

LAWS OF MALAYSIA

Act A104

FARMERS' ASSOCIATION (AMENDMENT)
ACT, 1972

An Act to amend the Farmers' Association Act, 1967.

[1st April, 1972.]

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

1. This Act may be cited as the Farmers' Association (Amendment) Act, 1972. Short title.
2. The Farmers' Association Act, 1967 (hereinafter referred to as "the principal Act") is hereby amended by substituting the words "National Farmers' Association" and "National Farmers' Associations" for the words "Federal Farmers' Association" and "Federal Farmers' Associations" respectively wherever they appear. Amendment of Act 22/67.
3. Section 2 of the principal Act is hereby amended by substituting the words "agriculture" for the words "Agriculture and Co-operatives" appearing in the definition of "Minister". Amendment of section 2.
4. Section 5 of the principal Act is hereby amended— Amendment of section 5.
 - (a) by substituting for the words "for all or any of the following objects:" the words "with the object or objects of promoting the economic and social interests or well-being of its members through direct participation and shall have the power to do all things necessary for the purpose of achieving the objects, and in particular but without prejudice to the generality of the foregoing, the following powers—";
 - (b) by inserting the word "and" at the end of paragraph (g);

- (c) by substituting a full-stop for the word “ ; and” appearing at the end of paragraph (h); and
- (d) by deleting the whole paragraph (i).

Amendment
of section 12.

5. Section 12 of the principal Act is hereby amended—

- (a) by substituting for subsections (1) and (2) the following—

“(1) Each of the Area, State and National Farmers’ Associations shall be controlled by a Board of Directors who shall be elected or appointed in accordance with, and shall have such powers as may be determined by, the constitution or rules of such association.

(2) For the purpose of conducting the business operations of each of such associations, there shall be a General Manager and other officers and servants of such association to be appointed in accordance with the constitution or rules of such association.”;

- (b) by deleting the word “or” appearing at the end of paragraph (e) of subsection (5); and

- (c) by substituting for paragraph (f) of subsection (5), the following—

“(f) if he becomes an employee of such association; or

(g) if he engages in any business or acts in a manner which in the opinion of the Minister is prejudicial to the interests of such association.”.

Amendment
of section 18.

6. Section 18 of the principal Act is hereby amended by inserting immediately after the word “objects” appearing at the end of paragraph (a), the words “mentioned in section 5”.

New sections
18A and 18B.

7. There shall be inserted immediately after section 18 of the principal Act, the following new sections 18A and 18B—

“Settlement
of disputes.

18A. (1) (a) If any dispute touching the business of an Area Farmers’ Association arises—

- (i) among members, past members and persons claiming through members, past members and deceased members; or

FARMERS' ASSOCIATION (AMENDMENT)

5

(ii) between a member, past member, or person claiming through a member, past member or deceased member, and such association or its Board of Directors; or

(iii) between such association and any other Area Farmers' Association,

such dispute shall be referred to the Registrar for decision.

(b) A claim by an Area Farmers' Association for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, shall be deemed to be a dispute touching the business of such association.

(2) The Registrar may, on receipt of a reference under subsection (1)—

(a) decide the dispute himself; or

(b) refer it for disposal to an arbitrator or arbitrators.

(3) An appeal against the decision of the Registrar or the arbitrator or arbitrators under subsection (2) shall lie to the Minister and shall be made within two months from the date of the decision.

(4) A decision of the Minister in an appeal under subsection (3) shall be final and shall not be called in question in any court.

(5) Any decision of the Registrar or the arbitrator or arbitrators under subsection (2) or, if there be an appeal therefrom, the decision as confirmed or varied by the Minister, shall be enforced in the same manner as if the decision had been a judgement of a Sessions Court in the States of Malaya or a Court of the First Class in the State of Sabah or Sarawak.

(6) (a) Any dispute touching the business of a State or National Farmers' Association arising between an Area Farmers' Association and the State Farmers' Association or between a State

Farmers' Association and the National Farmers' Association, shall be referred to the Registrar for decision.

(b) A claim by a State or National Farmers' Association for any debt or demand due to it from an Area or State Farmers' Association, as the case may be, shall be deemed to be a dispute touching the business of such association.

(c) Provisions of subsections (2), (3), (4) and (5) shall apply to such dispute as they apply to a dispute under subsection (1).

Case stated
on question
of law.

18B. (1) Notwithstanding anything contained in section 18A, the Minister at any time when an appeal has been preferred to him under that section, may refer any question of law arising in the course of proceedings relating to such appeal for the opinion of the High Court.

(2) The High Court shall hear and determine the question of law so referred.”.

Amendment
of section 21.

8. Section 21 of the principal Act is hereby amended by inserting immediately after the word “final”, the words “and shall not be called in question in any court”.

Amendment
of section 27.

9. Section 27 of the principal Act is hereby amended by inserting the word “, management” immediately after the word “establishment” appearing in subsection (2) (a).