest of the registered youth society; or

(b) to restrain the youth society from further violating any provision of this Act, any regulations made thereunder or any rules of the youth society.

(4) An order made under subsection (3)—

(a) may contain such conditions as the Registrar deems necessary or expedient; and

(b) shall continue in force until the order is revoked or the registration of the youth society is cancelled.

(5) An office-bearer or any person managing or assisting in the management of a youth society who fails to comply with an order made under subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit, and, in the case of a continuing offence, to a further fine not exceeding five hundred ringgit for each day during which the offence continues after conviction.

(6) Where the Registrar cancels the registration of any youth society under this section or under any other provision of this Act, the provisions of section 25 shall apply to that youth society and such cancellation shall be published in the *Gazette*.

Power of Registrar to make certain orders in respect of registered youth societies

21. (1) Where the Registrar is satisfied that it is necessary to do so in the interest of any registered youth society, or in the interest of public order, safety or security or otherwise in the public interest, the Registrar may at any time, after giving the youth society an opportunity to make representations to him, make an order in writing—

(a) requiring the youth society, within the time specified in the order, to provide in its rules or constitution that the office-bearers of the youth society shall be Malaysian citizens, and, consequently, requiring the youth society to remove from office all persons who, not being Malaysian citizens, were office-bearers of the youth society immediately before the making of the order; or

(b) prohibiting the youth society from having, directly or indirectly, any affiliation, connection, communication, or other dealing whatsoever, with any society, organization or other body whatsoever outside Malaysia, or with any authority, governmental or otherwise, in any country, territory or place outside Malaysia.

(2) The Registrar may at any time, after giving a registered youth society an opportunity to make representations to him,

make an order in writing requiring the youth society, within the time specified in the order, to amend its rules or constitution so as to—

- (a) have the same conform to, or be consistent and in accordance with the provisions of this Act or regulations made thereunder; or
- (b) remove any ambiguity or vagueness, or provide for greater clarity and preciseness of meaning in any provision; or
- (c) provide for any other matter which the Registrar may deem necessary, reasonable or expedient to require.

(3) Where the Registrar makes an order under subsection (1) or (2) he may include in that order, or make or give at any time, any consequential or ancillary requirements or directions in relation to such order as he may deem necessary or expedient to make or give.

(4) The Registrar may, on application in writing made to him by a registered youth society, extend the time provided by him to the youth society in any order made under subsection (1) or (2) if he is satisfied that the youth society has given good grounds in its application and it would be just and proper to grant such extension.

(5) For the purposes of subsection (1), “office-bearer” includes the persons specified in paragraphs 13(8)(a), (b) and (c).

(6) Any youth society which contravenes any order given by the Registrar under subsection (1) or (2) or any requirement or direction made or given by him under subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Information to be furnished by registered youth societies

22. Every registered youth society shall, within sixty days after the holding of its annual general meeting or if no annual general

meeting is held, within sixty days after the end of each calendar year, forward to the Registrar—

- (a) a true and complete copy of any amendments to the rules of such youth society made since the date of registration or of the last return;
- (b) a true and complete list of office-bearers and the number of members of such youth society residing in Malaysia or present therein at the date of such return or, if such youth society has no office-bearers residing or present in Malaysia, the name, address and occupation of the person or persons in Malaysia authorized to act for or on behalf of the youth society and the number of members as aforesaid together with a true and complete list of the office-bearers of all the branches, if any, of the youth society;
- (c) the address or the place of business of the youth society;
- (d) the accounts of the last financial year of the youth society together with a balance sheet showing the financial position at the close of the last financial year of the youth society;
- (e) the name and address of any society, association, or any other body of persons, incorporated or unincorporated, outside Malaysia to which the youth society is in any way associated or affiliated;
- (f) the description of any money or property, any pecuniary benefit or advantage received by the youth society from any source outside Malaysia and other relevant particulars; and
- (g) such other information as the Registrar may from time to time require.

Registrar to approve audit and provisional order for dissolution

23. (1) The Registrar may, at any time by notice, order any registered youth society to furnish him—

- (a) a true and complete copy of the rules of any such youth society in force at the date of such order;

- (b) a true and complete list of office-bearers and members of any such youth society or of any branch of any such youth society residing in Malaysia or present therein at the date of such order;
- (c) a true and complete return of the number of meetings held by any such youth society or branch in Malaysia within the period of six months immediately preceding such order stating the place where such meetings were held;
- (d) duly audited accounts;
- (e) the name and address of any society, association or any other body of persons, incorporated or unincorporated, outside Malaysia affiliated to the youth society and other particulars relating thereto;
- (f) the description of any money or property, any pecuniary benefit or advantage received by the youth society from any source outside Malaysia and other particulars relating thereto; or
- (g) such other information as the Registrar may from time to time require.

(2) A notice given under subsection (1) shall specify the time being not less than fourteen days within which the information shall be supplied:

Provided that the Registrar may at his discretion, on application made to him and on good cause being shown, grant an extension of time.

(3) For the purpose of this section, “duly audited” means audited by an auditor approved by the Registrar, and the Registrar may give such approval and the auditor so approved shall make a report on the accounts examined by him in such form as the Registrar may require.

(4) Where the particulars required to be furnished under subsection (1) are not furnished within the time stated in the notice, or any extension allowed by the Registrar, the Registrar may make a provisional order for the dissolution of the youth society.

(5) If before the expiration of thirty days from the date of such provisional order the particulars required to be furnished under subsection (1) are so furnished, the Registrar may cancel the order.

(6) Upon the expiration of thirty days from the date of such provisional order or if there is an appeal where such appeal is dismissed, the said order shall become absolute and the registered youth society shall be deemed to be an unlawful youth society and its registration shall be cancelled.

(7) Any registered youth society which, on the ground of its failure to comply with an order under this section, has had its registration cancelled under section 20 shall not be entitled to apply for registration until such order has been complied with or unless it is proven to the satisfaction of the Registrar that it is impossible to comply with the order.

Persons responsible for supplying information

24. (1) The obligations imposed upon registered youth societies by sections 22 and 23 shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such youth society in Malaysia:

Provided always that any such office-bearer or other person shall not be so bound unless he has been served with the order given by the Registrar.

(2) Where a notice, order, or other document is served upon a person who has ceased to be an office-bearer of a youth society, he shall forthwith deliver such notice, order or document upon an existing office-bearer of the youth society, or if unknown, shall return it to the Registrar who sent it, and any person who fails to do so commits an offence and shall, on conviction, be liable to a fine not exceeding three thousand ringgit.

(3) If any registered youth society fails to comply with the whole or part of any order given under sections 22 and 23, each of the persons mentioned in subsection (1) who has been served with the order commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit unless he establishes to the satisfaction of the court that he has exercised

due diligence and has failed to comply with the order for reasons beyond his control.

(4) If any information supplied to the Registrar in compliance with an order given under sections 22 and 23 is false, incorrect or incomplete in any material particular, the person who has supplied such information commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit unless he establishes to the satisfaction of the court that he had good reasons to believe that the information was true, correct and complete.

