

P.U. (A) 128.

AKTA KOPERASI 1993

**PERATURAN-PERATURAN KOPERASI (KUMPULAN WANG AMANAH
PENDIDIKAN 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 Pendidikan 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 Pendidikan yang ditubuhkan di bawah peraturan 5;

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

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

Kumpulan Wang Amanah Pendidikan

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

(2) Kumpulan Wang Amanah Pendidikan hendaklah terdiri daripada—

(a) pembayaran apa-apa jumlah wang yang ditentukan oleh Suruhanjaya mengikut subseksyen 57(2) Akta oleh koperasi;

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

(c) hasil pelaburan yang dibuat oleh Kumpulan Wang Amanah Pendidikan 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 Pendidikan

4. Kumpulan Wang Amanah Pendidikan hendaklah mempunyai fungsi yang berikut:

- (a) membiayai apa-apa perbelanjaan berkaitan dengan kajian dan pembangunan pergerakan koperasi;
- (b) membiayai apa-apa perbelanjaan berkaitan dengan penganjuran seminar, persidangan atau mesyuarat koperasi, dan penyertaan mana-mana anggota daripada mana-mana koperasi yang dinamakan oleh Suruhanjaya dan diluluskan oleh Jawatankuasa bagi tujuan menyertai seminar, persidangan atau lawatan sambil belajar di peringkat antarabangsa;
- (c) membiayai apa-apa perbelanjaan berkenaan pengurusan Maktab Kerjasama Malaysia yang ditubuhkan di bawah Maktab Kerjasama (Pemerbadanan) 1968 [Akta 437];
- (d) membiayai perbelanjaan apa-apa aktiviti bagi tujuan mempertingkatkan pendidikan koperasi dalam apa jua bentuk yang difikirkan berkaitan oleh Jawatankuasa;
- (e) membiayai perbelanjaan bagi mana-mana koperasi yang menjalankan perniagaan pembiayaan;
- (f) membiayai perbelanjaan pembelian tanah dan bangunan;
- (g) membiayai apa-apa perbelanjaan berkaitan dengan pentadbiran Kumpulan Wang Amanah Pendidikan; dan
- (h) membiayai apa-apa perbelanjaan yang disifatkan perlu oleh Jawatankuasa bagi pendidikan dan mempromosikan pergerakan koperasi.

Jawatankuasa Kumpulan Wang Amanah Pendidikan

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

(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, Maktab Kerjasama Malaysia;
- (f) Pengarah Bahagian Audit Koperasi Suruhanjaya;

- (g) seorang wakil Kementerian yang dipertanggungjawabkan dengan tanggungjawab pembangunan koperasi; dan
 - (h) empat orang daripada kalangan anggota Lembaga koperasi yang dilantik oleh Menteri.
- (3) Anggota yang dilantik di bawah perenggan (2)(h)—
- (a) hendaklah memegang jawatan selama tempoh tidak melebihi tiga tahun dan layak dilantik semula;
 - (b) hendaklah terhenti 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 tanggungjawabnya;
 - (iv) dia menjadi seorang bankrap;
 - (v) dia terhenti 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 Kumpulan Wang Amanah Pendidikan.

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 hendaklah membentuk kuorum.

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

(6) Semua keputusan 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 Pendidikan

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

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

Akaun dan audit

9. (1) Jawatankuasa hendaklah bagi pihak dan atas nama Suruhanjaya menyenggara akaun dan rekod-rekod lain berkenaan dengan Kumpulan Wang Amanah Pendidikan dengan sempurna 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 Pendidikan hendaklah diaudit pada setiap tahun oleh Ketua Audit Negara atau seorang juruaudit yang dilantik oleh Suruhanjaya.

(4) Selepas berakhirnya setiap tahun kewangan, sebaik selepas akaun diaudit, Suruhanjaya hendaklah menyebabkan suatu salinan penyata akaun itu dikemukakan kepada Menteri berserta dengan 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 Pendidikan Koperasi) 1998 [P.U. (A) 382/1998] dibatalkan.

(2) Apa-apa buku, rekod, dokumen atau akaun yang disimpan dan disenggara di bawah Peraturan-Peraturan Koperasi (Kumpulan Wang Amanah Pendidikan Koperasi) 1998 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 Pendidikan Koperasi) 1998 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

P N I M B

CO-OPERATIVE SOCIETIES ACT 1993

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

ARRANGEMENT OF REGULATIONS

Regulation

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CO-OPERATIVE SOCIETIES ACT 1993

CO-OPERATIVE SOCIETIES (CO-OPERATIVE SOCIETIES EDUCATION
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 Education 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 Education Trust Fund Committee established under regulation 5;

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

“Chairman” means the Chairman of the Co-operative Societies Education Trust Fund Committee.

Education Trust Fund

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

(2) The Education Trust Fund shall consist of—

- (a) payments by the co-operative society of any sum of money as may be determined by the Commission in accordance with subsection 57(2) of the Act;
- (b) donations and grants made by the third party; and
- (c) proceeds of investment made by the Education 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 Education Trust Fund

4. The Education Trust Fund shall have the following functions:
- (a) to meet the expenditure pertaining to the research and development of the co-operative society movement;
 - (b) to meet the expenditure pertaining to the holding of seminars, conferences or meetings of the co-operative society, and the participation of any member of any co-operative society nominated by the Commission and approved by the Committee for the purpose of participating in seminars, conferences or study tours at the international level;
 - (c) to meet the expenditure pertaining to the management of the Co-operative College of Malaysia established under the Co-operation College (Incorporation) Act 1968 [Act 437];
 - (d) to meet the expenditure of any activity for the purpose of upgrading the co-operative society education in whatever form considered relevant by the Committee;
 - (e) to meet the expenditure of any co-operative society that carrying out the financing business;
 - (f) to meet the expenditure to purchase land and building;
 - (g) to meet the expenditure pertaining to the administration of the Education Trust Fund; and
 - (h) to meet the expenditure which is deemed necessary by the Committee for the purposes of education and promotion of a co-operative society movement.

Education Trust Fund Committee

5. (1) A committee known as the Co-operative Societies Education Trust Fund Committee shall be established for the purpose of administering the Education Trust Fund.

- (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 College of Malaysia;
 - (f) the Director of the Co-operative Audit Division of the Commission;

- (g) a representative of the Ministry charged with the responsibility for the development of co-operative society; and
 - (h) four persons from amongst the members of the Board of co-operative societies appointed by the Minister.
- (3) A member appointed under paragraph (2)(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 has been convicted for any offence involving fraud, breach of trust or any other offence 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 from his post 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 payment for any expenditure under regulation 4 on behalf and in the name of the Commission; and
 - (b) to give any directions as may be deemed necessary for the utilization of the Education 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 Education Trust Fund

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

(2) The accounts of the Education 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 Education 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 Education 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, immediately after 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 Education Trust Fund) Regulations 1998 [P.U. (A) 382/1998] are revoked.

(2) Any book, record, document or account kept and maintained under the Co-operative Societies (Co-operative Societies Education Trust Fund) Regulations 1998 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 Education Trust Fund) Regulations 1998 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/XIII]

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