PARLIMEN MALAYSIA

RANG UNDANG-UNDANG

Pinjaman (Tempatan) (Pindaan) 1989

DR.47/1989

D.R. 47/89

Naskhah Sahih—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Ordinan Pinjaman (Tempatan) 1959 dan untuk membuat peruntukan mengenai perkara-perkara yang bersampingan atau berkaitan dengannya.

[ ]

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Pinjaman (Tempatan) (Pindaan) 1989 dan hendaklah disifatkan telah mula berkuatkuasa pada 1hb Januari 1990. Tajuk ringkas dan mula berkuatkuasa.

2. Seksyen 2 Ordinan Pinjaman (Tempatan) 1959, yang disebut "Ordinan" dalam Akta ini, adalah dipinda— Seksyen baru 2. *Ord. 43/59.*

(a) dengan menggantikan nombor "2." di dalam baris pertama dengan nombor "2. (1)";

(b) dengan memotong takrif "local stock";

(c) dengan memasukkan, selepas takrif "advance deposit", takrif-takrif baru yang berikut:

' "Bank" means Bank Negara Malaysia established under the Central Bank of Malaysia Ordinance 1958; *Ord. 61/58.*

"customer's account" means an account maintained by a depository institution in respect of a transferor or a transferee under subsection (5) of section 8B;

"depository institution" means a participating investing institution authorised by the Bank under subsection (1) of section 8B;

"financial institution" means—

(a) any licensed bank, licensed merchant bank, licensed finance company, or licensed discount house, as those terms are defined in the Banking and Financial Institutions Act 1989;

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(b) any State Government;

(c) any statutory body; or

(d) any fund, scheme, organisation, body corporate or unincorporate, or any other person, as may be specified in writing by the Minister;

"participating investing institution" means a financial institution authorised by the Bank under subsection (1) of section 8A;

"primary investing institution" means a participating investing institution appointed by the Bank under subsection (2) of section 8A;

"statutory acknowledgement receipt" means an acknowledgement receipt in the form in Schedule A issued under subsection (6) of section 8B;

"statutory body" means any body or authority established, appointed or constituted by any written law, and includes any local authority;

"statutory monthly statement" means a monthly statement in the form in Schedule B issued under subsection (2) of section 8C;

"stock" means stock issued pursuant to sections 3 and 6 or a stock held by any person pursuant to a transfer thereof, or of a part of it, under this Ordinance;

"stock customer" means a person who makes a transfer or takes a transfer of a stock under subsection (2) of section 8B;

"stock issue" means any loan raised under subsection (1) of section 3 by the issue of stock under Part III;'; dan

(d) dengan memasukkan, selepas subseksyen (2), subseksyen baru (3) dan (4) yang berikut:

"(3) Where any record or account is required to be maintained under this Ordinance by the Bank or by any participating investing institution, whether acting in its capacity as a primary investing institution or a depository institution or otherwise, the same shall be maintained in such manner or such means as the Bank may determine or specify, including its maintenance in writing or by means of any visual recording (of still or moving images), or any sound recording or any electronic, magnetic, mechanical, or other recording whatsoever, on any substance, material, thing or article.

(4) The functions, powers and duties conferred upon the Bank under this Ordinance shall be performed, exercised and discharged by the Bank on behalf of the Minister.".

3. Seksyen 3 Ordinan adalah dipinda dengan memotong perkataan "registered" dalam subseksyen (2). Pindaan seksyen 3.

Pemotongan seksyen 5A.

4. Ordinan adalah dipinda dengan memotong seksyen 5A.

Pindaan tajuk kepada Bahagian III.

5. Tajuk kepada Bahagian III Ordinan adalah dipinda dengan menggantikan perkataan "REGISTRATION" dengan perkataan "TRANSFER".

Penggantian seksyen 6.

6. Ordinan adalah dipinda dengan menggantikan seksyen 6 dengan yang berikut:

"Issue and form of stock.

6. Stock issued under the provisions of this Ordinance shall be issued by the Bank on behalf of the Minister upon such terms as may be approved by the Minister and shall be issued in the form of an entry in the records of the Bank under subsection (3) of section 8A.".

Penggantian seksyen 8.

7. Ordinan adalah dipinda dengan menggantikan seksyen 8 dengan yang berikut:

"Transfers of stock.

