

MALAYSIAN RUBBER BOARD (INCORPORATION) 1996

MALAYSIAN RUBBER BOARD (LICENSING) REGULATIONS 1997

IN exercise of the powers conferred by section 62 of the Malaysian Rubber Board (Incorporation) Act 1996, the Minister makes the following regulations:

PART I PRELIMINARY

1. (1) These regulations may be cited as the Malaysian Rubber Board (Licensing) Regulations 1997.

(2) These Regulations shall come into operation on 1 January 1998.

(3) These Regulations shall only apply to Peninsular Malaysia.

(4) These Regulations shall apply to all rubber whether produced in Malaysia or otherwise.

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

"certificate" means a certificate issued under regulation 43;

"certificate holder" means a person issued with a certificate under regulation 43;

"Certification Appeal Panel" means the Certification Appeal Panel established under regulation 71;

"Certification Panel" means the Certification Panel established under regulation 67;

"licence" means a licence issued under regulation 12;

"licensed premises" means premises occupied by a person who is the holder of a licence issued in respect of the premises;

"licensee" means a person issued with a licence under regulation 12;

"Licensing Appeal Panel" means the Licensing Appeal Panel established under regulation 35;

"Licensing Panel" means the Licensing Panel established under regulation 30 for the relevant zone;

"permit" means a permit issued under regulation 41;

"rubber plant" means –

(a) all plant species of the Hevea species as specified in the First Schedule and their interspecific hybrids;

(b) all genetically modified plants derived from the Hevea species and their hybrids;
and

(c) all plant species, other than of the Hevea species, which produce rubber as specified in the First Schedule;

"rubber planting material" includes rubber seeds, seedlings, cuttings, budwood (green and brown), budded plants (including bare root budded stumps, polybag budded plants and core stumps), and any tissue or plant parts that can be propagated or multiplied by any means, including by conventional or biotechnological techniques;

"time-stamp" means a digitally signed notation indicating at least the date, time and identity of the person appending or attaching the notation;

"to pack rubber for export" means to pack rubber in Malaysia for export from Malaysia to any country or place, whether the rubber is shipped directly or indirectly to such country or place from a port in Malaysia;

"to ship rubber for export" means to ship rubber from Malaysia for export to any country or place outside Malaysia;

"treat" means to subject the rubber to any process and includes the packing thereof;

"zone" means a zone under regulation 3.

3. For the purposes of these Regulations, the States of Malaysia and the Federal Territories of Kuala Lumpur and Labuan shall be divided into the following zones:

- (a) the Northern Zone, comprising Perlis, Kedah, Penang and Perak;
- (b) the Central Zone, comprising Selangor, the Federal Territory of Kuala Lumpur and Negeri Sembilan;
- (c) the Southern Zone, comprising Malacca and Johore;
- (d) the Eastern Zone, comprising Kelantan, Terengganu and Pahang; and
- (e) the Sabah and Sarawak Zone, comprising Sabah, Sarawak and the Federal Territory of Labuan.

4. The forms in the Second Schedule are prescribed for use under these Regulations.

5. (1) The fees in the Third Schedule are prescribed for the purposes of these Regulations.

(2) The fees shall be paid to the Board by such means and in such manner as the Board may direct.

(3) The fees collected by the Board under these Regulations shall be paid into the Fund.

PART II

REGULATION OF ACTIVITIES

6. (1) No person shall-

- (a) buy or sell rubber;
- (b) treat rubber;
- (c) buy rubber for the manufacture of rubber products;
- (d) germinate, grow, plant or transplant rubber planting materials for commercial purposes,

unless the person holds a valid licence issued under regulation 12 to carry on such activity.

(2) Notwithstanding paragraph (1)(a), a person selling rubber from a rubber holding which is less than 40.46 hectares in area shall not be required to obtain a licence.

(3) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

7. (1) No person shall move or transport rubber or rubber planting materials unless the rubber or rubber planting materials are accompanied by a written authority issued under regulation 9.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

8. (1) No person shall accept delivery of any rubber or rubber planting materials from any person unless the rubber or rubber planting materials are accompanied by a written authority issued under regulation 9.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two year or to both.

9. (1) The owner of the rubber or rubber planting materials shall issue a written authority in Form I where the rubber or rubber planting materials are to be transported or delivered to a licensee or rubber or rubber forwarding agent.

(2) The written authority shall be in triplicate and shall be countersigned by the licensee or forwarding agent or other person duly authorised by the licensee or forwarding agent to receive the rubber or rubber planting materials.

(3) The original copy of the written authority shall be kept by the licensee or forwarding agent taking delivery of the rubber or rubber planting materials and the triplicate shall be kept by the owner of the rubber or rubber planting materials.

(4) The owner, licensee or forwarding agent, as the case may be, shall, on demand by an authorised officer, produce their respective copies of the written authority for the authorised officer's inspection.

(5) A person who contravenes this regulation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

10. (1) A licensee shall, on the completion of a purchase of rubber or rubber planting materials, deliver to the seller an official receipt in Form 2, duly signed by the licensee or his authorised agent.

(2) The official receipt shall be in triplicate and shall be countersigned by the seller or the person delivering the rubber or rubber planting materials on the seller's behalf.

(3) The original copy of the official receipt shall be kept by the seller and the triplicate shall be kept by the licensee.

(4) The licensee and the seller shall, on demand by an authorised officer, produce their respective copies of the official receipt for the authorised officer's inspection.

(5) A person who contravenes this regulation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

23. (1) A licensee shall exhibit the licence, together with every document forming of the licence, in a conspicuous position in the licensed premises and shall allow the inspection of such premises by an authorised officer.

