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Act 335

SOCIETIES ACT 1966

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SOCIETIES ACT 1966

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LAWS OF MALAYSIA

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SOCIETIES ACT 1966

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LAWS OF MALAYSIA

Act 335

SOCIETIES ACT 1966

An Act relating to registration of societies.

[1 February 1966, P.U. 24/1966*]

PART I

PROVISIONS APPLICABLE TO SOCIETIES GENERALLY

Short title, commencement and application

1. (1) This Act may be cited as the Societies Act 1966, and shall, subject to subsection (2) of this section, come into force on such date as the Minister may by notification in the *Gazette* appoint, such date not being earlier than that on which the notification is published.

(2) The Minister may by notification in the *Gazette* suspend the operation of all or any of the provisions of this Act in any part of Malaysia for such period as may be specified in such notification.

(3) This Act shall apply throughout Malaysia.

Interpretation

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

“Assistant Registrar” means any officer appointed as an Assistant Registrar of Societies under section 3;

“benefit” means a payment made by a mutual benefit society for the relief or maintenance of the members or subscribers or on birth or death in accordance with the rules of the mutual benefit society;

*NOTE—Certain provisions in respect of Sabah are suspended—see P.U. 24/1966.

“local society” means any society organized and established in Malaysia or having its headquarters or chief place of business in Malaysia, and includes any society deemed to be established in Malaysia by virtue of section 4;

“Minister” means the Minister for the time being charged with responsibility for the registration of societies;

“mutual benefit society” means any society which by its objects and rules either as the principal object or as an ancillary object makes provisions by voluntary subscriptions of the members thereof or subscribers thereto with or without the aid of donations for—

- (a) the relief or maintenance of the members or subscribers, their husbands, wives, children, fathers, mothers, brothers, sisters, nephews, nieces or wards, during sickness or other infirmity, whether bodily or mental, in old age or in widowhood or for the relief or maintenance of the orphan children of members or subscribers during minority; or
- (b) the payment of money on the birth of a member’s or subscriber’s child or on the death of a member or subscriber or of the child, husband, wife, parent or grandparent of a member or subscriber or on the death of any other person or for the funeral expenses of the member or subscriber or of the child, husband, or wife of a member or subscriber or of the widow of a deceased member or subscriber; or
- (c) the relief or maintenance of the members or subscribers when unemployed or when in distressed circumstances;

“office-bearer” of a society 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;

“political party” means—

- (a) any society which by any of its objects or rules, regardless whether such object or rule is its principal object or rule, or constitutes merely an object or rule which is ancillary to its principal object or objects or to its principal rule or rules, makes provision for the society to participate,

through its candidates, in elections to the Dewan Rakyat, or to a Dewan Undangan Negeri, or to a local authority, or makes provision for it to seek the appointment or election of a person proposed or supported by it to the Dewan Negara; or

- (b) any society which, notwithstanding anything contained in its objects or rules, carries on any activity or pursues any objective which involves its participation, through its candidates, in elections to the Dewan Rakyat, or to a Dewan Undangan Negeri, or to a local authority, or which involves its seeking the appointment or election of a person proposed or supported by it to the Dewan Negara;

“Registrar” means the Registrar of Societies appointed under section 3 and includes any Deputy Registrar of Societies appointed under the same section;

“registered society” means any society for the time being registered under section 7;

“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 the individual members thereof;
- (e) any co-operative society, registered as such, under any written law;
- (f) any organization or association in respect of which there is for the time being in force a certificate (which may be granted, refused or cancelled at his discretion) by a person

or authority appointed under the provisions of the written law for the time being in force relating to the registration of schools 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 parent-teachers' association registered or exempted from registration under any law for the time being in force regulating schools;

“subscription” means a subscription paid by a member or subscriber to a mutual benefit society and where a mutual benefit society carries on activities other than those of a mutual benefit society means the subscription paid by the member or subscriber for the purpose of obtaining the benefits provided by the rules of the society.

Registered societies to act in fulfilment of the Constitution

2A. (1) It shall be the duty of every registered society in carrying out its activities and in conducting its affairs to ensure that they are in accord with, and conducive to the fulfilment of and adherence to, the provisions of the Federal Constitution and the State Constitutions, and where any of the activities or affairs of any 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; or
- (b) the position of Islam as the religion of Malaysia, with other religions being practised in peace and harmony; or
- (c) the use of the National Language for official purposes; or
- (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 Constitutions, the Registrar may cancel the registration of the society after giving the society an opportunity to make representations to him.

- (2) *(Deleted by Act A557).*

Appointment of Registrar, Deputy Registrars and other officers

3. (1) The Yang di-Pertuan Agong may appoint a Registrar of Societies and such number of Deputy Registrars as he may consider necessary for the purposes of this Act.

(1A) The Minister may appoint such number of Assistant Registrars and such other officers as he may consider necessary for the proper administration of this Act.

(1B) The Deputy Registrars, Assistant Registrars and other officers appointed under subsections (1) and (1A) respectively shall be under the direction and control of the Registrar.

(2) All officers appointed under subsections (1) and (1A) shall be deemed to be public servants for the purposes of the Penal Code [*Act 574*].

(3) No suit shall lie against any public officer for anything done or omitted to be done by him in good faith without negligence and in intended exercise of any power or performance of any duty conferred or imposed on him by this Act.

Powers of Registrar

3A. 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

3B. (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 any Assistant Registrar appointed under section 3.

(2) A delegation under subsection (1) may be made subject to such restrictions and limitations as may be prescribed by the Registrar in the instrument of delegation.

(3) The power of delegation under subsection (1) shall be exercised by the Registrar personally.

Societies deemed to be established in Malaysia

4. A society shall be deemed to be established in Malaysia, although it is organized and has its head-quarters 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 society or solicits or collects money or subscription in its behalf:

Provided that no 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 society or by any person in its behalf;
- (c) no register of all or any of the members of such society is kept in Malaysia; and
- (d) no subscriptions are collected or solicited in Malaysia by the society or by any person in its behalf.

Power of the Minister to declare a society unlawful

5. (1) It shall be lawful for the Minister in his absolute discretion by order to declare unlawful any society or branch or class or description of any 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 society or societies, if already registered under this Act; and no society against which an order made under this section applies shall be so registered.

(3) The provisions of section 17 shall apply in respect of a local society affected by the order made under this section.

Application for registration

6. (1) Every local society other than that in respect of which an order made under section 5 is in force shall, in the manner prescribed make application to the Registrar for registration under this Act.

(2) Until a local society is registered under this Act, no person shall, without a written permission of the Registrar, organize or take part in any activity of or on behalf of the society, except only to apply to, or correspond with the Registrar.

(3) Any person committing a breach of subsection (2) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *five thousand ringgit, and where the breach is a continuing one to a fine not exceeding **five hundred ringgit for every day after the first day during which the breach continues.

Power of Registrar to make inquiries, etc. in relation to any application under this Act

6A. (1) The Registrar may, in relation to any application under section 6, subsection 11(1), subsection 12(1), section 49, subsection 50(1), or any other provision of this Act or regulations made thereunder, call for such further information, and make such inquiries, as he may consider necessary.

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

Registration and refusal to register

7. (1) Upon receipt of an application under section 6, the Registrar shall, subject to the provisions of this section and to such conditions as the Registrar may deem fit to impose, register the local society making the application.

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

(a) he is satisfied that such a society is a branch of any society whose registration has been cancelled under paragraph 13(1)(c); or

*NOTE — Previously “two thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

**NOTE — Previously “two hundred ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

- (b) he is not satisfied that such local 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 local society as to the persons who are to be office-bearers or to hold or to administer any property of the society until the dispute is decided by a Court or by arbitration or by agreement between the members or otherwise.
- (3) The Registrar shall refuse to register a local society where—
 - (a) it appears to him that such local 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, good order or morality in Malaysia;
 - (b) the society has been declared by the Minister to be unlawful under section 5;
 - (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 local society; or
 - (iii) is, in the opinion of the Registrar, undesirable;
 - (e) the constitution or rules of the society do not contain provisions for all matters set out in Schedule I to this Act or if the society is a mutual benefit society, matters set out in Schedule II or any other matters which the Registrar may reasonably require.
- (4) Where the Registrar has refused to register a local society under this section, the provisions of section 17 shall apply to that local 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 be liable, on conviction, to a fine not exceeding two thousand ringgit.

