

P.U. (A) 127.

AKTA KOPERASI 1993

**PERATURAN-PERATURAN KOPERASI (KUMPULAN WANG AMANAH
PEMBANGUNAN KOPERASI) 2010**

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AKTA KOPERASI 1993

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PADA menjalankan kuasa yang diberikan oleh subseksyen 57(2) dan perenggan 86(2)(n) Akta Koperasi 1993 [*Akta 502*], Suruhanjaya, dengan kelulusan Menteri, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Koperasi (Kumpulan Wang Amanah Pembangunan Koperasi) 2010**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 3 Mei 2010.

Tafsiran

2. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain—

“Jawatankuasa” ertinya Jawatankuasa Kumpulan Wang Amanah Pembangunan Koperasi yang ditubuhkan di bawah peraturan 5;

“Kumpulan Wang Amanah Pembangunan Koperasi” ertinya Kumpulan Wang Amanah Pembangunan Koperasi yang ditubuhkan di bawah peraturan 3; dan

“Pengerusi” ertinya Pengerusi Jawatankuasa Kumpulan Wang Amanah Pembangunan Koperasi.

Kumpulan Wang Amanah Pembangunan Koperasi

3. (1) Suatu kumpulan wang yang dikenali sebagai Kumpulan Wang Amanah Pembangunan Koperasi ditubuhkan.

(2) Kumpulan Wang Amanah Pembangunan Koperasi hendaklah terdiri daripada—

(a) pembayaran oleh koperasi apa-apa jumlah wang yang ditentukan sebagaimana yang ditetapkan oleh Suruhanjaya mengikut perenggan 57(2)(b) Akta;

(b) derma dan pemberian yang dibuat oleh pihak ketiga; dan

(c) hasil pelaburan yang dibuat oleh Kumpulan Wang Amanah Pembangunan Koperasi menggunakan apa-apa wang yang diperoleh daripada sumber yang disebut dalam perenggan (a) dan (b).

(3) Tiada derma dan pemberian daripada sumber asing boleh diterima di bawah perenggan (2)(b) kecuali dengan kelulusan Kerajaan.

Fungsi Kumpulan Wang Amanah Pembangunan Koperasi

4. Kumpulan Wang Amanah Pembangunan Koperasi hendaklah digunakan bagi maksud yang berikut:

- (a) membiayai perbelanjaan bagi apa-apa program dan aktiviti yang dilaksanakan oleh koperasi menengah atau atasan yang telah diisytiharkan oleh Suruhanjaya sebagai badan yang mewakili pergerakan koperasi di peringkat kebangsaan dan antarabangsa menurut perenggan 57(2)(b) Akta atau Suruhanjaya bagi tujuan menggalakkan prinsip koperasi dan kemudahan operasi koperasi;
- (b) membiayai perbelanjaan yang berkaitan dengan pentadbiran Kumpulan Wang Amanah Pembangunan Koperasi;
- (c) membiayai perbelanjaan bagi mana-mana koperasi yang menjalankan perniagaan pembiayaan;
- (d) membiayai perbelanjaan pembelian tanah dan bangunan; dan
- (e) membiayai apa-apa perbelanjaan yang disifatkan perlu oleh Jawatankuasa bagi faedah dan pembangunan pergerakan koperasi.

Jawatankuasa Kumpulan Wang Amanah Pembangunan Koperasi

5. (1) Suatu jawatankuasa yang dikenali sebagai Jawatankuasa Kumpulan Wang Amanah Pembangunan Koperasi hendaklah ditubuhkan bagi maksud mentadbir Kumpulan Wang Amanah Pembangunan Koperasi.

(2) Jawatankuasa hendaklah terdiri daripada—

- (a) Pengerusi Eksekutif Suruhanjaya sebagai Pengerusi;
- (b) Timbalan Pengerusi Eksekutif Suruhanjaya sebagai Timbalan Pengerusi;
- (c) Ketua Sektor Operasi dan Kawal Selia Suruhanjaya;
- (d) Pengarah Bahagian Pengurusan Dana Suruhanjaya;
- (e) Pengarah Bahagian Audit Koperasi Suruhanjaya;
- (f) seorang wakil daripada Kementerian yang dipertanggungjawab dengan tanggungjawab untuk pembangunan koperasi;
- (g) dua orang daripada koperasi menengah atau atasan yang telah diisytiharkan oleh Suruhanjaya sebagai badan yang mewakili pergerakan koperasi di peringkat kebangsaan dan antarabangsa menurut perenggan 57(2)(b) Akta, yang dilantik oleh Menteri; dan
- (h) dua orang anggota koperasi yang dilantik oleh Menteri.