Consequence of order of the Minister under section 33, refusal of the Registrar to register a youth society under section 9 and cancellation of registration of a youth society under section 20

25. (1) Upon the making of an order by the Minister under section 33 or upon the refusal of the Registrar to register a youth society under section 9, or upon the cancellation of the registration of a youth society under any provision of this Act, the following consequences shall apply:

- (a) the property of the youth society shall forthwith vest in the Director General of Insolvency, for the purpose of winding up the affairs of the youth society;
- (b) the Director General of Insolvency shall proceed to wind up the affairs of the youth society, and after satisfying and providing for all debts and liabilities of the youth society and the costs of the winding up shall pay the surplus assets, if any—
 - (i) on the direction by the Minister, if the registration was refused or cancelled by virtue of an order under section 33 or on grounds stated in paragraph 9(3)(a) or subparagraph 20(1)(c)(ii) or if the members of the society so request, such surplus assets be paid to the Consolidated Fund; and
 - (ii) in all other cases, to members of the youth society according to the rules of the youth society, or if there be no such rules, then the Director General of Insolvency shall prepare a scheme for the application of such surplus assets for the approval of the High Court;

- (c) the application for approval of such scheme shall be made by way of originating summons and may be amended by the Court in such way as it thinks proper under the circumstances of the case;
- (d) upon the approval of the Court to such scheme or amended scheme being obtained, the surplus assets, the subject of such scheme shall be held and applied by the Director General of Insolvency upon the terms and to the purposes prescribed in the order of the Court; and
- (e) for the purposes of the winding up the affairs of the youth society, the Director General of Insolvency shall have all the powers under any written law relating to bankruptcy or winding up of companies for the purpose of the realization of property under this Act.

(2) The Registrar may, with the consent of the Minister, suspend the operation of this section to such extent and for such period as he may think expedient.

(3) The Registrar or the Director General of Insolvency may require—

- (a) the governing body of the youth society, being the governing body existing immediately before the coming into effect of subsection (1) in relation to that youth society;
- (b) any member of such governing body; or
- (c) any person who was then or at any time previously an office-bearer, member or employee of that youth society,

to furnish to the Registrar or the Director General of Insolvency, as the case may be, or to such other person as the Registrar or the Director General of Insolvency may specify, any information in relation to the property, affairs, business, accounts or books of that youth society, or any other matter relating to that youth society, which may be required for the purposes of this section.

(4) Subject to subsection (5), it shall not be an offence under this Act for anything done by any person mentioned under subsection (3) in complying with such subsection provided that such thing is otherwise lawfully done.

(5) Any person mentioned under subsection (3) who fails to comply with any requirement of the Registrar or the Director General of Insolvency under that subsection, or does anything outside the scope of, or contrary to, any authorization of the Registrar or the Director General of Insolvency under subsection (3), commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(6) For the purpose of subsection (3), “office-bearer” includes any person referred to in paragraphs 13(8)(a), (b) and (c).

(7) For the avoidance of doubt, it is hereby declared that where the property of a registered youth society vests in the Director General of Insolvency under paragraph (1)(a), the property of every branch of such youth society, regardless whether it is a lawful or an unlawful branch, shall also vest in the Director General of Insolvency and this section shall accordingly apply to every such branch and its property.

Application of section 25 to unlawful branch of registered youth societies

26. Where a branch of a registered youth society—

- (a) has been declared unlawful by an order of the Minister under section 33;
- (b) is notified by the Registrar to the Director General of Insolvency to be an unlawful youth society under subsection 18(3); or
- (c) has, otherwise howsoever, become an unlawful society under subsection 86(1),

the provisions of section 25 shall apply to the branch of the registered youth society and its property in the same manner as they apply to a registered youth society and its property, and the

reference to the governing body of the registered youth society under subsections 25(3) and (5) shall be accordingly construed as a reference to the governing body of the branch concerned.

Vesting of property of a youth society whose registration has been cancelled in a new registered youth society

27. (1) Any new youth society established in replacing the registered youth society which has been cancelled by the Registrar under section 20, may apply in writing to the Director General of Insolvency for vesting all assets, debts and liabilities of the old youth society and its branch which has already vested to the Director General of Insolvency under paragraph 25(1)(a) to the new registered youth society.

(2) Notwithstanding subparagraph 25(1)(b)(ii), the Director General of Insolvency may, if he is satisfied that—

- (a) the new youth society has been registered under this Act;
- (b) the constitution and the rules of the new youth society are similar to the constitution and the rules of the old youth society;
- (c) the majority of persons who were lawful members of the old youth society immediately before the cancellation of its registration are members of the new youth society; and
- (d) the governing body of the new youth society has given written undertaking that the new society will assume responsibility for all the aforesaid debts and liabilities then existing,

apply to the High Court for an order for vesting all the assets, debts and liabilities of the old youth society and all its branches in the new youth society.

(3) The Court may, if it is satisfied as to all the matters mentioned under subsection (2) approve such application as applied by the Director General of Insolvency with such modifications or variations as deem fit and expedient.

(4) The application shall be made by way of originating summons which shall be published in the *Gazette* and advertised in newspapers in the national language and in English, circulating in Malaysia.

(5) Any person likely to be affected or aggrieved by the decision of the Court, in his capacity as a member of either the old or new youth society or as a creditor of the old youth society may apply to the Court to appear and make representation thereon in accordance with *the Rules of the High Court.

(6) Any person who was a lawful member of the old youth society immediately before the cancellation of its registration and who is not a member of the new youth society who does not object to the application of the Director General of Insolvency shall be discharged from all debts and liabilities of the old youth society and all its branches upon the making of the order sought by the Director General of Insolvency.

(7) Upon a vesting order being made by the Court under subsection (3), all the property comprised therein shall vest accordingly in the new youth society without any further conveyance, transfer or assignment.

(8) It shall be lawful for the Director General of Insolvency to do or take such action as may be necessary to manage any property or discharge the debts and liabilities of the old youth society although an application under subsection (2) is pending in the court.

(9) The Director General of Insolvency shall publish such decision under subsection (3) in the *Gazette* and advertise it in newspapers in the national language and in English, circulating in Malaysia, and thereupon the Director General of Insolvency shall be fully discharged from all his responsibilities and liabilities in the matter.

(10) All costs and expenses incurred by the Director General of Insolvency in the matter shall be paid out of the assets of the old youth society and all its branches, in priority to all other debts and liabilities.

*NOTE—The Rule of High Court 1980 [P.U. (A) 50/1980] are repealed by Rules of Court 2012 [P.U.(A) 205/2012]—see Order 1 rules 1 and Order 94 rules 1 of Rules of Court 2012 [P.U.(A) 205/2012] w.e.f. 1 August 2012.

(11) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the publication in the *Gazette* of the decision of the Court under subsection (3) shall be of full force and effect against or in favour of the new youth society and enforceable as fully and effectually against the new youth society.

(12) The provisions of subsections 25(3), (5) and (6) shall apply in relation to this section in the same manner as they apply in relation to section 25.

Chapter 3

Disputes and Dispute Resolution Panel

Disputes

28. (1) Any unresolved dispute in any youth society may be referred to the Registrar for his decision.

(2) Any disputing party aggrieved by the decision made by the Registrar shall appeal to the Dispute Resolution Panel.

Dispute Resolution Panel

29. (1) The Dispute Resolution Panel shall consist of—

(a) the Secretary General of the Ministry responsible for youth as the Chairman; and

(b) two other members appointed by the Minister.

(2) In exercising its duty and function in making a decision, the Panel may direct the disputing party to disclose any document or appear before it or give any direction as it deems fit.

Chapter 4

Appeals

Appeals

30. (1) Any registered youth society, office-bearer or member of such youth society or any other person who is aggrieved by

the decision of the Dispute Resolution Panel under section 29 or any decision of the Registrar in any of the following cases:

- (a) cancellation of the registration of the youth society under section 20;
- (b) refusal to register the youth society under section 9;
- (c) refusal to grant exemption under subsection 13(6) to a qualified person to hold office in any youth society;
- (d) refusal to approve the change of name or place of business of the youth society, or amendment of its rules under section 17;
- (e) refusal to approve the establishment of a branch of the youth society under section 18;
- (f) cancellation of the registration of the youth society under section 31;
- (g) order prohibiting non-citizens from holding office in a youth society or prohibiting affiliation, connection, communication or other dealing with any society outside Malaysia and other matters mentioned in subsection 21(1);
- (h) order to amend rules or constitution of the youth society under subsection 21(2);
- (i) refusal to approve an auditor or approving an auditor under subsection 23(3) who is unacceptable to the youth society;
- (j) making a provisional order for the dissolution of the youth society under subsection 23(4); or
- (k) refusal to grant permission under section 13 to become an office-bearer,

may, within thirty days from the date of the decision of the Dispute Resolution Panel or the Registrar, appeal against the decision to the Minister.