Certificate of registration

8. The Registrar, on registering a local society under section 7, 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.

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

8A. (1) Notwithstanding anything contained in section 12, a registered 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 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 society, or is a contract within a particular class or description which the branch is generally or specifically authorized by the society to enter into; and the provisions of paragraphs 9(c), (d) and (e) shall be construed accordingly in their application to any suit, proceeding, judgment, or application for execution, in relation to any contract entered into by a branch of a registered 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 such contract is entered into by virtue of an express written permission given by the superior branch, or 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, elected or otherwise chosen from the members of the subordinate branches.

Provisions applicable to registered societies

9. The following provisions shall apply to registered societies—

- (a) the movable property of a society, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of the society, and in all proceedings civil and criminal, may be described as the property of the governing body of the society by its proper title if known;
- (b) the immovable property of a 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 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 society, whose appointments are authenticated by a certificate of the Registrar, and sealed with the seal of the society;
- (c) a 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 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 society to sue the society in the name of any office-bearer of the society;
- (d) no suit or proceeding by or against a registered society in any civil court shall abate or discontinue by reason of the person, by or against whom the suit or proceeding 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 proceeding shall be continued in the name of, or against the successor of, that person;
- (e) (i) no judgment in any such suit against a registered society shall be put into force against the person or property of the person sued but against the property of the 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 society, and shall require to have the judgment enforced against the property of the society;
- (f) any member who—
- (i) fails to pay a subscription which, according to the rules of the society to which he belongs, he is bound to pay;
 - (ii) owes money to the society;
 - (iii) contrary to the rules of the society, takes possession of, or detains, any property thereof; or
 - (iv) injures or destroys any property thereof, may, in the manner hereinbefore provided, 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 society and, in the latter case, may have execution against the property of the 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 society; or
 - (iii) forges any deed, bond, security for money, receipt or other instrument whereby the funds of the 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 society, any number not less than three-fifths of the members of any such society for the time being resident

in Malaysia may determine that such 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 society, its claims and liabilities, according to the rules (if any) of the said 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 society under paragraph (h) of this section, such dispute may be decided by the Registrar. Any person aggrieved by any decision of the Registrar under this paragraph may within thirty days from the date of such decision appeal to the Court.

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

9A. (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 society—

- (a) if he has been convicted of any offence against this Act; or
- (b) if he has been convicted of any offence under any other law and sentenced to a fine of not less than two thousand ringgit or to imprisonment for a term of not less than one year; or
- (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; or
- (d) if he is an undischarged bankrupt; or
- (e) if he is and has been found or declared to be of unsound mind.

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

(4) 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 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.

(5) (*Deleted by Act A557*).

(6) Any person who contravenes any provision of subsection (1) or any limitation, restriction, term or condition imposed under subsection (4) shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding *three years or to a fine not exceeding **ten thousand ringgit or to both.

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

(8) Any person who is, immediately before the commencement of this section, an office-bearer, adviser, or employee of a registered society may continue to remain as such until the expiry of the

*NOTE—Previously “two years”—see the Societies (Amendment) Act 1998 [Act A1027].

**NOTE—Previously “five thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

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).

Inspection of documents and evidentiary value of copies certified by Registrar

10. (1) Subject to subsection (2), documents filed with the Registrar or Assistant 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 or Assistant Registrar in pursuance to any provision of this Act or any regulations made thereunder may, on payment of the prescribed fee—

- (a) be inspected by any person; or
- (b) a copy thereof be obtained by any person from the Registrar or Assistant 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 or Assistant Registrar is satisfied to be a member of a society, shall inspect or obtain from the Registrar or Assistant Registrar the accounts of such society or a copy thereof.

(3) A copy of or extract from any document received at the office of the Registrar or Assistant Registrar certified to be true copy or extract under the hand and seal of the Registrar or Assistant Registrar shall, in any proceedings be admissible in evidence as of equal validity with the original document.

Change of name, place of business and rules of society

11. (1) No registered 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 society fails to comply with this section, the society and every office-bearer of the society shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine not exceeding *three 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 society is formed, or which it may pursue, or for which its funds, or any of them, 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 society is to be governed and the method and manner by and in which any of the above matters may be amended.

11A. *(Deleted by Act A557).*

Branch of a society

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

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

- (a) the rules of the society do not provide for the establishment of a branch of the society; or
- (b) the rules of the branch of the society are such as to make the branch of the society an independent society not adequately under the control of the society.

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

Provided that a branch of a registered society established and in existence immediately before the commencement of this Act shall not be an unlawful society if within six months from the commencement of this Act or such extended period, not being

*NOTE—Previously “one thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

more than three months, as the Registrar may allow, such registered 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 6(1), sections 7 and 8 shall apply to any branch of a registered society approved under this section as though such branch were a society registered, as the society of which it is a branch, under the provisions of this Act.

(5) For the purpose of this section, a branch of a registered society includes any society which is in any way subordinate to another society.

(6) 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.

Cancellation and suspension

13. (1) Subject to subsection (2), the Registrar may, in the following cases, cancel the registration of any society registered under section 7—

- (a) upon its dissolution by the 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 5;
- (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 society is likely to be used for unlawful purposes or for purposes prejudicial to or incompatible with peace, welfare, good order or morality in Malaysia;
 - (iii) that the society is pursuing objects other than the objects with which the society is registered;
 - (iv) that the society has wilfully contravened any provision of this Act or of any regulation made

thereunder or of any of its rules or that any members of the 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 society has ceased to exist;
- (vi) that the society has failed to comply with an order made by him under section 13A;
- (vii) that the society has failed to comply with the provisions of section 2A;
- (viii) that the society has contravened the provisions of section 52; or
- (ix) that the society has failed to comply with the notice served by him under subsection 16(1); and

(d) upon the society becoming unlawful under subsection 14(7) for failure to furnish written information.

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

- (a) shall notify one or more of the office-bearers of the society of his intention to cancel the registration of the 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.

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

- (a) where he thinks it necessary to do so—
 - (i) in the public interest; or
 - (ii) in the interest of the registered society; or
- (b) in order to restrain the registered society from further infringing or violating any provision of this Act, any regulation made thereunder or any rule of the society.

(2B) An order made under subsection (2A)—

- (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 society is cancelled.

(2C) An office-bearer or any person managing or assisting in the management of a society who fails to comply with an order made under subsection (2A) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five thousand ringgit, and where the offence is a continuing one, shall, in addition, be liable to daily fine not exceeding five hundred ringgit for each day after the first day during which the offence continues.

(3) Where the Registrar cancels the registration of a registered society under this section or under any other provision of this Act, section 17 shall apply to that registered society and such cancellation shall be published in the *Gazette*.

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

13A. (1) Where the Registrar is satisfied that it is necessary to do so in the interests of any registered society, or in the interests of public order, safety or security, or otherwise in the public interest, the Registrar may at any time, after giving the society an opportunity to make representations to him, make an order in writing—

- (a) requiring the society, within the time specified in the order, to provide in its rules or constitution that the office-bearers of the society shall be Federal citizens, and, consequently, requiring the society to remove from office all persons who, not being Federal citizens, were office-bearers of the society immediately before the making of the order; or
- (b) prohibiting the 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;
- (c) (*Deleted by Act A557*).

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

order in writing requiring the 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 any regulations made thereunder; or
- (b) remove any ambiguity or vagueness therein, or provide for greater clarity and preciseness of meaning in any provision thereof; 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 thereafter, 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 society, extend the time provided by him to the society in any order made under subsection (1) or (2) if he is satisfied that the 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 9A(7)(a) and (b).

(6) *(Deleted by Act A557).*

(7) Any 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) shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding fifteen thousand ringgit or to both.

Information to be furnished by societies, order of the Registrar to furnish information, Registrar to approve audit and provisional order for dissolution

14. (1) Every registered 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 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 society residing in Malaysia or present therein at the date of such return or, if such society has no office-bearers residing or present in Malaysia, the name, address and occupation of the person in Malaysia authorized to act for or on behalf of the 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 society;
- (c) the address of the society or of the place of business of the society;
- (d) the accounts of the last financial year of the society, together with a balance sheet showing the financial position at the close of the last financial year of the society;
- (da) the name and address of any society, association, trade union or any other body of persons, incorporated or unincorporated, outside Malaysia to which the society is in any way associated or affiliated;
- (db) the description of any money or property, any pecuniary benefit or advantage received by the society from any person ordinarily resident outside Malaysia or an organization, authority, government, or agency of any government, outside Malaysia; and
- (e) such other information as the Registrar may from time to time require.