- (3) Anggota yang dilantik di bawah perenggan (2)(g) dan (h)—
- (a) hendaklah memegang jawatan selama tempoh tidak melebihi tiga tahun dan layak bagi pelantikan semula;
 - (b) hendaklah berhenti menjadi anggota jika—
 - (i) dia tidak menghadiri mesyuarat Jawatankuasa tiga kali berturut-turut tanpa kebenaran Pengerusi;
 - (ii) dia telah disabitkan atas apa-apa kesalahan yang melibatkan fraud, pecah amanah atau apa-apa kesalahan lain yang melibatkan keruntuhan akhlak;
 - (iii) dia menjadi orang yang tidak sempurna akal atau tidak berupaya melaksanakan kewajibannya;
 - (iv) dia menjadi seorang bankrap;
 - (v) dia berhenti menjadi anggota Lembaga sesuatu koperasi; atau
 - (vi) pelantikannya dibatalkan oleh Menteri; dan
 - (c) boleh meletakkan jawatannya dengan memberikan notis bertulis kepada Menteri.

Fungsi Jawatankuasa

6. Jawatankuasa hendaklah mempunyai fungsi yang berikut:
- (a) menimbang, meluluskan dan membuat pembayaran bagi apa-apa perbelanjaan di bawah peraturan 4 bagi pihak dan atas nama Suruhanjaya; dan
 - (b) memberikan apa-apa arahan yang disifatkan perlu bagi penggunaan wang Kumpulan Wang Amanah Pembangunan Koperasi.

Mesyuarat Jawatankuasa

7. (1) Mesyuarat Jawatankuasa hendaklah diadakan sekurang-kurangnya dua kali setahun.
- (2) Semua mesyuarat Jawatankuasa hendaklah dipanggil oleh Pengerusi.
- (3) Pengerusi hendaklah mempengerusikan mesyuarat Jawatankuasa dan semasa ketiadaan Pengerusi, Timbalan Pengerusi hendaklah mempengerusikan mesyuarat Jawatankuasa.
- (4) Enam orang anggota Jawatankuasa yang hadir pada mana-mana mesyuarat adalah membentuk kuorum.

(5) Tiap-tiap anggota Jawatankuasa yang hadir berhak kepada satu undi.

(6) Semua keputusan pada mesyuarat Jawatankuasa hendaklah dibuat dengan undi majoriti mudah semua anggota Jawatankuasa yang hadir dan jika terdapat persamaan undi, Pengerusi hendaklah mempunyai undi pemutus sebagai tambahan kepada undi biasanya.

(7) Tertakluk kepada Peraturan-Peraturan ini, Jawatankuasa boleh mengawal selia sendiri tatacara mesyuaratnya.

Pembayaran daripada Kumpulan Wang Amanah Pembangunan Koperasi

8. (1) Semua pembayaran yang dibuat daripada Kumpulan Wang Amanah Pembangunan Koperasi hendaklah disokong dengan baucar yang diperakui.

(2) Akaun Kumpulan Wang Amanah Pembangunan Koperasi hendaklah pada setiap masa berbaki kredit.

Akaun dan audit

9. (1) Jawatankuasa hendaklah bagi pihak dan atas nama Suruhanjaya menyenggara akaun yang sepatutnya dan rekod-rekod lain berkenaan dengan Kumpulan Wang Amanah Pembangunan Koperasi dan hendaklah menyediakan penyata akaun bagi setiap tahun kewangan.

(2) Bagi maksud subperaturan (1), tahun kewangan hendaklah bermula dari satu Januari hingga tiga puluh satu Disember tahun yang sama.

(3) Akaun Kumpulan Wang Amanah Pembangunan Koperasi hendaklah diaudit pada setiap tahun oleh Ketua Audit Negara atau seorang juruaudit yang dilantik oleh Suruhanjaya.