8. Every stock, or any part of it, may be transferred in accordance with the provisions of this Ordinance and in no other manner.".

Seksyen baru 8A, 8B, 8C, 8D dan 8E.

8. Ordinan adalah dipinda dengan memasukkan, selepas seksyen 8, seksyen baru 8A, 8B, 8C, 8D dan 8E yang berikut:

"Participating investing institutions and primary investing institutions.

8A. (1) The Bank may authorise in writing any financial institution to be a participating investing institution.

(2) The Bank may appoint in writing any participating investing institution to be a primary investing institution.

(3) Only a primary investing institution may take up stock from the Bank, and the Bank shall maintain an entry in its records of every such stock.

(4) A participating investing institution shall maintain a single account with the Bank—

(a) of all transfers of stock to itself by another participating investing institution or by itself to another participating investing institution; and

(b) where the participating investing institution has been appointed a primary investing institution under subsection (2), there shall be included in such single account mentioned in paragraph *(a)* an account of all its stock taken up under subsection (3).

(5) The Bank shall pay to the participating investing institution interest on each of its stock standing in its account under subsection (4) on the date the interest becomes payable under section 9, and shall repay to such institution each of the stock standing in its account under subsection (4) on the date the stock becomes redeemable under section 11, by such means and in such manner as may be determined by the Bank.

(6) The Bank shall maintain records of the account of a participating investing institution, and such records shall be the sole and conclusive evidence of the state of such account, and of all the particulars and details thereof, and the same shall be binding on the Bank, the participating investing institution and on any other person having any interest therein.

Depository institutions.

8B. (1) The Bank may authorise in writing any participating investing institution to be a depository institution.

(2) Any person, other than a participating investing institution, desiring either to make a transfer or take a transfer of a stock shall do so only through a depository institution.

(3) A depository institution shall maintain with the Bank, in addition to the account maintained by it under subsection (4) of section 8A, a separate single account in respect of all transfers effected through it under subsection (2).

(4) The Bank shall pay to a depository institution the interest due on the principal moneys represented by each of the stock standing in the depository institution's account under subsection (3) on the date the interest becomes payable under section 9, and shall repay to such institution the principal moneys represented by the stock standing in its account under subsection (3) on the date it becomes redeemable under section 11, by such means and in such manner as may be determined by the Bank.

(5) A depository institution shall maintain a customer's account in respect of every transferor and transferee who is a party to any transfer effected through the despository institution under subsection (2), except where a customer's account in respect of a transferee is maintained by another depository institution, in which case the first mentioned depository institution shall have the stock transferred into the transferee's account with the second mentioned depository institution.

(6) Where a transfer of stock is made by any person under subsection (2), the following

procedure shall be complied with by the respective depository institutions:

(a) the depository institution by which the transfer is made shall forthwith issue—

(i) to the transferor a statutory acknowledgement receipt in the form in Schedule A in respect of the transfer; and

(ii) to the transferee a statutory acknowledgement receipt in the form in Schedule A in respect of the transfer, if such depository institution maintains a customer's account in respect of the transferee's stock; and

(b) if another depository institution maintains a customer's account in respect of the transferee's stock, the depository institution mentioned in paragraph *(a)* shall forthwith notify such other depository institution of the transfer and such other depository institution shall forthwith issue to the transferee a statutory acknowledgement receipt in the form in Schedule A in respect of the transfer.

(7) A statutory acknowledgement receipt shall not be capable of being negotiated or dealt with in any manner whatsoever, and shall be used solely between the depository institution which issued it and the stock customer to whom it was issued as evidence of the transfer of a stock under subsection (2) to which it relates.

(8) Where the amount in the account maintained by a depository institution with the Bank under subsection (3) is affected by a transfer effected through it under subsection (2), the depository institution shall

communicate forthwith to the Bank information of any change in such amount caused by the transfer.

Duties and obligations of depository institutions in relation to transfers effected under section 8B (2).

8C. (1) A depository institution shall maintain an account in respect of each stock customer.

(2) A depository institution shall issue to each of its stock customers a statutory monthly statement in the form in Schedule B in respect of his stock on or before the tenth day of the month succeeding the month in respect of which the statutory monthly statement is issued.

(3) A statutory monthly statement shall be the sole evidence of the stock held by a stock customer at the close of the month in respect of which it is issued.