(2) The Registrar may, at any time by notice under his hand, order any registered society to furnish him in writing with—

- (a) a true and complete copy of the rules of any such society in force at the date of such order;
- (b) a true and complete list of office-bearers and members of any such society or of any branch of any such 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 society or branch thereof in Malaysia within the period of six months immediately preceding such order stating the place or places where such meetings were held;
- (d) duly audited accounts;
- (da) the name and address of any society, association, trade union or any other body of persons, incorporated or unincorporated, outside Malaysia affiliated to the society and other particulars relating thereto;
- (db) the description of any money or property, any pecuniary benefit or advantage received by the society from any person ordinarily resident outside Malaysia or an organization, authority, government, or agency of any government, outside Malaysia and other particulars relating thereto; or
- (e) such other information as the Registrar may from time to time require.

(3) An order given under subsection (2) shall specify the time (being not less than seven 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.

(4) For the purpose of this section “duly audited” means audited by an auditor approved by the Registrar, who may give such approval generally or for any particular audit; and the auditor so approved shall make a report on the accounts examined by him in such form as the Registrar may require.

(5) Where the particulars required to be furnished under subsection (2) are not furnished within the time stated in the order, or any extension thereof allowed by the Registrar, the Registrar may make a provisional order for the dissolution of the society.

(6) If before the expiration of thirty days from the date of such provisional order the particulars required to be furnished under subsection (2) are so furnished, the Registrar may cancel the order.

(7) Upon the expiration of thirty days from the date of such provisional order, or where an appeal is pending upon the dismissal thereof, the said order shall become absolute and the society shall be deemed to be an unlawful society and its registration shall be cancelled.

(8) A registered society which, on the ground of its failure to comply with an order under this section, has had its registration cancelled under section 13 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

15. (1) The obligations imposed upon registered societies by section 14 shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such society in Malaysia:

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

(1A) Where a notice, order, or other document is served upon a person who has ceased to be an office-bearer of a registered society he shall forthwith deliver such notice, order or document upon an existing office-bearer of the registered society, or if unknown, shall return it to the Registrar or Assistant Registrar who sent it; and any person who fails to do so shall be liable, on conviction, to a fine not exceeding *three thousand ringgit.

(2) If any registered society fails to comply with the whole or part of any order given under section 14, each of the persons mentioned in subsection (1) who has been served with the aforesaid order shall be guilty of an offence and shall be liable, on conviction, 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.

*NOTE—Previously 'one thousand ringgit'—see the Societies (Amendment) Act 1998 [Act A1027].

**NOTE—Previously 'two thousand ringgit'—see the Societies (Amendment) Act 1998 [Act A1027].

(3) If any information supplied to the Registrar in compliance with an order given under section 14 is false, incorrect or incomplete in any material particular, the person who has supplied such information shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand ringgit unless he establishes to the satisfaction of the Court that he had good reason to believe that the information was true, correct and complete.

Disputes

16. (1) If the Registrar is of the opinion that a dispute has occurred among the members or office-bearers of a registered society as a result of which the Registrar is not satisfied of the identity of the persons who have been properly constituted as office-bearers of the society, the Registrar may serve notice on the society requiring the society, within one month of the service of such notice, to produce to him evidence of the settlement of any such dispute and of the proper appointment of the lawful office-bearers of the society or of the institution of proceedings for the settlement of such dispute.

(2) If any such notice as is provided in subsection (1) is not complied with to the satisfaction of the Registrar within the period of one month or any extension thereof allowed by the Registrar, the Registrar may take steps to cancel the registration of the society under section 13.

Consequence of order of the Minister under section 5, refusal of the Registrar to register a local society under section 7 and cancellation of registration of a registered society under any provision of this Act

17. (1) Upon the making of an order by the Minister under section 5 or upon the refusal of the Registrar to register a local society under section 7, or upon the cancellation of the registration of a registered society under any provision of this Act, the following consequences shall ensue—

- (a) the property of the society shall forthwith vest either in the Director General of Insolvency or if any other officer be, by the terms of the order under section 5, appointed by the Minister for the purpose of winding up the affairs of the society, then in such other officer;

- (b) the Director General of Insolvency or such other officer as aforesaid shall proceed to wind up the affairs of the society, and after satisfying and providing for all debts and liabilities of the society and the costs of the winding up shall pay the surplus assets, if any, of the society—
- (i) to the Consolidated Fund if the registration was refused or cancelled by virtue of an order under section 5 or on grounds stated in paragraph 7(3)(a) or subparagraph 13(1)(c)(ii) or if the members of the society so request, and the Minister so directs that such surplus assets be paid to the Consolidated Fund; and
 - (ii) in all other cases, to members of the society according to the rules of the society, or if there be no such rules, then the Director General of Insolvency or such other officer 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 or such other officer as aforesaid 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 society, the Director General of Insolvency or such other officer as aforesaid shall have all the powers which are vested in the Director General of Insolvency by any written law relating to bankruptcy for the purpose of the discovery of the property of a debtor and the realization therefor, and also such powers as are by any written law relating to companies vested in an official liquidator and all the provisions of the said laws relating to bankruptcy and to the winding up of companies, so far as they relate to the discovery and realization of the property of a debtor and to the winding up of a company, shall, *mutatis mutandis*, apply to the winding up of the affairs of the society under this Act.

(2) The Registrar may, 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 or authorize the governing body of the society, being the governing body existing immediately before the coming into effect of subsection (1) in relation to that society, or any member of such governing body, or any person who was then or at any time previously an office-bearer, member or employee of that 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 society, or any other matter relating to that society, which may be required for the purposes of this section, and, save as provided under subsection (4), such governing body, or member thereof, or such office bearer, member or employee, shall not on account of anything done by it or him in pursuance of such requirement or authorization be guilty of any offence under this Act, provided such thing is otherwise lawfully done.

(4) Where the governing body of such society, or any particular member thereof, or any person who was an office bearer, member or employee of such society at any time before the coming into effect of subsection (1) in relation to that society, fails to comply with any requirement of the Registrar or the Director General of Insolvency under subsection (3), or does anything outside the scope of, or contrary to, any authorization of the Registrar or the Director General of Insolvency under subsection (3), each of the members of the governing body, or the particular member thereof, or the office-bearer, member or employee, as the case may be, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or both.

(5) For the purposes of subsections (3) and (4) “office-bearer” includes any person referred to in paragraphs 9A(7)(a), (b) and (c).

(6) For the avoidance of doubt, it is hereby declared that where the property of a society vests in the Director General of Insolvency under paragraph (1)(a), the property of every branch of such society, regardless whether it is a lawful or an unlawful branch, shall also vest in the Director General of Insolvency, and the provisions of paragraphs (1)(b), (c), (d) and (e), and of subsections (2), (3), (4) and (5), shall accordingly apply to every such branch and its property.

(7) For the purposes of subsections (3), (4), (5) and (6), Director General of Insolvency includes, in relation to a society in respect of which an order has been made by the Minister under section 5, any other officer who, by the terms of the order, has been appointed by the Minister for the purpose of winding up the affairs of such society.

Application of section 17 to unlawful branch

17A. Where a branch of a society—

- (a) has been declared unlawful by an order of the Minister under section 5;
- (b) is notified by the Registrar to the Director General of Insolvency to be an unlawful society under paragraph 41(1)(c); or
- (c) has, otherwise howsoever, become an unlawful society under subsection 41(1),

the provisions of section 17 shall apply to the branch and its property in the same manner as they apply to a society and its property, and the reference in subsections 17(3) and (4) to the governing body of a society shall in such case be accordingly construed as a reference to the governing body of the branch concerned, and the reference in subsection 17(6) to a branch of a society shall in such case be accordingly construed as a reference to a branch subordinate to the branch concerned.