(4) Selepas berakhirnya setiap tahun kewangan, sebaik sahaja akaun diaudit, Suruhanjaya hendaklah menyebabkan suatu salinan penyata akaun itu dikemukakan kepada Menteri berserta suatu salinan apa-apa pemerhatian mengenai penyata akaun itu yang dibuat oleh Ketua Audit Negara atau juruaudit yang dilantik oleh Suruhanjaya.

Pembatalan dan peruntukan peralihan

10. (1) Peraturan-Peraturan Koperasi (Kumpulan Wang Amanah Pembangunan Koperasi) 1996 [*P.U. (A) 622/1996*] dibatalkan.

(2) Apa-apa buku, rekod, dokumen atau akaun yang disimpan dan disenggara di bawah Peraturan-Peraturan Koperasi (Kumpulan Wang Amanah Pembangunan Koperasi) 1996 hendaklah disifatkan sebagai sebahagian daripada rekod, daftar atau akaun di bawah Peraturan-Peraturan ini.

(3) Apa-apa perintah yang dibuat di bawah Peraturan-Peraturan Koperasi (Kumpulan Wang Amanah Pembangunan Koperasi) 1996 sebelum permulaan kuat kuasa Peraturan-Peraturan ini hendaklah terus berkuat kuasa melainkan jika dibatalkan atau dipinda di bawah Peraturan-Peraturan ini.

Dibuat 23 April 2010

[SKM.IP(AM): 7875; PN(PU²)527/XIII]

DATO' MANGSOR BIN SAAD
Pengerusi Eksekutif
Suruhanjaya Koperasi Malaysia

Diluluskan

DATO' SRI ISMAIL SABRI BIN YAAKOB
Menteri Perdagangan Dalam Negeri, Koperasi dan Kepenggunaan

PNMB

CO-OPERATIVE SOCIETIES ACT 1993

CO-OPERATIVE SOCIETIES (CO-OPERATIVE SOCIETIES DEVELOPMENT
TRUST FUND) REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

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CO-OPERATIVE SOCIETIES ACT 1993

CO-OPERATIVE SOCIETIES (CO-OPERATIVE SOCIETIES DEVELOPMENT
TRUST FUND) REGULATIONS 2010

IN exercise of the powers conferred by subsection 57(2) and paragraph 86(2)(n) of the Co-operative Societies Act 1993 [Act 502], the Commission, with the approval of the Minister, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Co-operative Societies (Co-operative Societies Development Trust Fund) Regulations 2010**.

(2) These Regulations come into operation on 3 May 2010.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Committee” means the Co-operative Societies Development Trust Fund Committee established under regulation 5;

“Development Trust Fund” means the Co-operative Societies Development Trust Fund established under regulation 3; and

“Chairman” means the Chairman of the Development Trust Fund Committee.

Development Trust Fund

3. (1) A fund to be known as the Co-operative Societies Development Trust Fund is established.

(2) Co-operative Societies Development Trust Fund shall consist of the followings—

- (a) payments of any sum of money by the co-operative society as may be determined by the Commission in accordance with paragraph 57(2)(b) of the Act;
- (b) donations and grants made by the third party; and
- (c) proceeds of investment made by the Co-operative Society Development Trust Fund using any money derived from the sources mentioned in paragraphs (a) and (b).

(3) No donation or grant from any foreign sources may be received under paragraph (2)(b) except with the approval of the Government.

Functions of the Development Trust Fund

4. The Co-operative Societies Development Trust Fund shall have the following functions:

- (a) to meet the expenditure for any programme and activity conducted by the secondary or tertiary co-operative society that has been declared by the Commission to be a body representing the co-operative movement at the national and international level pursuant to paragraph 57(2)(b) of the Act or the Commission, which for the purposes of promoting the co-operative societies principles and the facilitation of the operations of the co-operative societies;
- (b) to meet the expenditure for the administration of the Development Trust Fund;
- (c) to meet the expenditure of a co-operative society which carrying out the financing business;
- (d) to meet the expenditure to purchase land and building; and
- (e) to meet other expenditure as may be deemed necessary by the Committee for the benefit and development of the co-operative societies movement.

