



# LAWS OF MALAYSIA

REPRINT

**Act 524**

## **ACADEMY OF SCIENCES MALAYSIA ACT 1994**

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**ACADEMY OF SCIENCES MALAYSIA ACT 1994**

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# LAWS OF MALAYSIA

## Act 524

### ACADEMY OF SCIENCES MALAYSIA ACT 1994

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# LAWS OF MALAYSIA

## Act 524

### ACADEMY OF SCIENCES MALAYSIA ACT 1994

An Act to provide for the establishment of the Academy of Sciences Malaysia and for matters connected therewith.

*[1 February 1995, P.U. (B) 32/1995]*

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

#### PART I

#### PRELIMINARY

##### **Short title**

1. This Act may be cited as the Academy of Sciences Malaysia Act 1994.

##### **Interpretation**

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

“Academy” means the Academy of Sciences Malaysia established under section 3;

“Council” means the Council of the Academy established under section 6;

“Fellow” means a Fellow elected under section 10 and includes a Senior Fellow;

“Fund” means the Academy of Sciences Malaysia Fund established under section 13;

“general meetings of the Academy” means the ordinary general meetings, annual general meetings and extraordinary general meetings of the Academy;

“members” means Fellows and honorary Fellows of the Academy;

“Minister” means the Minister for the time being charged with the responsibility for science and technology;

“national science, engineering and technology policy” means the legislative and executive measures adopted by the Government to develop, organize and utilize the national scientific, engineering and technological potential with the objective of achieving the nation’s overall development aim.

## PART II

### ACADEMY OF SCIENCES MALAYSIA

#### **Establishment of the Academy**

3. There is hereby established an academy by the name of “Academy of Sciences Malaysia” which shall be a body corporate with perpetual succession and a common seal, and which may sue and be sued in its corporate name and, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold and enjoy movable or immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with any movable or immovable property or any interest therein vested in the Academy upon such terms as it deems fit.

#### **Object of the Academy**

4. The object of the Academy is the pursuit, encouragement and maintenance of excellence in the fields of science, engineering and technology in order to promote the advancement of the art and practice of science, engineering and technology for the development of the nation and the benefit of mankind.

## **Functions of the Academy**

5. The functions of the Academy are—
- (a) to promote and foster the development of science, engineering and technology;
  - (b) to provide a forum for the interchange of ideas among scientists, engineers and technologists;
  - (c) to promote national awareness, understanding and appreciation of the role of science, engineering and technology in human progress;
  - (d) to promote creativity among scientists, engineers and technologists;
  - (e) to promote national self-reliance in the field of science, engineering and technology;
  - (f) to act as a forum for maintaining awareness on the part of the Government of the significance of the role of science, engineering and technology in the development process of the nation and for bringing national development needs to the attention of the scientists, engineers and technologists;
  - (g) to analyze particular national problems and identify where science, engineering and technology can contribute to their solution and accordingly to make recommendations to the Government;
  - (h) to keep in touch with developments in science, engineering and technology and identify those developments which are relevant to national needs and to bring such developments to the attention of the Government;
  - (i) to prepare reports, papers or other documents relating to the national science, engineering and technology policy and make the necessary recommendations to the Government;
  - (j) to initiate and sponsor multi-disciplinary studies related to and necessary for the better understanding of the social and economic implications of science, engineering and technology;
  - (k) to encourage research and development and education and training of the appropriate scientific, engineering and technical manpower;

- (l) to establish and maintain relations between the Academy and overseas bodies having the same or almost similar objectives in science, engineering and technology as the Academy;
- (m) to do such other things as may be requested by the Government from time to time; and
- (n) to do such other acts which are consistent with this Act as may be required in order to further the advancement of science, engineering and technology in Malaysia and the welfare and status of the Academy.

### **Council of the Academy**

6. (1) For the purpose of carrying out the functions of the Academy and managing the affairs of the Academy, there is established a Council comprising—

- (a) the President;
- (b) the Vice-President;
- (c) the Secretary-General;
- (d) the Treasurer; and
- (e) twelve other members,

who shall all be Fellows of the Academy.