(2) The Minister may confirm, reject or vary the decision of the Dispute Resolution Panel or the Registrar and his decision shall be final.

Chapter 5

General Provisions

Registered youth societies to act in fulfilment of the Constitution

31. It shall be the duty of every registered youth society in carrying out its activities and in conducting its affairs to ensure that they are in accordance with, and conducive to the fulfillment of and adherence to, the provisions of the Federal Constitution and the State Constitution, and where any of the activities or affairs of any registered youth society is in any manner violative of, or derogatory to, or militates against, or shows disregard for—

- (a) the system of democratic government headed by a constitutional sovereign of Malaysia, and in the states, by the respective constitutional Rulers or Yang di-Pertua Negeri;
- (b) the position of Islam as the religion of Malaysia, with other religions being practised in peace and harmony;
- (c) the use of the National Language for official purposes;
- (d) the position of the Malays and of the natives of the States of Sabah and Sarawak; or
- (e) the legitimate interests of the other communities,

as provided under the Federal Constitution or any of the State Constitution, the Registrar may cancel the registration of the youth society after giving the youth society an opportunity to make representations to him.

Youth societies deemed to be established in Malaysia

32. (1) Subject to subsection (2) a youth society shall be deemed to be established in Malaysia, although it is organized and has its headquarters or chief place of business outside Malaysia, if any of its office-bearers or members resides in Malaysia or is

present therein, or if any person in Malaysia manages or assists in the management of such youth society or solicits or collects money or subscription in its behalf.

(2) No youth society shall be deemed to be so established, if and so long as—

- (a) it is organized and is operating wholly outside Malaysia;
- (b) no office, place of business or place of meeting is maintained or used in Malaysia by such youth society or by any person in its behalf;
- (c) no register of all or any of the members of such youth society is kept in Malaysia; or
- (d) no subscriptions are collected or solicited in Malaysia by the youth society or by any person on its behalf.

Power of the Minister to declare a youth society unlawful

33. (1) The Minister may, by order, declare unlawful any youth society or branch or class or description of any youth societies which in his opinion, is or is being used for purposes prejudicial to or incompatible with the interest of the security of Malaysia or any part thereof, public order or morality.

(2) An order made under this section shall be published in the *Gazette* and shall operate to cancel immediately the registration of any such youth society, if already registered under this Act and no youth society against which an order made under this section applies shall be so registered.

(3) The provisions of section 25 shall apply in respect of a youth society affected by the order made under this section.

PART IV

YOUTH DEVELOPMENT

Policies in relation to youth development

34. (1) The Minister shall be responsible for providing or issuing policies or directives in respect of matters relating to youth

development from the aspect of education, research and human resource and in providing or issuing such policies or directives, the Minister shall consult the State Authority.

(2) Without prejudice to the generality of subsection (1), the policies or directives may be made for all or any of the following purposes:

- (a) youth knowledge development;
- (b) youth attitude development;
- (c) youth leadership and organisational development;
- (d) youth vocational and entrepreneurial development;
- (e) inculcation of a healthy lifestyle in the youth;
- (f) facilities for social interaction for the youth;
- (g) youth partnership in development; and
- (h) international relations and networking amongst the youth.

(3) The Minister may, from time to time, give the Director General directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretion conferred on the Director General, and the duties required to be discharged by the Director General under this Act and regulations made under this Act, in relation to all matters on youth development, and the Director General shall give effect to every such directions.

PART V

NATIONAL YOUTH CONSULTATIVE COUNCIL

National Youth Consultative Council

35. A council by the name of “National Youth Consultative Council” is established.

Function of the Council

36. The function of the Council is to act as a consultative body in matters relating to youth development.

Members of the Council

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

- (a) the Minister as Chairman;
- (b) the Secretary General of the Ministry responsible for youth matters;
- (c) the Director General;
- (d) a representative who is in charge of youth matters of each State Government;
- (e) a representative from the Ministry responsible for Federal Territories;
- (f) not more than ten representatives from the government agencies dealing with youth matters to be determined by the Minister;
- (g) not more than twenty five officers of the Ministry responsible for youth matters to be appointed by the Minister;
- (h) all the members of the Supreme Council and Executive Committee of the main body of youth societies at the national level; and
- (i) not more than twenty persons who in the opinion of the Minister, are likely to contribute effectively to youth development, to be appointed by the Minister.

(2) The Minister may appoint temporarily any member of the Council to perform the functions of the Chairman for the period when the Chairman is, by reason of illness, leave of absence or any other reason, unable to perform his functions.

(3) A member appointed as the Chairman under subsection (2) shall during the period in which he is performing the functions of the Chairman under this section, be deemed to be the Chairman.

Council may invite others to conferences or meetings

38. The Council may invite any person to attend any conference or meeting of the Council for the purpose of advising or assisting it on any matter under discussion.

Tenure of office

39. (1) Subject to such conditions as may be specified in his instrument of appointment, a member of the Council appointed under paragraph 37(1)(i) shall hold office for a period not exceeding two years.

(2) A member of the Council appointed under paragraph 37(1)(i) shall be eligible to be reappointed.

Revocation of appointment and resignation

40. (1) The Minister may at any time revoke the appointment of any member of the Council appointed under paragraph 37(1)(i) without assigning any reason for the revocation.

(2) A member of the Council may at any time resign from his appointment by giving fourteen days notice in writing to the Minister.

Vacation of office

41. The office of a member appointed under paragraph 37(1)(i) shall be vacated, if—

(a) there has been proved against him or he has been convicted for any offence—

(i) involving fraud, bribe, dishonest or moral turpitude;
or

(ii) punishable with imprisonment, in itself only or in addition to or in lieu of a fine, for more than two years;

- (b) he is of unsound mind or is otherwise incapable of discharging his duties;
- (c) he becomes a bankrupt;
- (d) he has not attended three conferences consecutively without the Chairman's consent;
- (e) there has been in force against him an order of detention, restricted residence, deportation or similar order under any law relating to the security or public order;
- (f) his resignation is accepted by the Minister;
- (g) his appointment is revoked by the Minister; or
- (h) he dies.

Filling of vacancies

42. Where a person ceases to be a member of the Council, the Minister may appoint another person to fill the vacancy and any person so appointed shall hold office for the remaining period.

Committees

43. (1) The Council may establish any committee as it considers necessary or expedient to assist it in the performance of its functions.

(2) The Council may elect any of its members to be the Chairman of the committee.

(3) The Chairman of a committee may, with the consent of the Council appoint any person to be a member of a committee.

(4) A committee may invite any person to attend any meeting of the committee for the purpose of advising or assisting it on any matter under discussion but that person shall not be entitled to vote at the conference, meeting or deliberation.

Secretariat

44. (1) A joint secretariat of the Council consisting of officers from the department responsible for youth and the main body of youth societies at the national level shall be responsible in carrying out the functions of the Council.

(2) The Minister shall appoint a public officer to be the secretary to the joint secretariat who shall be responsible for the overall administration and management of the day to day affairs of the Council and the joint secretariat.

Remuneration or allowances

45. The Chairman and the members of the Council or a committee and any person invited to attend the conference of the Council or a meeting of the committee may be paid such remuneration or allowance at such rates as the Minister may determine after consultation with the Minister of Finance.

Conference of Council

46. (1) The Council shall convene its conference not less than twice a year at such time and place as may be appointed by the Chairman.