Development Trust Fund Committee

5. (1) A committee known as the Development Trust Fund Committee shall be established for the purpose of administering the Development Trust Fund Committee.

(2) The Committee shall consist of the following persons—

- (a) the Executive Chairman of the Commission as Chairman;
- (b) the Deputy Executive Chairman of the Commission as Deputy Chairman;
- (c) the Head Sector of Operation and Regulatory of the Commission;
- (d) the Director of the Fund Management Division of the Commission;
- (e) the Director of the Co-operative Audit Division of the Commission;
- (f) a representative from the Ministry charged with the responsibility for the development of co-operative society;

- (g) two persons from the secondary or tertiary co-operative society that has been declared by the Commission to be a body representing the co-operative movement at the national and international level pursuant to paragraph 57(2)(b) of the Act, appointed by the Minister; and
 - (h) two members of the co-operative societies appointed by the Minister.
- (3) A member appointed under paragraphs (2)(g) and (h)—
- (a) shall hold office for a term not exceeding three years and shall be eligible for reappointment;
 - (b) shall cease to be a member if—
 - (i) he fails to attend three consecutive meetings of the Committee without leave of the Chairman;
 - (ii) he is convicted for any offence involving fraud, breach of trust or any other offences involving immoral act;
 - (iii) he becomes mentally incapable or is unable to perform his responsibilities;
 - (iv) he becomes a bankrupt;
 - (v) he ceases to become a member of the Board of a co-operative society; or
 - (vi) his appointment is revoked by the Minister; and
 - (c) may resign by giving a written notice to the Minister.

Functions of the Committee

6. The Committee shall have the following functions:
- (a) to consider, approve and make payments for any expenditure under regulation 4 on behalf and in the name of the Commission; and
 - (b) to give any direction as may be deemed necessary for the utilization of the Development Trust Fund.

Meetings of the Committee

7. (1) Meetings of the Committee shall be held at least twice a year.
- (2) All meetings of the Committee shall be summoned by the Chairman.
- (3) The Chairman shall chair the meetings of the Committee and in the absence of the Chairman, the Deputy Chairman shall chair the meetings of the Committee.
- (4) Six members of the Committee present in any of the meetings shall form a quorum.

(5) Every member of the Committee present shall have right to one vote.

(6) All decisions at a meeting of the Committee shall be made by a simple majority of votes of all members of the Committee present and if there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

(7) Subject to these Regulations, the Committee may regulate its own procedure on its meetings.

Payments from the Development Trust Fund

8. (1) All payments made from the Development Trust Fund shall be supported by certified vouchers.

(2) The accounts of the Development Trust Fund shall at all times in credit balance.

Accounts and audit

9. (1) The Committee shall on behalf and in the name of the Commission maintain proper accounts and other records in respect of the Development Trust Fund and shall prepare statement of accounts for each financial year.

(2) For the purpose of subregulation (1), the financial year shall begin from first of January to thirty first of December of the same year.

(3) The account of the Development Trust Fund shall be audited annually by the Auditor-General or by an auditor appointed by the Commission.

(4) At the end of each financial year, as soon as the accounts have been audited, the Commission shall cause a copy of the statement of accounts to be submitted to the Minister together with a copy of any observation in respect of such statement of account made by the Auditor-General or the auditor appointed by the Commission.

Revocation and transitional provisions

10. (1) The Co-operative Societies (Co-operative Societies Development Trust Fund) Regulations 1996 [*P.U. (A) 622/1996*] is revoked.

(2) Any book, record, document or accounts kept and maintained under the Co-operative Societies (Co-operative Societies Development Trust Fund) Regulations 1996 shall be deemed to be part of the record, register or account under these Regulations.

(3) Any order made under the Co-operative Societies (Co-operative Societies Development Trust Fund) Regulations 1996 before the coming into operation of these Regulations shall continue to be in force unless it is revoked or amended under these Regulations.

Made 23 April 2010
[SKM.IP(AM): 7875; PN(PU²)527/XII]

DATO' MANGSOR BIN SAAD
Executive Chairman
Malaysia Co-operative Societies Commission

Approved

DATO' SRI ISMAIL SABRI BIN YAAKOB
Minister of Domestic Trade, Co-operative
Societies and Consumerism

PNMB