(2) The President shall be appointed by the Yang di-Pertuan Agong on the recommendation of the Minister, whose recommendation is made after the Minister has consulted the Council, and the President shall hold office for three years from the date of his appointment and shall be eligible for reappointment provided that he shall not hold office consecutively for a period exceeding six years.

(3) The Vice-President, the Secretary-General, the Treasurer and the twelve other members shall be elected by the Fellows at the annual general meeting of the Academy and shall hold office for two years from the date of election and shall be eligible for reelection to the same post provided that they shall not hold office consecutively for a period exceeding four years.

(4) The provisions of the Schedule shall apply to the Council and the Academy.



### **Functions of the Council**

7. The functions of the Council are—
- (a) to formulate policy relating to the functions of the Academy;
  - (b) to administer the affairs of the Academy;
  - (c) to appoint such officers or servants of the Academy as are necessary for the due administration of the Academy;
  - (d) to supervise and control its officers and servants;
  - (e) to administer the Fund; and
  - (f) to convene general meetings of the Academy to decide on matters which under this Act are required to be decided by the Academy.

### **Appointment of committees**

8. (1) The Council may appoint one or more committees as it considers necessary or expedient to assist it in the performance of its functions under this Act.

(2) The number and term of office of the members of a committee appointed under this section, and the number of the members necessary to form a quorum, shall be decided by the Council.

(3) A committee appointed under this section may include persons who are not members of the Council but who shall be members of the Academy.

## PART III

### MEMBERSHIP OF THE ACADEMY

#### **Membership of the Academy**

9. (1) The Academy shall consist of the following categories of members:

- (a) Fellows; and
- (b) honorary Fellows.

(2) Subject to subsection (3), the members of the Academy shall be entitled to—

- (a) the use of the facilities of the Academy as may be decided by the Council, from time to time, subject to such terms and conditions as may be determined by the Council; and
- (b) such privileges as may be conferred upon them by the Council.

(3) The Council may restrict the use of the facilities of the Academy to any category of members.

(4) No right or privilege of a member of the Council or Academy shall be transferable, but any such right or privilege shall cease upon the member of the Council or Academy ceasing to be such whether by death, retirement or otherwise.

(5) The first Fellows of the Academy shall comprise fifty Foundation Fellows appointed by the Minister from among eminent Malaysian citizens who are regarded by virtue of their respective achievements in the field of science, engineering or technology as being of exceptional merit and distinction.

### **Fellows and honorary Fellows**

**10.** (1) Subject to subsection 9(5) and subsection (3), the Fellows of the Academy shall be elected from such Malaysian citizens who by virtue of their respective achievements in the field of science, engineering or technology are regarded as being of exceptional merit and distinction.

(2) Subject to subsection (3), the honorary Fellows of the Academy shall be elected from such persons, not being Fellows, who have made or are making a distinguished contribution to the practice of science, engineering or technology which will benefit, or will be able to contribute to the work of, the Academy.

(3) No person may become a Fellow or honorary Fellow unless he has been elected as such by the Academy in an annual general meeting and no candidate shall be put forward for election unless his name has been submitted to the Council in the manner determined by the Council.

(4) From amongst the Fellows, there shall be appointed, by the Council, Senior Fellows who are persons who have made a contribution to the nation and their appointment shall be based on the recommendation of a special panel comprising members and non-members of the Academy as appointed by the Minister.

(5) A Senior Fellow appointed under subsection (4) shall be entitled to be addressed as an Academician and be paid a special allowance for life by the Government.

### **Disqualification from membership of Academy**

**11.** A Fellow shall cease to be a member of the Academy if he—

- (a) is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (b) is of unsound mind or is otherwise incapable of discharging his duties; or
- (c) is adjudicated a bankrupt.

### **Termination of membership of a Fellow**

**12.** (1) The Council may by resolution make a recommendation to the Academy to terminate the membership of a Fellow if he has been guilty of conduct which, in the opinion of the Council, renders him unfit to be a member of the Academy or will bring it into disrepute.

(2) Before the recommendation under subsection (1) is brought to the Academy for a decision the Fellow concerned shall be given an opportunity to give an explanation in writing to the Council stating the reasons as to why his membership should not be terminated.

(3) Upon consideration of the written explanation given by the Fellow under subsection (2) the Council shall forward its findings and recommendation to the Academy whose decision on the matter, made through its annual general meeting or extraordinary general meeting, shall be final.