(4) A depository institution shall—

(a) pay the stock customer the interest on each of the stock which stands in such customer's account, and such payment shall be made on the date the interest becomes payable under section 9; and

(b) repay to the stock customer the principal moneys represented by each of the stock which stand in such stock customer's account, and such repayment shall be made on the date the stock becomes redeemable under section 11.

(5) The stock dealt with by a depository institution in respect of any transfer effected through it under subsection (2) of section 8B shall be dealt with solely and exclusively in the manner, and the purpose, provided under section 8B, and shall not be dealt with or utilised by the depository institution in any other manner whatsoever, or for any other purpose whatsoever.

(6) A depository institution shall furnish to the Bank such returns, details, particulars or information in relation to the accounts maintained by it under subsection (1) in respect of each stock customer, or its stock customers generally, as may be specified by the Bank, or as the Bank may from time to time require in writing.

(7) The Bank may, through any of its officers authorised in writing by the Governor or the Deputy Governor of the Bank, inspect and take copies of accounts maintained by a depository institution under this section, including the accounts in respect of any particular stock customer or any other record or account relating to or affecting any stock under this Ordinance, and the depository institution, and every director, officer, employee, servant or agent of the depository institution shall furnish to such officer of the Bank all such books, records, correspondence, or any other document as may be required by the officer, and shall provide him all such assistance as he may require.

(8) The account of a stock customer maintained by a depository institution under subsection (1) shall be secret as between the institution and the stock customer and shall not be disclosed to any person by the depository institution except to the Bank, including the officers of the Bank referred to in subsection (7), unless such disclosure is authorised in writing by the stock customer.

(9) A depository institution shall be absolutely and wholly responsible and liable to its stock customer in respect of all transfers taken or made by the stock customer through it under subsection (2) of section 8B.

(10) A depository institution shall not require a stock customer to pay any charge, fee, or any other payment in respect of any matter dealt with by it in relation to a stock customer under this Ordinance, except as may be provided by rules made under section 20.

Bank's power to require information, inspect and take copies.

8D. (1) The Bank may, in writing, require any participating investing institution which may also be a primary investing institution, to furnish to the Bank such returns, details, particulars or information in relation to any account or record maintained by it under this Ordinance.

(2) The Bank may, through any of its officers authorised in writing by the Governor or Deputy Governor of the Bank, inspect or take copies of any account, record, book, or any other document maintained by a participating investing institution under this Ordinance.

Maintenance of secrecy by the Bank. *Ord. 61/58.*

8E. Without prejudice to section 16A of the Central Bank of Malaysia Ordinance 1958, any information in the possession of the Bank by virtue of any provision of this Ordinance shall be secret as between the Bank and the person to whom it relates or from whom it was obtained and shall not be disclosed except with the consent of such person.".

Pindaan seksyen 9.

9. Seksyen 9 Ordinan adalah dipinda dengan menggantikan subseksyen (1) dengan yang berikut:

"(1) The interest upon the principal moneys represented by stock issued under the provisions of this Ordinance shall be paid half yearly in the manner provided under subsection (5) of section 8A or subsection (4) of section 8B, as may be applicable.".

10. Seksyen 10 Ordinan adalah dipinda dengan menggantikan perkataan-perkataan "Central Bank" dalam nota birai dengan perkataan "Bank" dan perkataan-perkataan "Bank Negara Malaysia" dalam subseksyen (1) dan (2) dengan perkataan "Bank". Pindaan seksyen 10.

11. Seksyen 12 Ordinan adalah dipinda— Pindaan seksyen 12.

(a) dengan menggantikan perkataan-perkataan "such stock" dalam subseksyen (1) dengan perkataan-perkataan "stock issued under the provisions of this Ordinance";

(b) dengan menggantikan perkataan-perkataan "local stock forming part of a loan which matures not later than the loan raised under this Ordinance" dalam subseksyen (3) dengan perkataan-perkataan "stock issued under the provisions of this Ordinance which matures not later than the stock in relation to which the sinking fund was formed"; dan

(c) dengan memotong perkataan "local" dalam subseksyen (4).