(2) The quorum for the conference shall not be less than half of the total filled members of the Council.

(3) Any decision of the Council shall be made by way of consultation.

Disqualification to be a member

47. (1) Any member of the Council representing a youth society affiliated to the national main body of youth societies at the national level who no longer holds office in his respective society or the society has been cancelled under this Act, shall be deemed to have ceased from being a member of the Council.

(2) Any member of the Council shall be deemed to have ceased from being a member of the Council if he no longer holds office in the main body of youth societies at the national level.

Allocation of fund

48. The Minister after consultation with the Minister of Finance, may approve an annual allocation of fund for the Council to perform its functions.

PART VI

MAIN BODY OF YOUTH SOCIETIES AT THE NATIONAL LEVEL

Chapter 1

General Provisions

Main body of youth societies at the national level

49. (1) The Malaysian Youth Council shall be the main body of youth societies at the national level which affiliates and coordinates all youth societies affiliated to it.

(2) The objectives of the main body of youth societies at the national level are—

- (a) to promote and encourage youth societies to play positive and effective roles towards the community and the country;
- (b) to foster and create relationship, co-operation, understanding and friendship between youth societies and youths or with youth societies abroad;
- (c) to promote balanced development of youth societies in various aspects; and
- (d) to enhance responsible attitude, patriotism and volunteerism among youth societies.

Functions of the main body of youth societies at the national level

50. The functions of the main body of youth societies at the national level are—

- (a) to convey the voice of the youth to the government;
- (b) to cooperate with the government in implementing programmes and activities related to youth development from the aspect of education, research and human resource development; and
- (c) to perform such other functions under this Act.

Annual report

51. The main body of youth societies at the national level shall, on or before 31 March of each year, submit to the Minister a report of its programmes and activities carried out in the previous year and shall give any further information as required by the Minister.

Chapter 2

*Financial allocation and assistance***Application for annual allocation of main body of youth societies at the national level**

52. (1) The main body of youth societies at the national level may apply to the Minister for financial allocation and assistance for the purpose of carrying out its functions under section 50.

(2) For the purpose of subsection (1), the main body of youth societies at the national level shall prepare the estimation of expenses for every financial year.

(3) The main body of youth societies at the national level shall submit to the Minister an annual estimation of expenses for the following year in any manner and contains any particular as determined by the Minister.

Approval of financial allocation and assistance

53. Upon receiving an application under section 52, the Minister may, after consultation with the Minister of Finance approve any financial allocation or assistance subject to such terms and conditions as may be deemed necessary.

Accounts and audit of main body of youth societies at the national level

54. (1) The main body of youth societies at the national level shall cause proper accounts and other records relating to its operation be maintained, and shall prepare a statement of account for every financial year that is from 1 January until 31 December.

(2) The statement of accounts of the main body of youth societies at the national level shall be audited every year by an auditor appointed by the main body of youth societies at the national level.

(3) The statement of accounts of the main body of youth societies at the national level shall be audited within six months from the end of every financial year and during such period, the main body of youth societies at the national level shall submit a copy of the statement of accounts in the manner required by the Minister to be submitted to him together with a copy of an auditor's report prepared by the appointed auditor.

PART VII

MALAYSIAN INSTITUTE FOR RESEARCH IN YOUTH DEVELOPMENT

Chapter 1

General Provisions

Malaysian Institute For Research In Youth Development

55. (1) A body corporate by the name of "Malaysian Institute For Research In Youth Development" is established with perpetual succession and a common seal.

(2) The Institute may sue and be sued in its corporate name.

Common seal

56. (1) The common seal of the Institute shall bear a device as approved by the Institute and the seal may from time to time be broken, changed, altered and made anew as the Institute thinks fit.

(2) The common seal shall be kept in the custody of the Chief Executive Officer or any other person authorized by either the Chief Executive Officer or by such other person authorized by the Chief Executive Officer in writing.

(3) All deeds, documents and other instruments purporting to be sealed with the common seal and authenticated in accordance with subsection (2) shall, until the contrary is proved, be deemed to have been validly executed.

(4) Any deed, document and other instrument which, if executed by a person not being a body corporate, is not required to be under seal may in like manner be executed by a member of the Institute or an employee of the Institute authorized in that behalf.

(5) The common seal of the Institute shall be officially and judicially noted.

Functions of the Institute

57. The functions of the Institute shall be—

- (a) to act as the national youth development research centre;
- (b) to gather, manage and disseminate information and maintain records of all relevant matters relating to youth development;
- (c) to conduct, facilitate or fund research relevant to youth development;

- (d) to provide technical, advisory, consultancy and related services in respect of youth development;
- (e) to establish and maintain liaison and cooperation with other related institutions within and outside Malaysia in the interest of enhancing youth development;
- (f) to analyse, evaluate and make recommendations on youth activities organized by youth societies, government bodies, non-government organizations or any other private sector organizations;
- (g) to carry out educational and awareness programmes for the promotion of youth development;
- (h) to cooperate, coordinate and participate in youth development programmes or activities related to research organized by national or international organizations; and
- (i) to do such other things as it deems fit to enable it to perform its functions effectively or which are incidental to the performance of its functions.

Powers of the Institute

58. (1) The Institute shall have the power to do all things necessary or expedient for or in connection with the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Institute shall include power—

- (a) to enter into contracts;
- (b) to acquire, purchase, take, hold and enjoy movable and immovable property of every description;
- (c) to 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 Institute;

- (d) to conduct or coordinate activities relating to research on youth development and other related services;
- (e) to impose fees or charges for services rendered by the Institute;
- (f) to collect and receive moneys in relation to any activity or services rendered by the Institute or usage of the facilities of the Institute;
- (g) to enter into any negotiation and agreement or consideration as it deems fit in performing its functions;
- (h) to acquire, hold, dispose of or grant rights relating to any research findings conducted by or on behalf of the Institute or in relation to any research findings conducted by any person or organisations;
- (i) to assign any person or body to conduct research or development or both;
- (j) to conduct and coordinate any activity as it deems fit for the purpose of protecting and developing the Malaysian youth; and
- (k) to do all things expedient or necessary for or incidental to the performance of its functions under this Act.

(3) The Institute may, in exercising any of its functions which related to business activities for gaining profit or interest through a company that may be incorporated from time to time under the Companies Act 1965 [Act 125] and such company may only be incorporated on approval by the Minister with the consent of the Minister of Finance.

(4) The Minister may make regulations prescribing any activity or interest or prescribing the terms and conditions of any activity or interest of any member, officer or servant of the Institute in relation to any company established under subsection (2) or to any company, industry or entrepreneurship.

(5) Any omission or non compliance and any act done or purport to be done contrary to, the provision of such regulations is an offence under this Act and the accused shall, on conviction, be

liable to a fine not less than two hundred fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Chapter 2

Board of Directors of Malaysian Institute For Research In Youth Development

The Board of Directors

59. A Board of Directors to be known as the Board of Directors of Malaysian Institute For Research In Youth Development is constituted.

Membership of the Board

60. (1) The Board shall consist of the following members who shall be appointed by the Minister:

- (a) a Chairman;
- (b) the Director General;
- (c) the Chief Executive Officer; and
- (d) seven members who, in the opinion of the Minister, have experience and shown capacity and professionalism in matters relating to youth development from the aspect of education, research or human resource, or to be otherwise suitable for appointment because of their special knowledge and experience, one of whom shall be a representative from the main body of youth societies at the national level.

(2) The Minister may appoint any member of the Board to exercise the functions of the Chairman—

- (a) if the Chairman is unable, by reason of illness, leave of absence or any other cause, to perform his functions; or

(b) during any period of vacancy in the office of the Chairman.

(3) A member appointed as the Chairman under subsection (2) shall, during the period in which he is performing the functions of the Chairman under this section, be deemed to be the Chairman.