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

17B. (1) Where the property of any society has vested in the Director General of Insolvency under paragraph 17(1)(a) then, notwithstanding subparagraph 17(1)(b)(ii), the Director general of Insolvency may, if he is satisfied that another society has been registered under this Act (hereinafter referred to as “the new society”) and the constitution and the rules of the new society are substantially similar to those of the registered society whose registration has been cancelled by the Registrar under section 13 (hereinafter referred to as “the old society”) and that a majority of persons who were lawful members of the old society immediately before the cancellation of its registration are members of the new society, apply to the High Court for an order for vesting all the assets, debts and liabilities

of the old society and all its branches in the new society, provided the Director General of Insolvency has first received a written request and consent of the governing body of the new society for such vesting and a written undertaking that the new society will assume responsibility for all the aforesaid debts and liabilities then existing, and the Court may, if it is satisfied as to all the matters hereinbefore set out, approve such application with such modifications or variations as the justice of the case may require.

(2) The application shall be made by way of originating summons which shall be advertised by publication in the *Gazette* and in two newspapers, one in the national language and one in English, circulating in Malaysia, and 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 society or as a creditor of the old society may apply to the Court to appear and make representation thereon in accordance with the rules of the High Court.

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

(4) (*Deleted by Act A859*).

(5) Upon a vesting order being made by the Court under subsection (1), all the property comprised therein shall vest accordingly in the new society without any further conveyance, transfer or assignment.

(6) Notwithstanding that an application under subsection (1) is pending in the Court, 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 society as if such application has not been made.

(7) If the Court approves the application under subsection (1) with or without modification or variation, the Director General of Insolvency shall publish such decision in the *Gazette* and in two newspapers, one in the national language and one 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.

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

(9) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the publication in the *Gazette* of the decision of the Court approving the Director General of Insolvency application under subsection (1), shall be of full force and effect against or in favour of the new society and enforceable as fully and effectually as if, instead of the old society, or any person acting on behalf of the old society, the new society has been named therein or has been a party thereto.

(10) The provisions of subsections 17(3), (4) and (5) shall apply in relation to this section in the same manner as they apply in relation to section 17.

Appeals

18. Any local society, office-bearer or member of such local society or any other person who is aggrieved by the decision of the Registrar in any of the following cases—

- (a) cancellation of registration of the society under section 2A;
- (b) refusal to register the society under section 7;
- (c) refusal to grant exemption under subsection 9A(4) to a disqualified person to hold office in any registered society;
- (d) refusal to approve the change of name or place of business of the society, or amendment of its rules under section 11;
- (e) refusal to approve the establishment of a branch of the society under section 12;
- (f) cancellation of the registration of the society under section 13;
- (g) order prohibiting non-citizens from holding office in a society or prohibiting affiliation, connection, communication or other dealing with any society outside Malaysia and other matters stated in subsection 13A(1);
- (h) order to amend rules or constitution under subsection 13A(2);

- (i) refusal to approve an auditor or approving an auditor unacceptable to the society under subsection 14(4);
- (j) making a provisional order for the dissolution of the society under subsection 14(5);
- (k) cancellation of the registration of a registered society under section 16 for failure to settle a dispute within the society; or
- (l) refusal to grant permission under section 49 to become an office-bearer,

may, within thirty days from the date of the decision of the Registrar, appeal against the decision to the Minister; and the Minister whose decision shall be final may confirm, reject or vary the decision of the Registrar.

PART IA

PROVISIONS APPLICABLE TO POLITICAL PARTIES ONLY

Application of Parts I and III

18A. The provisions contained in this Part shall apply in addition to those contained in Part I and Part III to political parties registered under this Act and where there is any conflict or inconsistency between any provision in this Part and any provision in any other Part of this Act, the provision in this Part shall prevail to the extent of such conflict or inconsistency.

Circumstances which do not make an election invalid

18B. (1) No election in any political party shall be invalid by reason of any failure to comply with any provision of the political party's constitution or any rules or regulations made thereunder, or the participation in such election by any person who is disqualified from being a member or office-bearer under this Act or the constitution of the political party, if it appears to the political party or any person authorized by it or by its constitution or rules or regulations made thereunder, that the result of the election would have remained the same had there not been any failure to comply with any such provision, or had the said person not participated in such election, as the case may be.

(2) Where a person who is disqualified under this Act or the constitution of a political party is elected to any post in any election of the political party, such political party shall, upon discovery of his disqualification, notwithstanding the validity of the election pursuant to subsection (1), give effect to his disqualification and conduct a fresh election in respect of that post as soon as practical in accordance with its constitution, rules and regulations.

Decision of political party to be final and conclusive

18c. The decision of a political party or any person authorized by it or by its constitution or rules or regulations made thereunder on the interpretation of its constitution, rules or regulations or on any matter relating to the affairs of the party shall be final and conclusive and such decision shall not be challenged, appealed against, reviewed, quashed or called in question in any court on any ground, and no court shall have jurisdiction to entertain or determine any suit, application, question or proceeding on any ground regarding the validity of such decision.

PART II

PROVISIONS APPLICABLE TO MUTUAL BENEFIT SOCIETIES ONLY

Application of Parts I and III

19. The provisions contained in this Part shall apply in addition to those contained in Part I and Part III in respect of mutual benefit societies registered under this Act and the expression “registered society” shall in this Part mean that society.

Saving

20. Nothing in this Act shall apply to any person, body or society to which the Insurance Act 1963 [*Act 89*], applies and it is hereby declared that any mutual benefit society which has been registered under this Act shall be deemed not to be an insurer for the purposes of the aforesaid Insurance Act and that the provisions of section 67 of the Stamp Act 1949 [*Act 378*], shall not apply to any such mutual benefit society.

Restrictions on registration of mutual benefit societies

21. (1) A mutual benefit society shall not be entitled to registration under section 7 if the rules of such mutual benefit society provide for—

- (a) a benefit exceeding *two thousand ringgit in any one case;
- (b) admission of a member or subscriber who is above the age of sixty years, unless that member is insuring another person who is not above the age of sixty years; or
- (c) admission of a member or subscriber not resident within the limits of a town in Malaysia in which such society proposes to carry on its business:

Provided that where a mutual benefit society is established in a particular place of work for the benefit of its members or subscribers, the society shall be entitled to registration notwithstanding that the rules of the society provide for the admission of members or subscribers resident outside the limits of the town in which the society proposes to carry on its business;

or unless the tables of contributions to be paid by the members of such mutual benefit society and its rules governing benefits payable to the members, custody, investment and periodical valuation of its goods, assets and liabilities certified by an actuary approved by the Minister are sent to the Registrar with the application for registration.

(2) For the purpose of this section, “town” includes any village, mukim, municipality or city.

Membership of minors

22. (1) The rules of a registered society may provide for the admission of a person under twenty-one years of age as a member or subscriber.

(2) Any such member or subscriber may, if he is over sixteen years of age, by himself and if he is under that age by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, or a trustee, secretary, manager or treasurer of the registered society.

*NOTE—Previously “one thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

Restriction on nominees

23. No member or subscriber of a registered society may nominate as the person to receive the benefits provided under the rules of the society a person other than the husband, wife, children (including adopted children), grandchildren, mother, father, mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers or sisters of the whole blood, brothers or sisters of the half-blood, children of such brothers and sisters of the whole or half-blood, uncles or aunts of the whole blood, uncles or aunts of the half-blood or children of such uncles or aunts of the whole or half-blood of such member or subscriber:

Provided that a member or subscriber may nominate any other person in writing signed by himself in the presence of and attested by a Justice of the Peace or a Magistrate or the Registrar.

Priority on death, bankruptcy, etc., of office-bearers

24. In the following cases, namely—

- (a) upon the death or bankruptcy of any office-bearer of a registered society having in his possession by virtue of his office any money or property belonging to the society; or
- (b) if any execution, attachment or other process is issued or action taken against any such officer or against his property,

his heirs, executors or administrators or the Director General of Insolvency or the Bailiff of the High Court or other person executing the process or the party taking the action, shall upon demand made in writing by the trustees of the registered society or any two of them or any person authorized by the registered society to make the demand, pay the money and deliver over the property to the trustees of the registered society in preference to any other debt or claim against the estate of the office-bearer.

Appointment of trustees

25. (1) Every registered society shall have one or more trustees.

(2) No person shall be appointed a trustee of a registered society if he holds the office of the secretary or the treasurer of that registered society.

(3) A trustee shall be appointed at a meeting of the registered society and by a resolution of a majority of the members present and entitled to vote thereat.

(4) A registered society shall send to the Registrar a copy of every resolution appointing a trustee and such copy shall be signed by the trustee so appointed and by the secretary of the registered society.