12. Ordinan adalah dipinda dengan memotong seksyen 15. Pemotongan seksyen 15.

13. Seksyen 16 Ordinan adalah dipinda— Pindaan seksyen 16.

(a) dengan memasukkan perkataan-perkataan "form a primary investing institution" selepas perkataan-perkataan "Bank Negara Malaysia" dalam subseksyen (1);

(b) dengan menggantikan perkataan-perkataan "Bank Negara Malaysia" dalam subseksyen (1) dan (2) dengan perkataan "Bank"; dan

(c) dengan menggantikan perkataan "person" dalam subseksyen (5) dengan perkataan-perkataan "primary investing institution".

Seksyen baru 17 18, 19, 20, 21 dan 22.

14. Ordinan adalah dipinda dengan memasukkan, selepas seksyen 16, seksyen baru 17, 18, 19, 20, 21 dan 22:

"False entries, etc. in books, documents, etc.

17. No person shall, with intent to deceive—

(a) make or cause to be made a false entry;

(b) omit to make, or cause to be omitted, any entry; or

(c) alter, abstract, conceal or destroy, or cause to be altered, abstracted, concealed or destroyed, any entry,

in any book or record, or in any report, slip, statement or other document whatsoever, relating to the business, affairs, transactions, conditions, property, assets, liabilities or accounts, of any participating investing institution, or any primary investing institution, or any depository institution, or of the Bank.

Contravention of Ordinance, penalty therefor and criminal liability of institutions, directors, etc.

18. (1) Any participating investing institution, whether acting in its capacity as a primary investing institution or a depository institution or otherwise which, or any other person who, contravenes any provision of this Ordinance shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding—

(a) ten million ringgit; or

(b) where an amount of money is the subject matter of the offence, ten times such amount,

whichever is the greater, or to imprisonment for a term not exceeding fifteen years, or to both such fine and imprisonment:

Provided that where the person found guilty of such offence is a body corporate, the above

mentioned punishment of imprisonment shall not apply to it.

(2) Where any offence against any provision of this Ordinance has been committed by any institution mentioned in subsection (1), any person who at the time of the commission of the offence was a director, officer, or controller of the institution or was purporting to act in any such capacity, or was in any manner or to any extent responsible for the management of any of the affairs of such institution, or was assisting in such management, shall be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

(3) Where any person (hereinafter in this subsection referred to as the "principal") would be liable under this Ordinance to any punishment or penalty for any act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any clerk, servant or agent of his, or of the clerk or servant of such agent:

Provided that such act, omission, neglect or default was committed by the principal's clerk or servant in the course of his employment, or by the agent when acting on behalf of the principal, or by the clerk or servant of such agent in the course of his employment by such agent or otherwise on behalf of the agent.

(4) Without prejudice to subsection (2), where an institution referred to in subsection (1) is a financial institution under paragraph *(b)* or *(c)* of the definition of "financial institution" under subsection (1) of section 2, it shall not be liable to be prosecuted for any offence committed by it under subsection (1), or be liable under subsection (3).

(5) Nothing in this Ordinance contained shall be deemed to prevent the prosecution, conviction and punishment of any person according to the provisions of any other written law; but so that no person shall be punished more than once for the same offence.

(6) For the purposes of this section, "director", "officer" and "controller" shall have the meaning respectively assigned thereto under subsection (1) of section 2 of the Banking and Financial Institutions Act 1989.

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Civil liability not affected by prosecution or non-prosecution, etc.

19. The prosecution of, or the failure to prosecute, any person for an offence under this Ordinance, or the acquittal or discharge of any person who is prosecuted for an offence under this Ordinance, shall not, in any manner or to any extent whatsoever, affect his civil liability to any other person in relation to anything done by him under this Ordinance.

Rules.

20. (1) The Minister may, on the recommendation of the Bank, make such rules as may be necessary or expedient for giving full effect to the provisions of this Ordinance, for carrying out or achieving the objects and purposes of this Ordinance, or for the further, better or more convenient implementation of the provisions of this Ordinance.

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

(a) matters relating to the issue of stock, application for stock, payment of interest on stock and the repayment of stock when it becomes redeemable;

(b) procedures and practices relating to the carrying out by any person of any provision of this Ordinance;

(c) forms in respect of any provision of this Ordinance;

(d) charges, fees and payments payable to the Bank, and charges, fees and payments payable to a depository institution, in respect of any provision of this Ordinance; and

(e) matters relating to the carrying out of the transitional provisions contained in section 16 of the Loan (Local) (Amendment) Act 1989.