## PART IV

## FINANCE

**Establishment of the Academy of Sciences Malaysia Fund**

**13.** There is established a fund to be known as the Academy of Sciences Malaysia Fund which shall be administered by the Council.

**Moneys to be paid into the Fund**

**14.** There shall be paid into the Fund —

- (a) such sums of money as may be appropriated from time to time by Parliament from the Federal Consolidated Fund;
- (b) all moneys received by the Academy by way of any donation, grant or bequest;
- (c) all moneys earned or arising from any investment made under section 16 or from any property, mortgage, charge or debenture;
- (d) all moneys borrowed by the Council under section 17; and
- (e) all other moneys and properties which may in any manner become payable to or be vested in the Academy in respect of any matter incidental to its functions.

**Purposes of the Fund**

**15.** The Fund shall be used for the following purposes:

- (a) to make disbursements for salaries, allowances, expenses and other administrative costs incurred for the purposes of this Act;
- (b) to provide awards, fellowships, scholarships and research grants;
- (c) to sponsor research projects undertaken by scientific organizations, institutions of higher learning and individuals;
- (d) to publish and purchase magazines, books and articles relating to science, engineering or technology;
- (e) organization of seminars, expositions and other similar activities relating to science, engineering or technology;

- (f) to pay for the rental, or purchase of a site for and the construction, of any building for the Academy;
- (g) to pay for the rental or purchase of equipment and materials for the purposes of the Academy;
- (h) to repay any moneys borrowed by the Council under section 17; and
- (i) to pay any other expenses properly incurred by the Council in the execution of its functions under this Act.

**Power to invest**

**16.** The Council may, from time to time, invest such moneys of the Fund as are not immediately required to be expended under this Act—

- (a) in any investments or securities authorized for the investment of trust funds by any written law for the time being in force; or
- (b) in such other investments or securities as the Council thinks fit.

**Power to borrow**

**17.** The Council may, with the approval of the Minister and upon such terms and conditions as may be determined by him, borrow such sums as it may require for the execution of any of its functions under this Act.

PART V

GENERAL

**Common seal**

**18.** (1) The Academy shall have a common seal and such seal may from time to time be broken, changed, altered or made anew as the Council may think fit.

(2) Until a seal is provided by the Council, a stamp bearing the words “Academy of Sciences Malaysia” may be used and shall be deemed to be the common seal of the Academy.

(3) The common seal shall be kept in the custody of the President or such other person as may be authorized by the Council.

(4) The common seal shall not be affixed to any instrument except in the presence of the President and two other members of the Council who shall sign their names to the instrument in token of such presence, and the signatures shall be sufficient evidence that the seal was duly and properly affixed and is the lawful seal of the Academy.

(5) Any document or instrument which, if executed by a person not being a body corporate, would not be required to be under seal, may in like manner be executed by the Council and such document or instrument may be executed on behalf of the Council by any officer or servant of the Academy generally or specially authorized by the Council in that behalf.

(6) The common seal of the Academy shall be officially and judicially noticed.

### **Officers and servants of the Academy deemed to be public servants**

19. All officers and servants of the Academy shall be deemed to be public servants within the meaning of the Penal Code.

### **Regulations with respect to conditions of service**

20. The Council may, from time to time, with the approval of the Minister, make regulations with respect to the conditions of service of the officers and servants of the Academy.

### **Regulations with respect to discipline**

21. (1) The Council may, from time to time, with the approval of the Minister, make regulations with respect to the discipline of the officers and servants of the Academy.

(2) The regulations made under this section may include provisions for—

- (a) the interdiction with reduction in salary or in other remuneration; or

(b) the suspension without salary or other remuneration, of an officer or servant of the Academy during the pendency of disciplinary proceedings.

(3) The regulations made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Council may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.

(4) The regulations made under this section may, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representations to be made by the person against whom the disciplinary proceedings are taken before a decision is arrived at by the Council on the disciplinary charge laid against such person.