Audit

26. (1) Every registered society shall once at least in every year submit its accounts for audit by an auditor approved generally or for any particular audit by the Registrar.

(2) The auditor shall have access to all the books and accounts of the registered society and shall examine the annual return required by this Act and verify such annual return with the accounts and vouchers relating thereto and shall either sign the annual return as found by him to be correct, duly vouched and in accordance with law and the rules of the registered society or specially report to the registered society in what respects he finds it incorrect, unvouched, or not in accordance with law.

Calling for information and inspection of books and documents by the Registrar

27. (1) Every registered society shall furnish the Registrar or Assistant Registrar with such information concerning the society as he may at any time require.

(2) Every registered society shall, if requested in writing by the Registrar or Assistant Registrar, produce for his inspection—

- (a) the documents of title to any property held by the society;
- (b) all books of account and membership register of the society; and
- (c) any minutes of proceedings of the society or other written records of the society.

(3) The secretary of a registered society shall, on a notice being served on the society by the Registrar or Assistant Registrar, authorize in writing the Bank at which the society's account is kept to disclose to the Registrar or Assistant Registrar the society's account and documents incidental thereto.

Right to supply of copies of the rules

28. Every registered society shall deliver to any person on demand and on payment of a sum not exceeding *five ringgit, a copy of the rules of the society.

Right to supply of copies of annual return

29. Every registered society shall supply free of charge to every member or subscriber or person having an interest in its funds on his application either—

- (a) a copy of the last annual return of the society; or
- (b) a balance sheet or other document duly audited containing the same particulars as to the receipt and expenditure, funds and effects of the society as are contained in the annual return.

Inspection of books by members

30. A member or subscriber or person having an interest in the funds of a registered society may inspect the books of the society at all reasonable hours at the registered office of the society or at any place where the books are kept.

Subscriptions and benefits

31. (1) The amount deducted by a registered society for administration or any other expense shall not, except with the Registrar's permission exceed such percentage of the total receipts from or such part of the subscriptions as may be prescribed by the Minister by regulations made under this Act.

(2) All subscriptions paid by members or subscribers during the period in which, under the rules of any registered society, such members or subscribers are qualifying for the benefits provided by the rules of the society less a sum not exceeding the prescribed percentage allowed for administration and any other expense shall be paid into the Bank Simpanan Nasional or placed on deposit with a bank of the Malaysia Exchange Banks Association in the name of the society or with the approval of the Registrar in the acquisition of immovable property and such funds shall constitute the reserve funds of the society.

*NOTE—Previously “one ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

(3) Subscriptions received from members of or subscribers to a registered society who have qualified for benefits under the rules of the society less a sum not exceeding the prescribed percentage allowed for administration and any other expense shall be paid into a separate account in the name of the society with the Bank Simpanan Nasional or a bank of the Malaysia Exchange Banks Association and the society may draw upon these funds for the purpose of paying the benefits provided in the rules of the society.

(4) Fifty per centum of the funds of a registered society not immediately required for the payment of benefits may be invested in trustee securities, or with the approval of the Registrar on such conditions as he may impose in the purchase of land.

(5) No payment of any sum payable as a result of the death of a person shall be made by the society except upon the production of the original death certificate or a certified copy thereof issued by a Registrar of Deaths or, in the case of a person dying outside Malaysia, a death certificate issued by the appropriate authority in the place where the person died:

Provided that where no nominee has been appointed payment may be made to the personal representative of a deceased member or subscriber upon the production of letters of administration or probate of the will of the deceased member or subscriber.

(6) For the purpose of this section, Malaysia Exchange Banks Association means a society registered with that name under this Act.

Rights, etc., of registered society not affected by change of name

32. (1) *(Deleted by Act A1027).*

(2) Where the name of a registered society is changed, such change shall not affect any right or obligation of the registered society or of any member thereof, and any legal proceeding may be continued by or against the trustees of the society or any officer who may sue or be sued on behalf of the society, notwithstanding such change of name.

33. *(Deleted by Act A1027).*

34. *(Deleted by Act A1027).*

Inspectors and special meetings

35. (1) Upon the application of one-tenth of the total number of members of a registered society or if on any information in his possession it appears to him expedient so to do, the Registrar may—

- (a) appoint an inspector or inspectors to examine into and report on the affairs of the society; or
- (b) call a special meeting of the society.

(2) The application made by members under this section shall be supported by evidence showing that the applicants have good reasons for requiring an inspection to be made or a special meeting to be called, and that they are not actuated by malicious motives in their application; and the Registrar shall cause a notice of such application to be given to the registered society.

(3) The Registrar may, if he thinks fit, require the applicants to give security for the costs of the proposed inspection or special meeting before appointing any inspector or calling the meeting.

(4) All expenses of and incidental or preliminary to any such inspection or meeting shall be defrayed by the members applying therefor or out of the funds of the society or by the members or office-bearers or former members or office-bearers of the society in such proportions as the Registrar may direct.

(5) An inspector appointed under this section may require the production of all or any of the books and documents of the society and may examine on oath its office-bearers, members, agents and servants in relation to its business and may administer such oath accordingly.

(6) The Registrar may direct at what time and place a special meeting under this section is to be held and what matters are to be discussed and determined at the meeting, and the meeting shall be deemed to be a meeting called according to the rules of the society and those present and entitled to vote shall in all cases have power to appoint the Chairman, any rule of the society to the contrary notwithstanding.

Dissolution of registered societies

36. A registered society may terminate or be dissolved in any of the following ways—

- (a) upon the happening of any event declared by the rules to amount to termination of the society;
- (b) by the consent of three-fourths of the members of the society testified by their signatures to an instrument of dissolution;
- (c) by the Registrar cancelling the registration of the society under section 13 or dissolving it under section 37.

Instrument of dissolution

37. Where a registered society is terminated by an instrument of dissolution, the following provisions shall apply:

- (a) the instrument shall set forth—
 - (i) the liabilities and assets of the registered society in detail;
 - (ii) the number of members and subscribers and the nature of their interests in the society; and
 - (iii) the intended appropriation or division of the funds and property of the society, unless the appropriation or division is stated in the instrument of dissolution to be left to the award of the Registrar;
- (b) a statutory declaration made by one of the trustees or by three members and the secretary of the society that the provisions of this Act have been complied with shall be sent to the Registrar with the instrument of dissolution;
- (c) the instrument shall not direct or contain any provision for a division or appropriation of the funds of the society or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof, unless the claim of every member or person claiming any relief, annuity or other benefit from the funds thereof is first duly satisfied or adequate provision is made for satisfying those claims;

- (d) the instrument of dissolution shall be registered in the manner in this Act provided for the registration of amendments of rules, and shall be binding upon all members of the society; and
- (e) the Registrar shall cause the dissolution to be published in the *Gazette* and if within three months from the date of such publication in the *Gazette*, a member or subscriber or other person interested in or having any claim on the funds of the society does not commence any proceedings to set aside the dissolution of the society, and the dissolution is not thereby set aside, the society shall be deemed to have been dissolved from the date of such publication in the *Gazette*; and the requisite consents in the instrument of dissolution shall be deemed to have been duly obtained without proof of the signatures thereto.

Dissolution by Registrar

38. (1) If it appears to the Registrar from any information in his possession that the funds of a registered society which has two thousand or more members are insufficient to meet existing claims thereon or that the rates of contributions fixed in the rules of the society are insufficient to cover the benefits assured, the Registrar may order the society to appoint an auditor or actuary to be approved by him to investigate the affairs or part of the affairs of the society, but the Registrar shall give not less than one month's previous notice in writing to the society whose affairs are to be investigated.

(2) If upon investigation it appears to the Registrar that the funds of the society are insufficient to meet the existing claims thereon or that the rates of contributions fixed in the rules of the society are insufficient to cover the benefits assured, the Registrar may, if he considers it expedient so to do, order that the society shall be dissolved and its affairs wound up and shall direct in what manner the assets of the society shall be divided or appropriated:

Provided that the Registrar may suspend his order for such period as he may deem necessary to enable the society to make such alteration and adjustment of contributions and benefits as will in his judgment remove the necessity for the making of the order of dissolution.

(3) The Registrar proceeding under this section shall have all the powers and authorities enforceable by the same penalties as in the case of a dispute referred to him under section 40.