Act A

Liability of Government in respect of stock.

21. (1) The Government shall be liable for all interest payable and all repayments of principal moneys represented by stock issued under and in accordance with this Ordinance, and in respect of all stock dealt with under and in accordance with section 16 of the Loan (Local) (Amendment) Act 1989, but where such liability of the Government arises in consequence, or by reason, of any default of a participating investing institution in the performance of its duties and obligations under this Ordinance, including its duties and obligations as a primary investing institution or a depository institution, as may be

applicable, such institution shall be liable on demand by the Government to indemnify the Government in full in relation to the liability.

(2) For the purposes of subsection (1), "default" includes—

(a) any negligence or failure in the carrying out of any function, or the exercise of any power, or the discharge of any duty, under this Ordinance; and

(b) any offence under this Ordinance, or any offence under any other written law in relation to any matter dealt with under this Ordinance, regardless—

(i) whether or not there has been any prosecution in respect of such offence; or

(ii) whether such default was committed by the participating investing institution, or any director, officer, or controller (as those words are defined in subsection (6) of section 18), or any clerk, servant or agent of such participating investing institution, or any clerk or servant of such agent.

Minister's power to amend Schedule A or B.

22. The Minister, on the recommendation of the Bank, may from time to time by order published in the *Gazette* vary, delete from, add to, substitute for, or otherwise amend, Schedule A or Schedule B, and the Schedule as so varied, deleted from, added to, substituted for, or otherwise amended, shall come into full force and effect and shall be deemed to be an integral part of this Act as from the date of such publication, or from such earlier or later date as may be specified in the order.".

15. Ordinan adalah dipinda dengan menggantikan Jadual kepadanya dengan Jadual A dan Jadual B yang berikut: Penggantian Jadual.

"

SCHEDULE A

STATUTORY ACKNOWLEDGEMENT RECEIPT

(Issued pursuant to section 8B (6) of the Loan (Local) Ordinance 1959)

Name, address, logo, etc. of depository institution

Name and address of stock customer:	Date:

Stock customer's account no.:

Issue no.	Maturity date	Date of transfer	Stock amount M$

We hereby acknowledge that the stock amount of.....is hereby transferred *by/from the abovenamed stock *customer/depository institution to the transferee with effect from the date of transfer.

#The depository institution of the transferee has been notified of the above transfer.

Name of *transferee (s)/transferor (s):

Name of depository institution of *transferee (s)/transferor (s):

.....
Authorised signatory of depository institution

Note: This acknowledgement receipt is not capable of being negotiated or dealt with in any manner whatsoever (section 8B (7)).

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* Delete whichever is not applicable.

\# Delete if not applicable.

SCHEDULE B

STATUTORY MONTHLY STATEMENT

(Issued pursuant to section 8C (2) of the Loan (Local) Ordinance 1959)

Name, address, logo, etc. of depository institution Date:

Name of stock customer :
Address :
Stock customer's account no. :

Date of transfer	Stock issue no.	Maturity date	Opening balance	Stock transferred to customer	Amount of stock transferred from customer	Closing balance

Monthly statement for the month of.....year.....

.....
Authorised signatory of depository institution ".

Peruntukan-peruntukan peralihan.

16. (1) Dalam seksyen ini, "saham" ertinya suatu saham yang diterbitkan di bawah seksyen 3 dan 6 Ordinan sebagaimana ia wujud sebelum mula berkuatkuasanya Akta ini, yang merupakan dalam borang yang diluluskan di bawah subseksyen (2) seksyen 6 tersebut.

(2) Jika apa-apa saham, apabila Akta ini mula berkuatkuasa, belum lagi ditebus, saham itu—

(a) sekiranya pemegang itu adalah institusi pelaburan peserta, apabila diserahkan kepada Bank borang yang mengikutnya saham itu diterbitkan untuk dibatalkan olehnya, hendaklah dimasukkan ke dalam akaun saham yang disenggarakan oleh institusi pelaburan peserta tersebut dengan Bank di bawah subseksyen (4) seksyen 8A Ordinan; atau

(b) sekiranya pemegang itu adalah orang selain daripada institusi pelaburan peserta—

(i) hendaklah boleh dipindahkan hanya melalui suatu institusi pendeposit pilihan pemegang mengikut subseksyen (2) seksyen 8B Ordinan;