(4) The Chief Executive Officer shall be the Secretary of the Board.

(5) Five members of the Board shall form a quorum at any meeting of the Board.

(6) Subject to this Act, the Board may determine its own procedure.

(7) The provisions of the Third Schedule shall apply to the Board.

Powers and functions of the Board

61. (1) The Board shall be the executive body of the Institute and may exercise all the powers conferred on the Institute, save as otherwise provided by this Act or any regulations made under this Act.

(2) The functions of the Board shall include the carrying on of all such activities and the doing of all such things as are necessary or advantageous and proper for the government, control and administration of the Institute.

Tenure of office

62. (1) Subject to such conditions as may be specified in his instrument of appointment, a member of the Board shall hold office for a term not exceeding three years.

(2) A member of the Board shall be eligible for reappointment.

Revocation of appointment and resignation

63. (1) The Minister may at any time revoke the appointment of any member of the Board other than members under paragraphs 60(1)(b) and (c), without assigning any reason for the revocation.

(2) A member of the Board, other than members under paragraphs 60(1)(b) and (c), may at any time resign from his appointment by giving a notice in writing to the Minister.

Vacation of office

64. The office of a member of the Board shall be vacated—

- (a) if he dies;
- (b) if there has been proved against him, or he has been convicted on, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption;
or
 - (iii) any other offence punishable with imprisonment, in itself only or in addition to or in lieu of a fine, for more than two years;
- (c) if his conduct, whether in connection with his duties as a member of the Board or otherwise, has been such as to bring discredit on the Board;
- (d) if he becomes a bankrupt;
- (e) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (f) in the case of the Chairman, if he absents himself from a meeting of the Board without leave of the Minister;

- (g) in the case of a member of the Board in paragraph 60(1)(d), if he absents himself from three consecutive meetings of the Board without leave in writing of the Chairman;
- (h) if his appointment is revoked by the Minister;
- (i) if his resignation is accepted by the Minister; or
- (j) if the Minister is satisfied that he absents himself from three consecutive meetings of the Institute without leave or reasonable excuse.

Delegation of functions and powers of the Board

65. (1) The Board may, subject to such conditions, limitations or restrictions as it thinks fit, delegate any of its functions or powers to any member or any committee of its members.

(2) Any function and power delegated under this section shall be performed and exercised in the name and on behalf of the Board.

(3) A delegation under this section shall not preclude the Board itself from performing or exercising at any time any of the delegated functions or powers.

Committees of the Board

66. (1) The Board may establish any committee as it considers necessary or expedient to assist it in the performance of its functions under this Act.

(2) The Board may appoint any person to be a member of any committee established under subsection (1).

(3) A committee established under this section may elect any of its members to be a chairman and may regulate its own procedure and, in exercising its powers under this subsection, the committee shall be subject to and act in accordance with any direction given to the committee by the Board.

(4) Meetings of a committee established under this section shall be held at such time and place as the chairman of the committee may determine, subject to subsection (3).

(5) A committee may invite any person who is not a member of the committee to attend any of its meeting, for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting.

(6) Members of the committee or any person invited under subsection (5) to attend any meeting of a committee may be paid any allowances and other expenses as the Board may determine.

(7) A member of a committee shall hold office for such term as may be specified in his letter of appointment and is eligible for reappointment.

(8) The Board may revoke the appointment of any member of a committee without assigning any reason for the revocation.

(9) A member of a committee may at any time resign by giving a notice in writing to the Chairman of the Board.

Remuneration and allowances

67. Members of the Board, other than the Chief Executive Officer, may be paid from the Fund such remuneration or allowance as the Minister may, after consultation with the Minister of Finance, determine.

Power of Minister to give directions

68. (1) The Board shall be responsible to the Minister.

(2) The Minister may give to the Board directions of a general character relating to functions and powers of the Board and the Board shall give effect to such directions.

Validity of an act and proceedings

69. No act or proceedings taken under this Act shall be questioned on the ground of—

- (a) the existence of any vacancy in the membership, or defect in the establishment of the Board; or
- (b) the existence of any omission, defect or irregularity which has not affected the merits of the case.

Chapter 3*Provisions relating to employees***Chief Executive Officer**

70. (1) The Minister shall appoint a Chief Executive Officer on such terms and conditions as the Minister may determine to carry out the functions of the Institute.

(2) The Chief Executive Officer shall be responsible for the overall administration and management of the functions and the day to day affairs of the Institute.

(3) The Chief Executive Officer shall have general control of the other officers of the Institute.

(4) The Chief Executive Officer shall perform such further duties as the Minister and the Board may direct from time to time.

(5) In discharging his duties, the Chief Executive Officer shall act under the general authority and directions of the Board.

Appointment of officers

71. (1) The Chief Executive Officer, with the approval of the Board, may appoint such number of officers as he thinks desirable and necessary, who shall be paid such remuneration, allowances and benefits, and whose appointment shall be, on such terms as the Board considers appropriate for carrying out the functions of the Institute.

(2) The Chief Executive Officer shall, with the approval of the Board, determine the terms of service of its officers subject to the regulation and consent of the Minister of Finance.

Chapter 4

Finance

Establishment of Fund

72. (1) A Fund to be called the “Malaysian Institute For Research In Youth Development Fund” is established.

(2) The Fund shall consist of—

- (a) such sums as may be provided by Parliament from time to time;
- (b) research grant from the Minister;
- (c) all moneys received by the Institute by way of grants;
- (d) all moneys derived from the sale, disposal, lease or hire of, or any other dealing with any property vested in or acquired by the Institute;
- (e) all moneys derived as income from investments by the Institute; and
- (e) all other moneys lawfully received by the Institute.

Expenditure to be charged on Fund

73. The Fund shall be expended for the following purposes:

- (a) paying for the remuneration, allowances and other expenses of the members and officers of the Institute, including the granting of loans and advances, superannuation allowances, retirement benefits, pensions and gratuities;
- (b) paying an expenditure lawfully incurred by the Institute including legal fees and costs and other fees and costs;

- (c) paying any other expenses, costs or other payments properly incurred, accepted or deemed fit by the Institute in the performance of its functions;
- (d) acquiring land and any assets, and erecting buildings, and carrying out any other works in the performance of its functions; and
- (e) generally, paying any expenses for carrying out its functions.

Expenditure and preparation of estimates

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

(2) Before 1 September of each year, the Institute shall submit an estimate of its expenditure, including the expenditure for research and development programmes, for the following year in such form and containing such particulars as the Minister may direct.

(3) The Minister shall, before 1 January of the following year, notify the Institute of the amount authorized for expenditure generally or of the amount authorized for each description of expenditure based on the estimate prepared under subsection (2).

(4) The Institute may, at any time, submit to the Minister a supplementary estimate of its expenditure for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

Conservation of Fund

75. It shall be the duty of the Institute to conserve the Fund by so performing its functions and exercising its power under this Act as to secure that the total revenue of the Institute are sufficient to meet all sums properly chargeable to its revenue account including depreciation and interest on capital taking one year with another.

Power to invest

76. (1) The Institute may invest in the Government's security or in other securities with prior approval in writing of the Minister of Finance, money of the Fund, not immediately required to be expended, with the power from time to time to vary any investment, subject to the prior approval in writing of the Minister of Finance in relation to any variation following any investment in other security other than the Government's security.

(2) The Institute may keep, either in fixed deposit or current account, any money for the time being not invested in any bank in Malaysia which holds valid license under the provision of the *Banking and Financial Institution Act 1989 [Act 372] or the Islamic Banking Act 1983 [Act 276] and be given prior approval in writing for such purpose by the Minister.

Accounts and reports

77. (1) The Institute shall cause proper accounts of the Fund to be kept and shall, as soon as practicable after the end of each financial year, cause to be prepared for that financial year a statement of accounts of the Institute which shall include a balance sheet and an account of income and expenditure.