(2) A licensee who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding three months or to both.

28. (1) A licensee shall keep and maintain books of account in the manner determined by the Board.

(2) Books of account shall be kept in either the National language or the English language.

29. Books of account required to be kept under regulation 28 shall be retained for not less than three years from the date of the last entry or the date of issue, as the case may be.

PART IV

REGULATION OF THE PACKAGING, SHIPPING AND EXPORT OF RUBBER, RUBBER PLANTS AND RUBBER PLANTING MATERIALS

36. (1) No person shall export any rubber plant or any rubber planting materials, or any part of any rubber plant or rubber planting materials, which is capable of being used for the propagation or reproduction of rubber plants or rubber planting materials unless the person has obtained the prior written approval of the Minister or the public officer authorized in writing by the Minister.

(2) An application for approval under subregulation (1) shall be made by the person intending to export the rubber plant or rubber planting materials, as the case may be.

(3) The decision of the Minister or public officer shall be final and shall not be questioned in any court.

(4) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

37. (1) No person shall-

(a) pack rubber for export; or

(b) ship rubber for export,

unless the person holds a valid certificate issued under regulation 43 to carry on such activity.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

38. (1) No person shall export rubber unless the person holds-

(a) a valid certificate issued under regulation 43 to ship rubber for export; and

(b) a valid permit to export rubber issued under regulation 41.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

39. (1) All rubber packed or transported for shipment; delivery or consignment shall be packed or transported in good shippable condition in accordance with the current established practice of the rubber trade and in compliance with the requirements of the Board.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three six months or to both.

53. (1) A certificate holder shall exhibit the certificate, together with every document forming part of the certificate, in a conspicuous position in the premises and shall allow the inspection of such premises by an authorised officer.

(2) A certificate holder who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding three months or to both.

59. (1) No person shall use any house symbol or other special symbol or mark unless registered with the board.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

62. (1) Every package of rubber for export shall bear the following markings:

- (a) the packer's certificate number and house symbol;
- (b) the grade of rubber contained in the package, which shall be a grade recognised by the rubber trade and approved by the Board; and
- (c) the shipper's certificate number and house symbol.

(2) All markings shall be clear, distinct and non-erasable.

(3) Number shall be in Arabic numerals.

63. (1) A package of rubber shall only contain the grade of rubber specified in the markings on the package.

(2) A person who contravenes subregulation (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) For the purposes of this regulation, where a package of rubber is found to contain rubber of a grade other than the grade specified in the markings on the package, the packer shall be deemed to be responsible unless the packer proves otherwise.

64. All document relating to the export, shipment or local delivery of rubber shall contain the name and the certificate number of the packer.

65. (1) A certificate holder shall keep and maintain books of a account in the manner determined by the Board.

(2) Books of a account shall be kept in either the National language or the English language.

(3) A certificate holder shall keep a written record of the weight and description of all rubber packed for shipment, delivery or consignment or shipped for export, as the case may be.

(4)) A holder of a certificate to ship rubber for export shall in addition keep copies of all shipping instructions and any other document relevant to the rubber being shipped for export.

66. Books of a account and other document required to be kept under regulation 65 shall be retained for not less than three years from the date of the last entry or the date of issue, as the case may be.

74. A person who commits an offence under these Regulations for which no penalty is expressly provided shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

75. (1) A person who abets the commission of or who attempts to commit any offence under these Regulations shall be guilty of that offence and shall on conviction be liable to the punishment provided for the offence.

(2) A person who does any act preparatory to or in furtherance of the commission of any offence under these Regulations shall be guilty of that offence and shall on conviction be liable to the punishment provided for the offence but any term of imprisonment imposed shall not exceed one-half of the maximum term provided for the offence.

FIRST SCHEDULE

(Regulation 2)

RUBBER PLANTS

PART A

Plants of the Hevea species:

Hevea brasiliensis

Hevea benthamiana

Hevea guianensis

Hevea pauciflora

Hevea nitida

Hevea spruceana

Hevea microphyllia

Hevea rigidifolia

Hevea camporum

Hevea camargoana

PART B

Plants other than of the Hevea species:

Spesies castilla

Spesies manihot

Funtumia elastica

Spesies londoiphia

Ficus elastica

Parthenium argentatum (guayule)

Spesies taraxacum

Spesies solidago

SECOND SCHEDULE

(Regulation 4)

FORMS

	Regulation	Form	Title
1.	Subregulation 9(1)	Form 1	Written authority for transport of rubber or rubber planting materials
2.	Subregulation 10(1)	Form 2	Official receipt
3.	Subregulation 11(1), 13(2), 42(1) dan 44(2).	Form 3	Application for/renewal of licence/certificate
4.	Subregulation 12(2)	Form 4	Licence
5.	Subregulation 40(1)	Form 5	Application for Rubber Export Permit
6.	Subregulation 41(1)	Form 6	Rubber Export Permit
7.	Subregulation 43(2)	Form 7	Certificate

	Regulation	Matter	Fees (RM)
8.	Subregulation 20(2) dan 51(2)	Appeal	500.00
9.	Subregulation 20(5) dan 51(5)	Further appeal	1000.00
10.	Subregulation 27(1) dan 58(1)	Certified copy- (a) licence (b) certificate (c) certificate of origin	10.00 per copy 10.00 per copy 3.00 per copy
11.	Subregulation 60(3)	Registration of house symbol or other special symbol or mark	100.00
12.	Subregulation 61(3)	Transfer of house symbol or other special symbol or mark	100.00

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