(ii) hendaklah menyebabkan faedah yang kena dibayar ke atasnya di bawah seksyen 9 Ordinan dibayar hanya melalui suatu institusi pendeposit pilihan pemegang; dan

(iii) hendaklah menyebabkan pembayaran balik wang-wang pokok yang dinyatakan dalam saham itu di bawah seksyen 11 Ordinan dibuat hanya melalui suatu institusi pendeposit pilihan pemegang,

dan atas pemindahan itu, pembayaran faedah atau pembayaran balik wang-wang pokok tersebut, mengikut mana-mana yang berkenaan, saham dalam borang ia diterbitkan

hendaklah diserahkan kepada institusi pendeposit yang hendaklah segera mengirimkan borang itu kepada Bank untuk dibatalkan olehnya:

Dengan syarat bahawa jika tidak ada pemindahan, pembayaran atau pembayaran balik dalam tempoh sembilan bulan dari tarikh mula berkuatkuasanya Akta ini, pemegang hendaklah, walau bagaimanapun, menyerahkan borang yang mengikutnya saham itu diterbitkan kepada institusi pendeposit pilihannya sebelum tamatnya tempoh sembilan bulan tersebut, dan institusi pendeposit itu hendaklah segera mengirimkan borang itu kepada Bank untuk dibatalkan olehnya.

(3) Atas penyerahan borang yang mengikutnya saham itu diterbitkan kepada sesuatu institusi pendeposit—

(a) di bawah subperenggan (i) perenggan *(b)* subseksyen (2), peruntukan-peruntukan subseksyen (6) seksyen 8B Ordinan hendaklah terpakai; atau

(b) di bawah subperenggan (ii) perenggan *(b)* subseksyen (2), atau di bawah proviso kepada perenggan *(b)* subseksyen (2), institusi pendeposit itu hendaklah mengeluarkan kepada pemegang suatu resit permakluman statutori dalam borang dalam Jadual A kepada Ordinan berkenaan dengan saham yang dipegangnya itu mengikut borang tersebut, seolah-olah saham itu telah dipindahkan kepada institusi pendeposit menurut subseksyen (2) seksyen 8B dan mengikut prosedur di bawah subseksyen (6) seksyen 8B Ordinan,

dan dalam mana-mana hal institusi pendeposit itu hendaklah menyenggara suatu akaun pelanggan di bawah subseksyen (1) seksyen 8C Ordinan berkenaan

dengan orang yang menyerahkan borang yang mengikutnya saham itu diterbitkan.

(4) Jika pemegang borang yang mengikutnya saham itu diterbitkan gagal menyerahkan borang itu kepada sesuatu institusi pendeposit di bawah subseksyen (2), Bank boleh, tanpa menjejaskan liabiliti Kerajaan di bawah seksyen 21 Ordinan, menguruskan borang itu mengikut apa-apa cara sebagaimana yang ditentukan oleh Bank.

HURAIAN

Rang Undang-Undang ini bertujuan meminda Ordinan Pinjaman (Tempatan) 1959 (kemudian daripada ini disebut "Ordinan") dan untuk membuat peruntukan mengenai perkara-perkara yang bersampingan atau berkaitan dengannya.

2. *Fasal 1* memperuntukkan bagi Akta yang dicadangkan di bawah Rang Undang-Undang ini disifatkan telah mula berkuatkuasa pada 1hb Januari 1990.

3. *Fasal 2* meminda seksyen 2 Ordinan untuk memasukkan takrif-takrif baru dan untuk meminda, mengganti dan memotong takrif-takrif sedia ada yang tertentu, berbangkit daripada pindaan-pindaan kepada Ordinan yang akan dibuat oleh Rang Undang-Undang ini. Secara khusus, perenggan *(c) fasal* ini memperuntukkan bagi "Bank" supaya bererti Bank Negara Malaysia yang diberi berbagai-bagai fungsi, kuasa dan tugas di bawah pindaan-pindaan itu, dan bagi "saham" supaya bererti saham yang diterbitkan menurut seksyen 3 dan 6 atau suatu saham, atau sebahagian daripadanya, yang dipegang oleh mana-mana orang menurut pemindahannya di bawah Ordinan.