(2) The Institute shall as soon as possible send a copy of the statement of accounts certified by the auditors and a copy of the auditor's report to the Minister who shall cause them to be laid before both Houses of Parliament.

(3) The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Institute.

Financial procedure

78. Subject to this Act and the approval of the Minister, the Institute shall determine its own financial procedure.

Financial year

79. The financial year of the Institute shall begin on 1 January and end on 31 December of each year.

**NOTE*—This Act has since been repealed by the Financial Service Act 2013 [Act 758] which comes into operation on 30 June 2013—see Section 271 of Act 758.

PART VIII

OFFENCES

Unlawful youth societies

80. (1) For the purposes of this Act, any of the following youth societies shall be an unlawful youth society, that is to say—

- (a) a youth society or a branch which has been declared unlawful by the Minister under section 33;
- (b) a youth society or a branch which is not registered under section 9;
- (c) a branch of a youth society, where the branch was established in contravention of subsection 18(1), or continues to exist in contravention of the proviso to subsection 18(3); and
- (d) a youth society or a branch thereof which has had its registration cancelled under section 31 and 20.

(2) Where a youth society is unlawful under subsection (1), or its registration is cancelled under this Act, every branch of the youth society shall immediately thereupon be unlawful and the approval of the Registrar for its establishment shall be deemed to be revoked.

Penalty for managing, etc., an unlawful youth society

81. Any office-bearer and any person managing or assisting in the management of any unlawful youth society commits 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 or to both.

Penalty for attending meetings, etc., an unlawful youth society

82. Any member or person who acts as a member of an unlawful youth society or attends a meeting of an unlawful youth society or who pays money or gives any aid to or for the purposes of an

unlawful youth society, knowing that the youth society is unlawful, commits an offence and shall, on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Penalty on persons allowing unlawful youth society on premises

83. Any person who knowingly allows a meeting of an unlawful youth society, to be held in any house, building or place belonging to or occupied or controlled by him, commits 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 or to both.

Penalty for inciting, etc., a person to become a member of an unlawful youth society

84. (1) Any person who incites, induces or invites another person to become a member of, or to assist in the management of, an unlawful youth society commits 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 or to both.

(2) Any person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member of or to assist in the management of an unlawful youth society commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Penalty for procuring subscription or aid for an unlawful youth society

85. Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful youth society commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Penalty for publishing, etc., propaganda of an unlawful youth society

86. (1) Any person who prints, distributes, publishes, displays, sells or exposes for sale, or transmits through any medium or who, without lawful authority or excuse, has in his possession any placard, newspaper, book, magazine, periodical, poster, circular, proclamation, pictorial representation, letter or any other document or writing whatsoever or which is issued or appears to be issued by or on behalf of or in the interests of an unlawful youth society commits 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 or both.

(2) Any placard, newspaper, book, magazine, periodical, poster, circular, proclamation, pictorial representation, letter or any other document or writing whatsoever and any book, magazine, periodical, poster, proclamation, newspaper, letter or any other document or writing in respect of which such person shall have been convicted shall be forfeited.

Penalty for acting on behalf of or representing an unlawful youth society

87. (1) Any person who in any manner acts on behalf of, or represents, or assists, whether in a professional capacity or otherwise—

- (a) any unlawful youth society;
- (b) its office-bearers;
- (c) its governing body; or
- (d) governing body of its branch,

in relation to any matter concerning the youth society, commits 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 or to both.

(2) Subsection (1) does not apply to an appeal by an unlawful youth society under section 30, or to any proceedings in any court in respect of any matter involving such society.

Penalty against office-bearer of a youth society whose registration has been cancelled

88. If the registration of any youth society has been cancelled under section 31 or paragraph 20(1)(c), any office-bearer of such youth society—

- (a) at any time after the cancellation, becomes an office bearer of another youth society; or
- (b) after the expiry of thirty days from such cancellation, continues to remain an office bearer of any other youth society,

without the permission in writing of the Registrar commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Usage of flags, symbols, emblems, badges or other insignia of youth societies

89. (1) No youth society shall adopt as its own any flag, symbol, emblem, badge or other insignia without an approval by the Registrar.

(2) The Registrar may impose any conditions under which such flag, symbol, emblem, badge or other insignia may be displayed.

(3) Any person or youth society who displays any flag, symbol, emblem, badge or other insignia which has not been approved by the Registrar or in contravention of any condition imposed by the Registrar commits an offence and shall, on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Liability of office-bearer in respect of offences by youth society

90. (1) Where any offence under this Act—

- (a) whether or not any person has been convicted in respect thereof; and

- (b) has been committed or purports to have been committed in the name or on behalf of any youth society established by, under or pursuant to this Act;

every office bearer of such youth society or every person managing or assisting in the management of such youth society at the time of the commission of such offence, shall be deemed to be guilty of such offence and shall be liable to the punishment prescribed by law thereof, unless he proves to the satisfaction of the court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) In any prosecution under this section against an office-bearer or any person managing or assisting in the management of a youth society mentioned under subsection (1), any document found in the possession of an office bearer or of a person assisting in the management of such youth society, or of a member of such youth society, shall be prima facie evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of the youth society.

Youth society using a triad ritual to be deemed an unlawful youth society

91. (1) Every youth society, whether it is registered or not, which uses a triad ritual shall be deemed to be an unlawful youth society.

(2) For the purposes of subsection (1) a triad ritual means any ritual commonly used by triad societies, any ritual closely resembling any such ritual and any part of such ritual.

(3) Any person who is or acts as a member of a triad society or attends a meeting thereof or is found in possession of, or having the custody or control of any documents, accounts, lists of members, seals, banners, symbols or other things, relating to, any triad society whether such society is established in Malaysia or not, commits an offence and shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Penalty for misuse of money or property of a registered youth society

92. (1) Any member of a registered youth society or the Registrar may make a complaint to the Sessions Court that any office-bearer or member of that society—

- (a) has in his possession or control any property of the youth society otherwise than in accordance with the rules of the society;
- (b) has unlawfully withheld any money of the youth society;
- (c) has purposely used any money of the youth society for purposes other than those expressed in the rules of the youth society and the provision of this Act.

(2) Where the Court is satisfied with the circumstances mentioned in subsection (1), the court shall, if it considers the justice of the case so requires, order such office bearer or member of the registered youth society to deliver such property or pay such money to the trustees of the registered youth society.

(3) A complaint made under subsection (1) shall not be entertained unless the Court is satisfied that the complainant is, on the date of that complaint, a member of the youth society in respect of the property of which such complaint is so made.

(4) Any person bound by an order made under subsection (2) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

(5) An order made under subsection (2) shall not affect or prevent a prosecution of, or civil proceedings against, any such office bearer or member of the youth society.

Penalty for displaying or using certificate of registration which has been cancelled

93. Any person who displays or uses any certificate of registration or copy thereof of a youth society whose registration has been

cancelled with the knowledge that the certificate of registration has been cancelled commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit.

Penalty for fraud

94. Any person who with intent to mislead or defraud gives to any person a copy of any rules, laws, regulations or other documents, other than the rules of a youth society, on the pretence—

- (a) that they are the existing rules of that youth society;
- (b) that there are no other rules of the youth society; or
- (c) that those rules are the rules of a registered youth society when the society is not registered,

commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or to both.

Penalty for furnishing false information

95. Any person who furnishes to the Registrar, Deputy Registrar or an Assistant Registrar, any information or document required under this Act or regulations made thereunder which he either knows or has reason to believe is false commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit.