(4) Every order under this section, whether for dissolution or distribution of funds, shall be binding on the society in respect of which the order is made and on all members and subscribers of the society and on all persons having any claim on the funds of the society and shall be enforced in the same manner as a decision in a dispute under section 40.

(5) The expenses of the investigation and of publishing the order for dissolution under this section shall be paid out of the funds of the society before any other appropriation thereof is made.

(6) Every order for dissolution shall, within twenty-one days after the order has been made, be published in the *Gazette* and if within three months from the date of the publication of such order, a member or subscriber or person interested in or having any claim on the funds of the society does not commence any proceedings to set aside the dissolution of the society consequent upon such order, and the dissolution is not thereby set aside, the society shall be deemed to have been dissolved from the date of the publication of the order.

Notice of proceedings to set aside dissolution

39. (1) Where a person takes any proceedings to set aside the dissolution of a registered society, he shall give notice of the proceedings to the Registrar not less than seven days before the proceedings are commenced.

(2) Where an order is made by the Court setting aside the dissolution of a registered society, the society shall give notice of the order to the Registrar within seven days after the order has been made.

Decision of disputes

40. (1) A dispute between—

- (a) a member or subscriber or person claiming through a member or a subscriber or under the rules of a registered society and the society or an office-bearer thereof; and

- (b) any person aggrieved who has ceased to be a member of a registered society or any person claiming through such person aggrieved, and the society or an office-bearer thereof,

shall be decided in the manner directed by the rules of the registered society; and the decision so given shall be binding and conclusive on all parties without appeal, and shall not be removable to any court or restrainable by injunction; and application for the enforcement thereof may be made to a Sessions Court.

(2) The parties to a dispute involving a registered society may by consent refer the dispute to the Registrar.

(3) The Registrar to whom a dispute is referred shall either by himself or by any Assistant Registrar, hear and determine the dispute and shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or by such parties to the dispute as he may think fit; and his determination or order shall have the same effect and be enforceable in the same manner as a decision made in the manner directed by the rules of the society.

(4) The Registrar or Assistant Registrar to whom a dispute is referred may administer oaths and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question.

PART III

MISCELLANEOUS PROVISIONS APPLICABLE TO SOCIETIES GENERALLY

Unlawful societies

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

- (a) a society or a branch thereof which has been declared unlawful by the Minister under section 5;
- (b) a society or a branch thereof which is not registered under section 7;
- (c) a branch of a registered society, where the branch was established in contravention of subsection 12(1), or continues to exist in contravention of the proviso to subsection 12(3);

- (d) a society or a branch thereof which has had its registration cancelled under section 2A, 13, 14 or 16.

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

Penalties on office-bearer, etc., of an unlawful society

42. Any office-bearer and any person managing or assisting in the management of any unlawful society shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding **fifteen thousand ringgit or to both.

Penalties on member of unlawful society

43. Any person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society or who pays money or gives any aid to or for the purposes of an unlawful society shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand ringgit or to both.

Persons allowing unlawful society on premises

44. Any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding ***ten thousand ringgit or to both.

*NOTE—Subsection 41(2) was inserted by Act A700 and shall be deemed to have come into force and become an integral part of this Act as from the date of commencement of this Act.

**NOTE—Previously “ten thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

***NOTE—Previously “five thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

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

45. (1) Any person who incites, induces or invites another person to become a member of, or to assist in the management of, an unlawful society shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding four years or to a fine not exceeding *fifteen thousand ringgit 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 society shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding **fifteen thousand ringgit or to both.

Penalty for procuring subscription or aid for an unlawful society

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

Publishing, etc., propaganda of an unlawful society

47. Any person who prints, publishes, displays, sells or exposes for sale, or transmits through the post or who, without lawful authority or excuse, has in his possession any placard, newspaper, book, circular, pictorial representation 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 society shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding two years or to a fine not exceeding ****five thousand ringgit or to both, and any books, periodicals, pamphlet, poster, proclamation, newspaper, letter or any other document or writing in respect of which such person shall have been convicted shall be forfeited.

*NOTE—Previously “eight thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

**NOTE—Previously “ten thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

***NOTE—Previously “five thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

****NOTE—Previously “four thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

Acting on behalf of or representing an unlawful society

48. (1) Any person who in any manner acts on behalf of, or represents, or assists, whether in a professional capacity or otherwise howsoever, any unlawful society, or any person who was an office-bearer thereof as if he continues to be an officebearer thereof, or any body which was the governing body of the society or of any branch thereof as if it continues to be such governing body, in relation to any matter, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding fifteen thousand ringgit or both.

(2) Subsection (1) does not apply to an appeal by an unlawful society under section 18, or to any proceedings in any court in respect of any matter involving such society, or any person who was its office-bearer, or a body which was its governing body or the governing body of any branch thereof.

Liability of office-bearer of a society whose registration has been cancelled

49. (1) If the registration of any society, other than a society which is a political party, has been cancelled under section 2A, or paragraph 13(1)(b) or subparagraph 13(1)(c)(i), (ii), (iii), (iv), (vi), (vii), (viii) or (ix), or under section 16, any office-bearer of such society at the time of such cancellation who after that time becomes or, after the expiry of thirty days from such cancellation, continues to remain an office-bearer of any other society without the permission in writing of the Registrar shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding *fifteen thousand ringgit or to both.

(2) Except where the registration of a society has been cancelled under section 2A or paragraph 13(1)(b) the restriction imposed on an office-bearer under subsection (1) shall cease upon the expiry of a period of five years beginning from the date of such cancellation.

Flags, symbols, emblems, badges or other insignia of societies

50. (1) No society shall adopt as its own any flag, symbol, emblem, badge or other insignia unless such flag, symbol, emblem, badge or other insignia has been approved by the Registrar.

*NOTE—Previously “ten thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

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

(3) Any person or 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 shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding *three thousand ringgit.

Liability of office-bearer in respect of offences by society

51. (1) Where any offence punishable with a fine or imprisonment has been committed, whether or not any person has been convicted in respect thereof, and such offence has been committed or purports to have been committed by any society or in the name or on behalf of any society, every office-bearer of such society and every person managing or assisting in the management of such 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 therefor, unless he establishes 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) Any office-bearer and person managing or assisting in the management of such society shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence.

(3) In any prosecution under subsection (1) of an office-bearer or any person managing or assisting in the management of a society, any document found in the possession of an office-bearer of such society or of a person assisting in the management of such society or of a member of such society or in any place leased, rented, borrowed, used or controlled by such 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 society.

Society using a Triad ritual to be deemed an unlawful society

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

*NOTE—Previously “one thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

(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 books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, any Triad society whether such society is established in Malaysia or not, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding *fifteen thousand ringgit.

Penalty for misuse of money or property of a registered society

53. (1) Where, on complaint made by a member of a registered society, or by the Registrar it is shown to the satisfaction of a Sessions Court that any office-bearer or member of that society has in his possession or control any property of the society otherwise than in accordance with the rules of the society, or has unlawfully withheld or wilfully applied any money of the society to purposes other than those expressed or directed in the rules of the society and authorized by this Act, the Court shall, if it considers the justice of the case so requires, order such office bearer or member to deliver all such property to the trustees of the society and to pay to them the money so unlawfully withheld or improperly applied.

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

(3) Any person bound by an order made under subsection (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding **five thousand ringgit.

(4) An order made under subsection (1) shall not affect or prevent a prosecution of, or civil proceedings against, any such office-bearer or member.

*NOTE—Previously “ten thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

**NOTE—Previously “two thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

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

53A. Any person who displays or uses any certificate of registration or copy thereof of a society whose registration has been cancelled with the knowledge that the certificate of registration has been cancelled shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand ringgit.

Punishment of fraud, false declaration and misappropriation

54. 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 registered society, on the pretence that they are the existing rules of that society or that there are no other rules of the society or gives to any person a copy of any rules on the pretence that those rules are the rules of a registered society when the society is not registered, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding *five thousand ringgit or to a term of imprisonment not exceeding six months or to both.

Penalty for furnishing false information

54A. Any person who furnishes to the 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 shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand ringgit.

Presumptions

55. In any proceedings under this Act—

- (a) where it is proved that a club, company, partnership or association is in existence, it shall be presumed that such club, company, partnership or association is a 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 society possesses a name or that it has been constituted or is usually known under a particular name;

*NOTE—Previously “two thousand ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

- (c) where it is alleged that a society is an unlawful society, the burden of proving that it is a registered society, or that it is not a local society, shall lie on the person charged.

