

# STATE OF SABAH

## TUN FUAD FOUNDATION ENACTMENT 1976 (Sabah No. 8 of 1976)

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### ARRANGEMENT OF SECTIONS

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**LIST OF AMENDMENTS**

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
4/1978	9A	04-05-1978
3/1980	3, 4 (1), 9 (2), (3), 9A, (3), 10 (2), 15 (2)	18-04-1980
3/1994	15	19-05-1994

An Enactment to provide for the establishment of the Tun Fuad Foundation; the establishment of a Fund and the appointment of Trustees for the purposes of the management of that Fund and other matters incidental thereto.

[2nd September 1976.]

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

**Short title.**

1. This Enactment may be cited as the Tun Fuad Foundation Enactment, 1976.

**Interpretation.**

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

“The Board” means the Board of Trustees established under section 4 (2) of this Enactment;

“The Fund” means the Tun Fuad Foundation Fund established under section 4 (1) of this Enactment;

“member of the Board” includes the Chairman.

**Establishment of the Foundation and its objects.**

3. There is hereby established the Tun Fund Foundation and the objects for which the Foundation is established shall be—

- (a) to perpetuate the good name of the late Yang Amat Berhormat Tun Mohamed Fuad Stephens;

- (b) to achieve the aspirations and to perpetuate the good work of the late Yang Amat Berhormat Tun Mohamed Fuad Stephens;

- (c) to inculcate and promote mutual understanding among racial groups and mankind;

- (d) to promote peace and understanding among nations;
- (e) to improve the standard of education in all fields and to uplift the standard of living of the people;
- (f) to provide or award studentships, scholarships, study grants, study loans or other awards to any Malaysia citizen who is a permanent resident in Sabah;
- (g) to undertake such or any activities commercial or otherwise so as to enhance the Fund.

**Establishment and management of the Fund.**

4. (1) For the purposes of enabling the Foundation to carry out its objects there is hereby established a Fund to be known as the Tun Fuad Foundation Fund.

(2) The Fund shall vest in and be managed by a Board of Trustees which shall be a body corporate with perpetual succession and a common seal with the power to sue and be sued, to hold movable and immovable properties, to enter into or modify any contracts or agreement and subject as hereafter provided to convey, assign, surrender, mortgage, lease or otherwise dispose of movable and immovable properties vested in the Board upon such terms as it may think fit.

**Powers of the Board to accept grant, donation etc.**

5. The Board shall at its discretion in addition to any other powers conferred by this Enactment have power to accept any grants, donations, endowments, gifts or bequests made to or in favour of the Fund.

**Members of the Board.**

6. (1) The Board shall consist of a Chairman and four other members to be appointed by the Yang di-Pertua Negeri\*.

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\* Throughout the Ordinance "Yang di-Pertua Negeri" substituted for "Yang di-Pertua Negara" by virtue of Enactment No. 17 of 1976.

(2) Members of the Board shall be appointed for a period of three years and are eligible for reappointment.

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

(4) The Board may meet at such places and times as the Chairman may appoint and at any meeting of the Board three members shall form a quorum.

(5) The Chairman shall have a casting vote.

(6) Subject to the provisions of this Enactment the Board shall have power to determine its own procedure.

**Disqualification of members.**

7. A member of the Board shall be disqualified from holding office as such member if he—

- (a) be declared insolvent, or a bankrupt or enters into any composition with his creditors; or
- (b) be declared to be of unsound mind; or
- (c) is sentenced to a term of imprisonment by a Court of competent jurisdiction; or
- (d) commits any breach of trust or any dereliction of his duty as such member which in the opinion of the Yang di-Pertua Negeri warrants his removal.

**Removal from office.**

8. (1) The Yang di-Pertua Negeri may at any time remove from office any members of the Board appointed under section 6 of this Enactment and appoint another in his place.

(2) Without prejudice to the power of removal under subsection (1) of this section, the Yang di-Pertua Negeri may remove from office any such member of the Board who by reason of ill health or prolonged absence from the State is in the opinion of the Yang di-Pertua Negeri rendered incapable of properly performing his duties as a member of the

Board.

**The object of the Foundation and cost of managing the Fund.**

**9.** (1) All expenses incidental to the management of the Fund shall be defrayed from the monies of the Fund in priority to any other payments.

(2) The balance of the monies of the Fund after defraying the expenses referred in subsection (1) shall be utilised for the purpose of achieving the objects of the Foundation.