Presumptions

96. In any proceedings under this Act—

- (a) where it is proved that a main body of youth societies at national level, society, association, voluntary organization or youth club, is in existence, it shall be presumed that such main body of youth societies at national level, society, association, voluntary organisation or youth club is a youth society within the meaning of this Act unless the contrary is proved;

- (b) it shall not be necessary for the prosecution to prove that a youth society possesses a name or that it has been constituted or is usually known under a particular name; and
- (c) where it is alleged that a youth society is an unlawful youth society, the burden of proving that it is a lawful youth society, shall lie on the person charged.

Presumption of membership, etc., of youth society

97. (1) Where any documents, accounts, lists of members, seals, banners, symbols or other things relating to, or purporting to relate to, any youth society are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is a member of such youth society, and such youth society shall be presumed, until the contrary is proved, as has been in existence at the time such documents, accounts, lists of members, seals, banners, symbols or other things are so found.

(2) Where any documents, accounts, lists of members, seals, banners, symbols or other things relating to, any youth society are found—

- (a) in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person assists in the management of such youth society; and
- (b) concealed in any premises it shall be presumed, until the contrary is proved, that the same are in the possession of the occupier of the premises.

(3) When it appears to a court that there is reasonable cause to suspect that any place entered or searched under any lawful power conferred by or under this Act was immediately before or at the time of such entry, being used by or for the purposes of an unlawful youth society, any person found in such place at any time during such search or found leaving there from immediately before or at the time of such entry, shall unless he gives a satisfactory account of the reasons for his presence in the said place, be presumed to be a member of the unlawful youth society.

Expert evidence

98. In any prosecution under this Act, there shall be no objection to the admissibility of expert evidence that the expert is not or has not been a member of any unlawful youth society.

Protection of informers

99. (1) Except as is hereinafter provided under subsection (2) and (3), no witness in any civil or criminal proceedings shall be obliged or permitted to disclose the name or address of any informer or the contents of the information received from him or to state any matter which might lead to his discovery.

(2) If any books, records, accounts, documents or computerized datas which are evidence or liable to inspection in any civil or criminal proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

(3) Where in any trial for any offence under this Act, the court after full inquiry into the case believed that the informer has intentionally made in his complaint a material fact which he knows or believes is false or does not believe it is true, or where in any other proceedings the court is of opinion that justice could not be fully achieved between the parties in the proceedings without knowing the informer, the court may require the production of the original information, if in writing, and may permit inquiry and may require full disclosure to the Court concerning the informer.

Forfeiture

100. Any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall, upon order of a Judge of a Sessions Court or a Magistrate, be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he may think fit.

Certain non-bailable and registrable offences

101. Every offence against the provisions of sections 13, 21, 81, 82, 83, 84, 85, 86, 87 and 91 shall be deemed to be seizable and non-bailable under the law relating to criminal procedure and shall also be deemed to be registrable under the law relating to registration of criminals.

PART IX

ENFORCEMENT AND INVESTIGATION

Enforcement officers

102. For the purposes of this Act, the Minister may appoint any officer from the Ministry responsible for youth as an enforcement officer to perform any obligation relating to the enforcement and investigation under this Act.

Powers of enforcement officers

103. An enforcement officer shall have all necessary powers—

- (a) to investigate any offence under this Act;
- (b) to carry out any investigation under this Act; or
- (c) to enforce any provision under this Act.

Disclosure of authorisation card

104. (1) The enforcement officer in exercising any power under this Act shall declare his office and shall disclose to a person against whom such action is to be taken or from whom the information is to be required, an authorisation card as directed by the Registrar to be brought along by such officer.

(2) The authorisation card mentioned under subsection (1) shall be issued by the Minister.

Power of inspection

105. (1) The enforcement officer shall, by notice in writing, request any person who has knowledge on certain fact and circumstances of a particular case to appear before him and to be examined orally and shall reduce in writing any statement made by the person so examined.

(2) Any statement made, by any person under this section may be admissible as evidence in any proceedings before the court under this Act against that person or any other person.

Disclosure of document, etc.

106. In carrying out any investigation or inspection under this Part the enforcement officer may—

- (a) request any person to submit to him any book, minute book, register, statement of account, document, any particular or other things whether in physical form or electronic medium; and
- (b) to inspect, make copy, extract from, remove and detain any book, minute book, register, statement of account, document, any particular or other things whether in physical form or electronic medium.

Seizure of document, etc.

107. Where the enforcement officer in carrying out an investigation under this Act has reason to believe that an offence has been committed against this Act, he may seize any book, minute book, register, document, statement of account, any particular or other things in physical form or electronic medium forwarded under section 108 and any book, minute book, register, statement of account, document, any particular or other things shall be admissible in any proceeding in court under this Act against the person or any other person.

Application for search warrant

108. Where the enforcement officer has reason to believe that any premises has been used, is used or to be used for, or there is in any premises, the necessary evidence to prove an offence under this Act, he may apply for a search warrant before a Magistrate by a written information under oath.

Power of Magistrate to issue search warrant

109. Where the Magistrate is satisfied that there is an offence committed under any provision of this Act, he may issue a search warrant to the enforcement officer, at any reasonable time whether day or night and with or without assistance—

- (a) to enter into the premises, by force if necessary;
- (b) to search and seize and forfeit any book, minute book, register, statement of account, document, any particular or other things whether in physical form or electronic medium—
 - (i) related to an offence that has been committed;
 - (ii) related to an offence that is suspected to have been committed; or
 - (iii) which is reasonably believed may be used as evidence against such offence committed;
- (c) to break any door whether inside or outside such premises or any fence, surrounding, gate or any other obstacle towards the premises, in order to enter into it;
- (d) to remove by force any obstacle to the entrance, search, seizure or removal; or
- (e) to detain every person in such premises until such premises is completely searched.

Power to enter premises without warrant or notice

110. The enforcement officer shall, for the purpose of ensuring whether the provision of this Act or any regulation made thereunder or any condition of registration under this Act is being complied

with, have power without warrant or notice at all reasonable time to enter any premises and to conduct investigation or inspection if there is a reasonable ground that such premises is or is being used for purposes prejudicial to or incompatible with the interest of the security of Malaysia, public order or morality.

Search and seizure without warrant

111. Where the enforcement officer has reason to believe that, due to the delay in obtaining the search warrant under section 109—

- (a) the investigation will be affected;
- (b) the purpose of the entry may be hampered;
- (c) book, minute book, register, statement of account, any particular or other things searched for may be removed or tampered with; or
- (d) evidence searched for may be tampered with or destroyed,

he may in exercising in, and in relation with, such premises all powers adequately as if he has been authorised to do so by a warrant issued under such section.

Power to seal

112. (1) Where the enforcement officer has reason to believe that any premises is used by any unlawful youth society, such enforcement officer may forthwith take any action as he deems fit or by any means to seal such premises.

(2) The enforcement officer, in carrying out his duty under this section, shall not be liable for any cost arising pursuant to his action or damages to the sealed premises unless the damage is done intentionally.

(3) Any action taken under this section in relation to such premises shall not hamper the prosecution against any youth society using such premises contrary to this Act.

PART X

MISCELLANEOUS

Public servant

113. All members and officers of the Institute shall be deemed to be public servants within the meaning of the Penal Code.

Public Authorities Protection Act 1948

114. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Institute or a member of the Institute or an officer of the Institute in respect of any act, neglect or default done or committed by him or the Institute in good faith or any omission omitted by him or it in good faith, in such capacity.

Obligation of secrecy

115. (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law or where otherwise authorized by the Institute—

- (a) no member of the Institute or any officer of the Institute or any person attending any meeting of the Institute, whether during his tenure of office or during his employment or after that, shall disclose any information which has been obtained by him in the course of performing his functions and which is not published in pursuance of this Act; and
- (b) no other person who has by any means access to any information or document relating to the affairs of the Institute shall disclose such information or document.