Presumption of membership, etc., of society

56. (1) Where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, or purporting to relate to, any 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 society, and such society shall be presumed, until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found.

(2) Where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, any 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 society;
- (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 society, any person found in such place at any time during such search or found leaving therefrom 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 society.

Evidence

57. (1) In any prosecution under this Act, it shall be no objection to the admissibility of expert evidence that the expert is not or has not been a member of any unlawful society.

(2) In any prosecution under this Act, the Court may refer, for the purposes of evidence, to any of the following books—

Thian Ti Hwui, the Hung-League or Heaven-Earth League,
by G. Schlegel;

The Triad Society, by W. Stanton;

The Hung Society or the Society of Heaven and Earth, by
J. S. M. Ward and W. G. Stirling;

Triad Societies in Hong Kong, by W. P. Morgan,

and to any other published books or articles on the subject of unlawful societies in general or of particular unlawful societies, which the Court may consider to be of authority on the subject to which they relate.

Protection of informers

58. Except as is hereinafter provided—

- (a) no witness shall be obliged or permitted to disclose the name and address of any informer under this Act or to state any matter which might lead to his discovery; and
- (b) if any books, documents or papers which are evidence or liable to inspection in any civil or criminal proceedings whatsoever under this Act contain any entry in which any informer is named or described or which might lead to his discovery, the Court or Magistrate 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 but no further:

Provided that if in any criminal proceedings under this Act the Court after full inquiry into the case is satisfied that the strict enforcement of the provisions of this section would be likely to cause a miscarriage of justice, the Court may require the production of the original information and may permit inquiry and may require full disclosure to the Court concerning the informer.

Forfeiture

59. Any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall, upon order of

a Sessions Court Judge or a Magistrate, be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he may see fit.

Certain offences non-bailable and registrable

60. Every offence against the provisions of sections 9A and 13A, sections 42 to 49 inclusive and section 52 shall be deemed to be seizeable 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.

Consent to prosecution

61. (1) Except in the case of persons charged under the provisions of sections 13A, 45 and 52 and of persons arrested under the provisions of section 65 and subsection 66(5), a prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a Court under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of the law for the time being in force relating to criminal procedure shall be modified accordingly.

Service of summons

62. Every summons, notice or other document issued under this Act, or under any regulations made hereunder, shall be deemed to have been validly and effectually served, if served on or left with the person intended to be served or, in case he cannot be found, if left at his last known place of business or abode, by any person authorized in that behalf by the Registrar or, in the case of service of a notice or order on the society, by sending such notice or order by registered post to the registered address of such society.

Power of entry and inspection of records

63. The Registrar, an Assistant Registrar or a Registration Officer may, if he has reason to believe that any society is carrying on activities in contravention of any provision of this Act or any regulations made thereunder or any of its rules, and after giving notice to any office-bearer, enter into any place which he has reason to believe is kept or used by any registered society or any of its members as a place of meeting or place of business, and may search such place and inspect all books, accounts, minutes of meetings and other documents kept by the society.

Power of entry, search and seizure by Registrar or Assistant Registrar in special cases

64. (1) The Registrar or an Assistant Registrar, or any other officer appointed under subsection 3(1A) and duly authorized in writing by the Registrar or Assistant Registrar, who has reason to believe that any registered society is being used for purposes prejudicial to public peace, welfare, good order or morality in Malaysia, may enter, with or without assistance and using force for that purpose, if necessary, into any place which he has reason to believe is used as the place of meeting or place of business of such society, and may search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purpose as aforesaid.

(2) The Registrar, or an Assistant Registrar, or any other officer, entering into any place under subsection (1), may seize and detain any books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to the registered society which he has reason to believe may be required in respect of further proceedings under this Act.

Power of entry and search

65. (1) Any police officer of or above the rank of Inspector may, with or without assistance, using force, if necessary, enter into any dwelling-house or other building, or into any place in which he has reason to believe that a meeting of any unlawful society, or of persons who are members of an unlawful society, is being held,

or that any books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to any unlawful society are concealed, kept or deposited, and arrest or cause to be arrested all persons found in such house and search such house, building or place, and seize or cause to be seized all books, accounts, writings, banners, lists of members, seals, insignia, arms and other articles which he has reasonable cause to believe to belong to any unlawful society or to be in any way connected therewith.

(2) All persons so arrested and all articles so seized may be detained in custody and brought before a Magistrate to be dealt with according to law.

Power of Registrar or Assistant Registrar to summon witnesses

66. (1) The Registrar or an Assistant Registrar may summon before him any person who he has reason to believe to be able to give any information as to the existence or operations of any unlawful society, or suspected unlawful society, or as to the operations of any registered society.

(2) The person so summoned shall attend at the hour and place in the summons specified, and produce all documents in his custody, possession or power relating to such society or suspected society, and answer truthfully all questions which the Registrar or an Assistant Registrar may put to him.

(3) The Registrar and every Assistant Registrar may administer oaths to and examine on oath any person summoned before him under this section.

(4) If any person summoned by the Registrar or an Assistant Registrar under this section shall without lawful excuse fail to comply with any obligation imposed upon him by subsection (2) or shall give information which the Registrar or Assistant Registrar believes to be false, the Registrar or Assistant Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of fingerprints of such person be taken at such time and in such place and manner as the Registrar or Assistant Registrar may think fit. The Registrar may dispose of such photograph and impressions of fingerprints as he, in his absolute discretion, deems fit.

(5) Any person who refuses to comply with such order or who obstructs compliance with such order may be arrested and detained in custody and shall be liable, on conviction, to a fine not exceeding *one thousand ringgit.

(6) No statement made by a person summoned before the Registrar or an Assistant Registrar under the provisions of this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceeding, except a prosecution for failing to answer truthfully under this section.

Regulations

67. (1) The Minister may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers 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 societies under this Act;
- (b) prohibiting the use of illegal or undesirable badges and insignia by registered societies;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) prescribing information to be furnished to the Registrar;
- (e) prescribing the fees which may be levied under this Act;
- (f) prescribing anything which may be prescribed under this Act;
- (g) prescribing the percentage of the total receipts from subscriptions or any other income which may be deducted by a mutual benefit society for administration and other expenses.

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

*NOTE—Previously “two hundred ringgit”—see the Societies (Amendment) Act 1998 [Act A1027].

Repeal

68. (1) The Societies Ordinance 1949 of the States of Malaya [*F.M. 28 of 1949*], the Societies Ordinance 1957 of Sarawak [*Swk. Ord. 12 of 1957, Swk. Cap. 107*] and the Societies Ordinance 1961 of Sabah [*Sabah Ord. 24 of 1961*] are repealed:

Provided that any society, other than a mutual benefit society, if already registered or exempted from registration under the provisions of the Ordinances hereby repealed shall, subject to subsection (2), be deemed to be a registered society under the provisions of this Act.

(2) Any society, other than a mutual benefit society, registered or exempted from registration under the provisions of the Ordinances referred to in subsection (1), shall within six months from the date of commencement of this Act or such extended period, not being more than three months, as the Registrar may allow, alter its constitution or rules to contain provisions for all matters set out in Schedule I to this Act.

Transitional provisions applicable to mutual benefit societies

69. (1) Notwithstanding the repeal of the Ordinances mentioned in the preceding section, every mutual benefit society registered under any of those Ordinances shall, during the period of ninety days following the date of coming into force of this Act, be deemed to be registered under this Act and shall during the aforesaid period apply to the Registrar for registration under sections 6 and 7 in a manner provided under subsection (2) hereunder; and no such mutual benefit society shall be registered unless the Registrar is satisfied that it complies with the provisions of this Act.

(2) The application for registration referred to in subsection (1) above shall be accompanied by a general statement of the assets and liabilities of such mutual benefit society prepared in such form and containing such particulars as the Registrar may require, and, if the Registrar shall so require, by a copy of the rules of such mutual benefit society. Such application shall not be subject to the payment of any fee.

(3) In the event of a mutual benefit society registered under any of the Ordinances repealed by the preceding section failing to apply for registration pursuant to subsection (1) above or to comply

with the provisions of this Act within the aforesaid period of ninety days, it shall immediately upon the expiration of that period be deemed to be dissolved, and its funds shall be disposed of in accordance with the rules of the mutual benefit society (if any) or if there are no such rules applicable to such case, then the funds shall be divided proportionately to the amount of contributions paid by every member.