(3) (Deleted).

**ASEAN Literary Award.**

**9A.** (1) Notwithstanding anything contained in this Enactment, the Board may from time to time make any award from the monies of the Fund referred to in subsection (2) of section 9 to any person that the Board deems to have attained outstanding literary achievement in any of the Countries within the Association of South-East Asian Nations.

(2) In determining the recipient of any award under this section, the Board may exercise its own discretion or may refer the matter to any regional body which it deems qualified to determine such person.

(3) (Deleted).

**Terms of study award.**

**10.** (1) Every recipient of a studentship, scholarship, study grant, study loan or any other award provided or awarded under this Enactment shall become and during his tenure thereof shall remain a student at the place of education approved by the Board and shall pursue his studies thereat to the satisfaction of the Board.

(2) If any recipient of any award made under this Enactment commits a breach of the conditions laid down by the Board or in any way whatsoever misconducts himself he may thereon be deprived of such award.

**Operation of this Enactment.**

11. The provisions of this Enactment shall be supplementary to and not in derogation of any other written law relating to the provisions of studentships, scholarships, study grants, study loans or any other award in force in Malaysia.

**Cessation of study award.**

12. The Board may cease to provide, maintain or assist any recipient of an award under this Enactment who contravenes or fails to comply with the terms or conditions imposed by the Board in accordance with this Enactment or if it appears to the Board that a further pursuance of his studies is not advantageous or reasonable by reason of his unsatisfactory scholastic progress misconduct or ill-health:

Provided that in any such case of cessation of an award the Board shall defray all expenses necessary to return such recipient and his dependants if any to Malaysia if they shall have departed therefrom on the instructions or with the approval of the Board.

**Condition of awards.**

13. Before making any award under this Enactment the Board may impose such conditions as it deems necessary.

**Investment power of the Board.**

14. The assets may be invested by the Board in investments for the time being authorised by law for investment of trust funds:

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

**Accounts and audit.**

15. (1) The Board shall keep proper accounts and other records in respect of its activities and shall cause to be prepared a statement of account in respect of each financial year.

(2) The accounts of the Board shall be audited by the Auditor-General.

(3) The Board shall not later than the 31st day of July of each year submit the accounts of the Board for the preceding financial year to the Auditor-General for the purpose of audit.

(4) The Board shall, when required by the Auditor-General, produce and lay before him all books and accounts of the Fund concerned, together with all vouchers in support thereof, and relating thereto, and the Auditor-General shall be entitled to require from the Board, or any member, officer, servant or agent of the Board such information and explanation as he may deem necessary for the performance of his duties as an auditor.

(5) At the end of each financial year, as soon as the accounts of the Board have been audited, the Board shall cause a copy of the statement of account, together with a copy of any report of the Auditor-General, to be transmitted to the Chief Minister who shall cause the same to be laid before the Legislative Assembly and cause a copy thereof to be published in the *Gazette*.

**Appointment of officers and servants.**

16. The Board shall have power to appoint a Secretary to the Board and such other officers and servants as may be necessary for carrying out the functions of the Board.

**Delegation by the Board.**

17. The Board may by instrument in writing under the common seal of the Board delegate to any person or body such of its duties as may be necessary to be performed in or outside Malaysia:

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

**Liability for loss in investment.**

18. No member of the Board shall be liable for any loss arising from or contingent upon any investment made unless such loss has been occasioned by his wilful negligence, fraud or



dishonesty; and no member of the Board and no agent or person acting under authority of the Board shall be personally liable to any action or proceeding for or in respect of any act matter or thing done or omitted to be done in good faith and in the proper exercise of any of the rights or powers of the Board or members thereof.

**Seal of the Board.**

19. The Common Seal of the Board shall not be used except with the authority of the Board and every document requiring the seal of the Board shall be sealed with such seal in the presence of the Chairman and one other member of the Board and the Chairman and such other member shall sign such document and such signing shall be sufficient evidence that the common seal was duly affixed by authority of the Board.

**Power of Board to make Rules.**

20. (1) The Board may from time to time with the approval of the Yang di-Pertua Negeri make rules for the proper carrying out of any of the provisions of this Enactment.

(2) In particular and without prejudice to the generality of the foregoing powers such rules —

- (a) may prescribe the awards, the conditions to be observed and the qualifications to be possessed by the candidates;
- (b) may provide for the payments of salaries and allowance and conditions of service of the officers and servants of the Board.