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

Representation in civil proceedings

116. Notwithstanding any other written law—

- (a) in any civil proceedings by or against the Institute; or
- (b) in any other civil proceedings in which the Institute is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard,

any person authorized by the Institute for that purpose may, on behalf of the Institute, institute such proceedings or appear in such proceedings and make all appearances and applications and do all acts in respect of the proceedings, on behalf of the Institute.

Prosecution

117. No prosecution shall be instituted for any offence under this Act without the consent in writing of the Public Prosecutor.

Protection

118. No person or member of a committee formed or appointed under this Act or any officer, servant or agent thereof shall be liable to be sued in any court for any act done by him in good faith and in the exercise of any power or performance of any duty under this Act.

Non entitlement to cost of proceedings, damages or other reliefs, etc.

119. No one shall, in any proceeding before any court in respect of whatsoever being seized or detained in the exercise or the purported exercise of any power given under this Part, be entitled to such cost of proceedings or to any damages or other reliefs, other than an order for the return of such things being seized or detained, or payment of its value, unless such seizure or detention is carried out without reasonable cause.

Amendment of Schedules

120. The Minister may amend the Schedules by order published in the *Gazette*.

Regulations

121. (1) The Minister may make such regulations as are necessary to give full effect to the provisions of this Act.

(2) In particular, without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters—

- (a) prescribing the manner of registration of youth societies under this Act;
- (b) prescribing the forms which may be used for carrying out the provisions of this Act;
- (c) prescribing information to be furnished to the Registrar;
- (d) prescribing the fees which may be levied under this Act;
- (e) prescribing the manner in which the Dispute Resolution Panel shall be convened or generally for the better carrying out of the duties and functions of the Dispute Resolution Panel under this Act;
- (f) the form of register or other records that shall be kept or maintained under this Act and minutes that shall be prepared in such register and record; and
- (g) prescribing anything which may be prescribed under this Act.

(3) Any such regulations may provide that the breach of any regulation is an offence against such regulations and may prescribe penalties of a fine not exceeding two thousand ringgit or imprisonment for a term not exceeding six months or for both such offence and imprisonment.

General offences

122. Any person guilty of an offence under this Act or regulations made thereunder for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding three thousand ringgit.

General powers of Minister

123. The Minister may exempt any person or youth society from all or any provision of this Act by order published in the *Gazette* upon being satisfied that there are special circumstances for doing so.

Transitional provisions

124. (1) All applications for registration as a youth society and all applications for approval by such society under the Societies Act 1966 which are pending on the date of coming into force of this Act shall, on that date, cease to be dealt with under that Act and shall be dealt with under the provisions of this Act.

(2) Any proceedings or cause of action pending or existing immediately before the date of coming into force of this Act under the Societies Act 1966 may be continued or instituted under that Act as if this Act had not been enacted.

(3) This Act does not affect any person's liability to be prosecuted or punished for offences committed under the Societies Act 1966 before the date of coming into force of this Act, or any proceedings brought or sentence imposed before that date in respect of such offence.

(4) Any member appointed or elected as an office-bearer in a youth society who has attained the age of forty or has exceeded the age of forty before the commencement of this Act, shall be permitted to hold his office until the end of his term.

Prevention of anomalies

125. (1) The Minister may, by order, make such modifications in the provisions of this Act as may appear to him to be necessary or expedient for the purpose of removing any difficulty occasioned

by the coming into force of this Act provided that the Minister shall not exercise the powers conferred by this section after the expiration of two years from the date of coming into force of this Act.

(2) In this section “modifications” includes amendments, additions, deletions, substitutions, adaptations, variations, alteration and non-application of any provision of this Act.

FIRST SCHEDULE

[Subparagraph 7(2)(a)]

1. Girl Guides Act 1953 [*Act 456*]
2. Malaysian Red Crescent Society (Incorporation) Act 1965 [*Act 540*]
3. Scouts Association of Malaysia (Incorporation) Act 1968 [*Act 409*]
4. St. John Ambulance of Malaysia (Incorporation) Act 1972 [*Act 74*]

SECOND SCHEDULE

[Subparagraph 9(3)(e)]

CONSTITUTION AND RULES OF YOUTH SOCIETIES

1. Matters for which provisions shall be made in the constitution or rules of every registered youth society or a branch thereof shall be as follows:

- (a) the name and registered place of business or registered postal address of the registered youth society;
- (b) an accurate description of the design and colours of any flag, emblem, badge or other insignia used by the registered youth society;
- (c) the aims or objects for which the registered youth society is formed, or which it may pursue, or for which its funds or any of them may be used;

- (d) the qualifications for membership, including particulars of any restriction or limitation that may be imposed as to the number, age limit, sex, religion, race, nationality, dwelling place, clan or surname of persons who may be admitted to membership of the society;
 - (e) the method of appointment or election of members;
 - (f) the composition and method of appointment of the committee or the governing body and the designations, powers and functions of the office-bearers of the society and where applicable, the branches thereof;
 - (g) that, if the Registrar so requires, the office-bearers of the society and every officer performing executive functions in such society shall be Malaysian citizens;
 - (h) the sources from which the society shall derive its income, including the rates and method of payment of such entrance fees and periodical subscriptions as may be decided upon;
 - (i) the authority or authorities for expenditure from the funds of the society;
 - (j) the keeping of accounts of the income and expenditure of the society and the publication of such accounts to its members annually;
 - (k) the appointment of one or more auditors;
 - (l) the quorum required for the transaction of business at any meeting of the society or its governing body; and
 - (m) the manner by and in which the constitution or rules of the society may be amended.
2. Where any registered youth society makes provisions in its constitution or rules for the establishment of branches it shall in addition also provide therein for the method and manner by which the establishment of such branches shall be approved by such society or its governing body.

THIRD SCHEDULE

[Subsection 60(7)]

Times and places of meetings

1. (1) The Board is to hold as many meetings as are necessary for the efficient performance of its functions and such meetings are to be held at such places and times as the Chairman may decide, provided that the Chairman shall not allow more than three months to lapse between meetings.

(2) The Chairman shall call for a meeting if requested to do so in writing by the Minister or by at least two members of the Board.

Quorum

2. The quorum of the Board shall be half of the number of members of the Board.

Casting vote

3. If on any question to be determined by the Board there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

Board may invite others to meetings

4. (1) The Board may invite any person to attend any meeting for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the meeting.

(2) A person invited under subsection (1) shall be paid such allowances as may be determined by the Board.

Minutes

5. (1) The Board shall cause minutes of all their meetings to be maintained and kept in a proper form.

(2) Any minutes made of meetings of the Board, if duly signed, shall be admissible in any legal proceedings as *prima facie* evidence of the facts stated in them without further proof and every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members at the meeting to have been duly qualified to act.

Procedure

6. The Board may regulate its own procedure.

Disclosure of interest

7. (1) A member of the Board having any interest in any matter under discussion by the Board shall disclose to the Board the fact of his interest and its nature.

(2) For the purpose of subsection (1), a member of the Board shall be deemed to have an interest in the matter under discussion if he has interest in any company carrying on activities similar or related to the matter under discussion.

(3) A disclosure under subsection (1) shall be recorded in the minutes of the Board and after the disclosure, the member having an interest in the matter—

(a) shall not take part nor be present in any decision of the Board; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board.

(4) No act or proceedings of the Board shall be invalidated on the ground that any member of the Board has contravened the provisions of this section.

LAWS OF MALAYSIA**Act 668****YOUTH SOCIETIES AND YOUTH DEVELOPMENT
ACT 2007**

LIST OF AMENDMENTS

Amending law	Short title	In force from
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- NIL -

LAWS OF MALAYSIA

Akta 668

**YOUTH SOCIETIES AND YOUTH DEVELOPMENT
ACT 2007**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
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- NIL -