### **Regulations**

**22.** (1) The Council may, with the approval of the Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made—

- (a) to regulate the proceedings of the Academy and the Council;
  - (b) prescribing generally for the performance of the functions and the exercise of the powers of the Council;
  - (c) to regulate the administration of the Fund; and
  - (d) to prescribe anything which under this Act may or is required to be prescribed.
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## SCHEDULE

## [Subsection 6(4)]

## PROVISIONS RELATING TO THE COUNCIL AND THE ACADEMY

**Chairman**

1. (1) The President shall be the chairman of the Council and shall preside at all meetings of the Council and the Academy at which he is present.

(2) In the absence of the President, the Vice-President shall preside, and in the absence of the President and the Vice-President, the Council shall elect one of its members to preside.

**First and subsequent Council**

2. (1) Notwithstanding section 6, the first Council shall comprise the Foundation Fellows appointed under subsection 9(5) from among whom the Minister shall appoint the President, the Vice-President, the Secretary-General, the Treasurer and the twelve other members and they shall hold office until the next Council of the Academy is appointed or elected, as the case may be, in accordance with section 6.

(2) Of the twelve other members of the first Council, six members shall cease to hold office at the end of the first year of their appointment and six at the end of the second year of their appointment; the selection of those of them who are so to cease to hold office shall be made by agreement amongst them and if no such agreement can be obtained, and if the President in his absolute discretion so decides, by the drawing of lots at a meeting of the Council and the vacancies thus created shall be filled by fresh elections.

(3) Subject to section 6, members of the Council who retire under subparagraph (2) are eligible for election if they are not disqualified, on any of the grounds provided in paragraph 3, from holding office.

(4) The Council shall ensure that the twelve other members of the Council elected shall at all times represent the various fields of activity of the Academy so as to preserve as far as possible a reasonable balance among the members of the Council and to reflect the inter-disciplinary character of the Academy.

**Circumstances when members of the Council are to vacate office**

3. A member of the Council shall vacate his office if—

- (a) he ceases to be a Fellow;
- (b) he becomes a paid official of the Academy;
- (c) he resigns his office; or
- (d) except the President, he is removed from office by a resolution passed in an annual general meeting or extraordinary general meeting of the Academy.



**Members may act irrespective of vacancy in number**

4. The members of the Council may act in the discharge of their functions or duties in their office notwithstanding any vacancy existing in their number.

**Casual vacancy**

5. Any casual vacancy arising in the membership of the Council may be filled by any Fellow of the Academy appointed by the President and the Fellow shall hold office only for the unexpired period of his predecessor's term of office.

**Meetings of the Council**

6. (1) The Council shall meet at least four times in each calendar year at such time and place as it may determine.

(2) Eight members personally present at any meeting of the Council shall constitute the quorum.

(3) A decision of the majority of the members of the Council present and voting at any meeting of the Council shall be deemed to be a decision of the Council.

(4) The chairman or member presiding at any meeting of the Council shall have an original and a casting vote.

**Council members not to be remunerated**

7. No remuneration is payable to any member of the Council for holding office.

**General meetings of the Academy**

8. (1) Subject to subparagraph (2), the annual general meeting of the Academy shall be held in the first four months of each calendar year, and at such time as may be appointed by the Council.

(2) An extraordinary general meeting of the Academy may be convened at any time by the Council and shall be convened by the Council on a requisition by not less than one-fifth of the total number of the Fellows of the Academy.

(3) The ordinary general meetings of the Academy shall be held at such place and at such time as may be appointed by the Council to discuss scientific, engineering or technological or other matters of concern to the members and shall be open to all Fellows and such other persons as the Council may determine.

(4) The procedure for the general meetings of the Academy and for service of notices shall be in accordance with the regulations as prescribed by the Council.

**Minutes to be kept**

**9.** The Council shall cause the minutes of its meetings to be made in books provided for the purpose of recording all proceedings, resolutions and decisions of the Council and the Academy.

**Roll of members**

**10.** The Council shall maintain a roll of members in which shall be inscribed the names of all its members.

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**LAWS OF MALAYSIA**

**Act 524**

**ACADEMY OF SCIENCES MALAYSIA ACT 1994**

LIST OF AMENDMENTS

Amending law

Short title

In force from

– NIL –

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**LAWS OF MALAYSIA**

**Act 524**

**ACADEMY OF SCIENCES MALAYSIA ACT 1994**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
	- NIL -	

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