Power to exempt

70. The Minister may at his discretion in writing exempt any society registered under this Act from all or any of the provisions of this Act.

SCHEDULE I

[Paragraph 7(3)(e)]

CONSTITUTION AND RULES OF SOCIETIES

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

- (a) the name and registered place of business or registered postal address of the society;
- (b) (*Deleted by Act A557*).
- (c) an accurate description of the design and colours of any flag, emblem, badge or other insignia used by the society;
- (d) the aims or objects for which the society is formed, or which it may pursue, or for which its funds or any of them may be used;
- (e) the qualifications for membership, including particulars of any restriction or limitations that may be imposed as to the numbers, age limits, sex, religion, race, nationality, dwelling place, clan or surname of persons who may be admitted to membership of the society;
- (f) the method of appointment or election of members;
- (g) the composition and method of appointment of the committee or governing body and the designations, powers and functions of the office-bearers of the society and where applicable the branches thereof;
- (gg) that, if the Registrar so requires, the office-bearers of the society and every officer performing executive functions in such society shall be Federal 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 a society is a political party, the constitution or rules thereof shall, in addition to matters enumerated in paragraph 1, provide that—

- (a) every member of the society, every officer performing executive functions in such society and every adviser, to such society, shall be Federal citizens; and

- (b) every member shall have a right to vote and shall be eligible to hold office in the committee or governing body in the society.

3. Where any registered society makes provision 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 the society or its governing body.

SCHEDULE II

[Paragraph 7(3)(e)]

CONSTITUTION AND RULES OF MUTUAL
BENEFIT SOCIETIES

Matters for which provision must be made in the constitution or rules of every Mutual Benefit Society shall be as follows—

- (a) the name of the society and the place for the business of the society;
- (b) all the objects of the society and the conditions under which any member or subscriber may become entitled to any benefit;
- (c) the manner of making, altering, amending and rescinding the rules:

Provided that no alteration may take place which would reduce the benefits provided by the rules without the approval of three-fourths of the total number of members or subscribers obtained by means of a ballot vote;

- (d) the election and removal of office-bearers, including the secretary, treasurer, trustees and other office-bearers of the society;
- (e) the supplying of a copy of the rules of the society to every member or subscriber;
- (f) the custody and investment of the funds of the society and the designation of the office-bearers responsible therefor and the annual or periodical audit of the society's accounts;
- (g) inspection of the books and register of names of members of or subscribers to the society by any person having an interest in the funds of the society;
- (h) the keeping of a register with particulars of the age, name and address of any member or subscriber and the nominee (if any) of such member of or subscriber to the society;
- (i) the minimum number for a quorum for general meetings and committee meetings, such minimum number to be not less than three times the total number of the members of the Committee in the case of general meetings and not less than one half of the total number of the members of the Committee in the case of committee meetings; and

- (j) the manner of deciding a dispute between—
- (i) a member or subscriber or person claiming through a member or a subscriber or under the rules of a registered society and the society or an office-bearer thereof; and
 - (ii) any person aggrieved who has ceased to be a member of a registered society or any person claiming through such aggrieved person and the society or an office-bearer thereof.
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LAWS OF MALAYSIA**Act 335****SOCIETIES ACT 1966**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 45/1966	Societies (Amendment) Act 1966	28-07-1966
P.U. (A) 282/1970	Emergency (Essential Powers) Ordinance No. 45/1970	10-08-1970
Act A102	Societies (Amendment) Act 1972	01-07-1972
P.U. (A) 357/1980	Subordinate Courts Act (Extension) Order 1980	01-06-1981
Act A515	Societies (Amendment) Act 1981	15-05-1981
Act A557	Societies (Amendment) Act 1983	13-05-1983
Act A700	Societies (Amendment) Act 1988	10-06-1988
Act A743	Societies (Amendment) Act 1990	12-01-1990
Act A859	Societies (Amendment) Act 1993	03-03-1994
Act A1027	Societies (Amendment) Act 1998	02-07-1998

LAWS OF MALAYSIA

Act 335

SOCIETIES ACT 1966

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act 45/1966	28-07-1966
	Act A515	15-05-1981
	Act A557	13-05-1983
2A	Act A515	15-05-1981
	Act A557	13-05-1983
3	Act A557	13-05-1983
	Act A1027	02-07-1998
3A	Act A700	10-06-1988
3B	Act A1027	02-07-1998
6	Act A515	15-05-1981
	Act A1027	02-07-1998
6A	Act A700	10-06-1988
7	Act A102	01-07-1972
	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A1027	02-07-1998
8A	Act A557	13-05-1983
9	Act A557	13-05-1983
9A	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A1027	02-07-1998
10	Act A102	01-07-1972
	Act A557	13-05-1983
	Act A700	10-06-1988
11	Act A557	13-05-1983
	Act A1027	02-07-1998
11A	Act A515	15-05-1981
	Act A557	13-05-1983

Section	Amending authority	In force from
12	Act A557	13-05-1983
	Act A700	10-06-1988
13	P.U. (A) 282/1970	10-08-1970
	Act A102	01-07-1972
	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A1027	02-07-1998
13A	Act A102	01-07-1972
	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A1027	02-07-1998
14	Act A557	13-05-1983
	Act A1027	02-07-1998
15	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A1027	02-07-1998
16	Act A1027	02-07-1998
17	Act 45/1966	28-07-1966
	Act A102	01-07-1972
	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A700	10-06-1988
	Act A859	03-03-1994
17A	Act A700	10-06-1988
17B	Act A700	10-06-1988
	Act A859	03-03-1994
18	Act A557	13-05-1983
18A	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A743	12-01-1990
18B	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A743	12-01-1990
18C	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A743	12-01-1990

Section	Amending authority	In force from
18D	Act A515 Act A557	15-05-1981 13-05-1983
18E	Act A515 Act A557	15-05-1981 13-05-1983
18F	Act A515 Act A557	15-05-1981 13-05-1983
18G	Act A515 Act A557	15-05-1981 13-05-1983
18H	Act A515 Act A557	15-05-1981 13-05-1983
18I	Act A515 Act A557	15-05-1981 13-05-1983
18J	Act A515 Act A557	15-05-1981 13-05-1983
21	Act A515 Act A557 Act A1027	15-05-1981 13-05-1983 02-07-1998
23	Act A102 Act A557	01-07-1972 13-05-1983
24	Act 45/1966	28-07-1966
28	Act A1027	02-07-1998
31	Act A557	13-05-1983
32	Act A1027	02-07-1998
33	Act A1027	02-07-1998
34	Act A1027	02-07-1998
40	Act 45/1966	28-07-1966
41	Act A515 Act A557 Act A700	15-05-1981 13-05-1983 10-06-1988
42	Act A515 Act A1027	15-05-1981 02-07-1998
43	Act A515	15-05-1981

Section	Amending authority	In force from
44	Act A515 Act A1027	15-05-1981 02-07-1998
45	Act A515 Act A1027	15-05-1981 02-07-1998
46	Act A515 Act A1027	15-05-1981 02-07-1998
47	Act A515 Act A1027	15-05-1981 02-07-1998
48	Act A515 Act A700	15-05-1981 10-06-1988
49	Act A515 Act A557 Act A700 Act A1027	15-05-1981 13-05-1983 10-06-1988 02-07-1998
50	Act A515 Act A1027	15-05-1981 02-07-1998
51	Act A515	15-05-1981
52	Act A515 Act A1027	15-05-1981 02-07-1998
53	Act 45/1966 Act A515 Act A1027	28-07-1966 15-05-1981 02-07-1998
53A	Act A1027	02-07-1998
54	Act A515 Act A1027	15-05-1981 02-07-1998
54A	Act A1027	02-07-1998
60	Act A1027	02-07-1998
61	Act A1027	02-07-1998
63	Act A557	13-05-1983
64	Act A1027	02-07-1998
66	Act A1027	02-07-1998
67	Act A515 Act A557	15-05-1981 13-05-1983

Section	Amending authority	In force from
Schedule I	Act A102	01-07-1972
	Act A515	15-05-1981
	Act A557	13-05-1983
	Act A1027	02-07-1998
Schedule II	Act A557	13-05-1983

