

## STATE OF SABAH

I assent,

TUN DATUK HAJI MOHD. SAID BIN KERUAK,  
*Yang di-Pertua Negeri.*

31ST MARCH, 1990.

### **No. 1 of 1990**

An Enactment to establish the Amanah Rakyat Negeri Sabah.

ENACTED by the Legislature of the State of Sabah as follows:

#### **Short title and commencement.**

1. This Enactment may be cited as the Amanah Rakyat Negeri Sabah Enactment, 1990, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint. [05.04.1990]

#### **Interpretation.**

2. In this Enactment, unless the context otherwise requires –

"Board" means the Board of Trustees of Amanah Rakyat Negeri Sabah established under section 4 hereof;

"Fund" means the Fund established by section 3 hereof;

"Minister" means the Chief Minister.

**Establishment of Fund.**

3. There shall be established a Fund to be known as the "Amanah Rakyat Negeri Sabah" which shall comprise the following –

- (a) moneys from time to time appropriated from the Consolidated Fund to and for the purposes of the Fund;
- (b) all moneys including interest and dividends from any investments of the Fund;
- (c) all grants, donations, endowments, gifts, contributions and bequests that may be made to or in favour of the Fund;
- (d) any property real or personal which may be donated to the Fund; and
- (e) such contributions as may be made to the Fund by any person or authority.

**Establishment of Board of Trustees.**

4. (1) For the purpose of managing, administering and controlling the Fund there shall be established a Board of Trustees called "the Board of Trustees of Amanah Rakyat Negeri Sabah" which shall consist of –

- (a) the Chief Minister, who shall be the Chairman; and
- (b) not more than four and not less than two other persons appointed by the Yang di-Pertua Negeri for a term not exceeding three years.

(2) A Trustee shall cease to hold office –

- (a) on his death;
- (b) on his resignation by writing to the Chairman; or
- (c) on the revocation of his appointment by the Yang di-Pertua Negeri.

(3) The Board shall be a body corporate under the name of the Board of Trustees of Amanah Rakyat Negeri Sabah and by that name shall have perpetual succession and a common seal, and the Board is hereby empowered for the purposes of the Trust to sue and

be sued and to make contracts and to acquire, purchase, take, hold and enjoy movable and immovable property of every description, and to sell, convey, assign, surrender, mortgage, lease, or otherwise dispose of any movable or immovable property vested in the Board upon such terms as the Board may deem fit and to collect and receive further subscriptions and donations for the benefit of the Fund.

(4) The Board may continue to act notwithstanding any vacancy in the number of the Trustees.

(5) The quorum of the Board shall be two.

(6) The Chairman shall preside at all meetings of the Board.

(7) The Chairman shall have a casting vote.

(8) No salary, fee or honorarium shall be paid to any Trustee.

(9) Subject to the Enactment, the Board shall have the powers to make rules and to regulate its proceedings.

**Custody of common seal.**

5. The Chairman of the Board shall have the custody of the common seal of the Board.

**Sealing documents.**

6. All deeds, documents or other instruments which are by law required to be sealed shall be sealed with the common seal of the Board in the presence of the Chairman and one other Trustee and also be signed by each of them and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

**Raising money for the Fund.**

7. (1) The Board shall have power from time to time to raise public subscriptions for the Fund.

(2) The Board shall have power to realise and turn into money any real or personal property which may be donated to the Fund under paragraph (d) of section 3.

**Investment.**

8. (1) Any part of the Fund established under the provisions of section 3 may be invested by the Board in any security in which trustees are authorised by law to invest trust funds. All investments shall be held by the Board or on behalf of the Board by an agent appointed by the Board with the approval of the Yang di-Pertua Negeri.

**Management of the Fund.**

9. (1) The Board shall have power to appoint any person or body corporate as it may deem necessary to be responsible for the day to day administration and management of the affairs of the Fund.

(2) Such appointment shall be made on such terms and conditions as the Board deems fit.

**Power of delegate.**

10. The Board may by instrument in writing under the common seal of the Board delegate to any person or body corporate such of its duties as may be necessary to be performed in or outside Malaysia subject to such conditions or restrictions as the Board may impose.

**Application of moneys of the Fund.**

11. (1) Moneys standing to the credit of the Fund may be applied –

- (a) to pay to such Malaysian citizens having permanent residence in Sabah such amount of cash distributions for the promotion of their general welfare, at such time and in such manner as the Board may from time to time determine;
- (b) to donate, grant or contribute to any charitable organisation or body as the Board in its sole discretion deems fit;
- (c) to provide monetary grants and scholarships for candidates selected by the Board to assist such candidates in their education whether within or without the State; and

(d) to provide such other grants as may be approved by the Yang di-Pertua Negeri.

(2) Where moneys provided under paragraph (a) of section 3 are applied for any of the purposes mentioned in sub-section (1) of this section, the Board shall be deemed to be an agent of the State Government.

**Administration fees.**

12. Any costs, expenses or other payments directly attributable to the administration of the Fund shall be charged to the Fund.

**Power of Minister in relation to the Board.**

13. (1) The Minister may give the Board such directions of a general nature as are not inconsistent with the provisions of this Enactment as relate to the exercise and performance of its functions and the Board shall give effect to all such directions.

(2) The Board shall furnish the Minister with such returns, accounts and other information with respect to the assets and activities of the Fund as he may from time to time require.

**Financial year.**

14. For the purposes of this Enactment, the financial year of the Fund shall commence on the 1st January and end on the 31st December of each year.

**Accounts and audit.**

15. (1) The Board shall keep or cause to be kept proper accounts and other records in respect of the operation of the Fund and shall prepare statements of accounts in respect of each financial year.

(2) The Board shall, not later than three months after the end of its financial year, cause the accounts of the Fund to be audited by a duly qualified auditor or firm of auditors who shall be appointed by the Board and who may in like manner be removed.

(3) At the end of each financial year and as soon as the accounts of the Fund have been audited, the Board shall cause a copy of the statement of accounts to be submitted to the Minister, together with a copy of the observations made by the auditor on any statement of accounts or on the accounts generally.

**Annual report.**

16. The Board shall, not later than the thirtieth day of April in each year, cause to be made and submitted to the Minister a report dealing with the investments of the Fund during the preceding financial year and containing such information relating to the proceedings and policy of the Board as the Minister may from time to time direct.

**Bank account.**

17. All moneys of the Fund shall be deposited in such bank or other financial institution licensed under the Banking and Financial Institutions Act, 1989 [Act 372], as may be determined by the Board.

**Signing of cheques.**

18. (1) All cheques or other instruments drawn upon the bank account of the Board shall be signed by the Chairman and countersigned by one other Trustee or in such manner as the Board may otherwise decide.

(2) The bank or other financial institution may pay or arrange for payment in respect of all cheques or orders so drawn which are so signed and countersigned.

**Liability of Trustees, etc.**

19. No Trustee shall be liable for any loss arising from or contingent upon any investment made unless such loss has been occasioned by his negligence, fraud or dishonesty; and no agent or person acting under authority to the Board shall be personally liable to any action or proceeding for or in respect of any action made or thing done or omitted to be done in good faith and in the proper exercise of any of the powers of the Board or of the members thereof.

**Public servants.**

**20.** All members, officers, servants and agents of the Board shall be deemed to be public servants within the meaning of the Penal Code [*F.M.S. Cap. 45*].

**Power to make regulations.**

**21.** The Minister may make regulations for the better carrying out of the provisions of this Enactment.

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Thursday, the 15th March, 1990.

DATUK LAWRENCE GIMBANG,  
*Deputy Speaker,*  
*Legislative Assembly.*