Perenggan *(d) fasal* ini mengadakan subseksyen baru (4) yang di bawahnya fungsi-fungsi, kuasa-kuasa dan tugas-tugas yang diberikan kepada Bank di bawah Ordinan hendaklah dilaksanakan, dijalankan dan ditunaikan oleh Bank bagi pihak Menteri.

4. *Fasal 6* bertujuan menggantikan seksyen 6 Ordinan untuk membolehkan Bank menerbitkan saham atas terma-terma dan syarat-syarat tertentu sebagaimana yang diluluskan oleh Menteri, dan saham tersebut hendaklah diterbitkan dalam bentuk suatu catatan di dalam rekod-rekod Bank yang disenggarakan di bawah seksyen baru 8A Ordinan, yang dimasukkan ke dalamnya melalui *fasal 8*.

5. *Fasal 7* menggantikan seksyen 7 Ordinan untuk membolehkan pemindahan saham dilaksanakan hanya mengikut peruntukan-peruntukan Ordinan dan tidaklah boleh mengikut apa-apa cara lain.

6. *Fasal 8* meminda Ordinan dengan memasukkan seksyen baru 8A, 8B, 8C, 8D dan 8E yang memperuntukkan sistem saham melalui catatan-catatan di dalam rekod-rekod Bank dan institusi-institusi lain yang disebut di dalam seksyen baru 8A.

(A) Di bawah seksyen baru 8A, Bank adalah diberi kuasa untuk membenarkan mana-mana "institusi kewangan" sebagaimana yang ditakrifkan di bawah perenggan *(c) fasal 2* untuk menjadi institusi pelaburan peserta. Setiap institusi pelaburan peserta adalah dikehendaki menyenggara suatu akaun dengan Bank berkenaan dengan semua pemindahan saham kepadanya oleh suatu institusi pelaburan peserta lain atau olehnya sendiri kepada suatu institusi pelaburan peserta lain.

Seksyen ini juga membuat peruntukan bagi sesuatu institusi pelaburan peserta dilantik sebagai institusi pelaburan utama dan hanya institusi tersebut boleh melabur di dalam saham dengan Bank. Ia menghendaki rekod saham tersebut, termasuk rekod pembayaran faedah ke atasnya, dan pembayaran balik saham atas kematangan, disenggarakan oleh Bank, dan bagi rekod tersebut menjadi keterangan tunggal dan muktamad berkenaan dengan perkara-perkara ini.

(B) Seksyen baru 8B memberi kuasa kepada Bank untuk membenarkan mana-mana institusi pelaburan peserta yang disebut di dalam seksyen baru 8A menjadi suatu institusi pendeposit.

Semua pemindahan saham oleh mana-mana orang, atau kepada mana-mana orang, yang bukannya suatu institusi pelaburan peserta, adalah dikehendaki dibuat semata-mata dan hanya melalui suatu institusi pendeposit. Institusi pendeposit itu adalah dikehendaki menyenggara suatu akaun pelanggan berkenaan dengan tiap-tiap pemindah atau penerima pindahan yang membuat atau mengambil pemindahan saham melalui institusi pendeposit tersebut.

Institusi pendeposit itu adalah juga dikehendaki menyenggara dengan Bank suatu akaun tunggal berasingan berkenaan dengan semua pemindahan yang dilaksanakan melaluinya, dan jika mana-mana pemindahan itu melibatkan akaun tersebut, institusi pendeposit itu adalah berkewajipan untuk segera menyampaikan kepada Bank maklumat mengenai apa-apa perubahan tentang amaun yang ditunjukkan di dalam akaun yang disenggarakan olehnya dengan Bank.

Jika sesuatu pemindahan saham dilaksanakan melalui suatu institusi pendeposit, institusi pendeposit itu dikehendaki mengeluarkan kepada pemindah dan penerima pindahan suatu resit permakluman statutori berkenaan dengan pemindahan itu dalam borang yang diperuntukkan di dalam Jadual A yang baru kepada Ordinan.

(C) Seksyen baru 8c memperuntukkan bahawa sesuatu institusi pendeposit hendaklah menyenggara suatu akaun berkenaan dengan setiap pelanggan saham, dan mengeluarkan kepadanya suatu penyata bulanan statutori mengenai sahamnya pada atau sebelum hari kesepuluh dalam bulan selepas bulan yang berkenaan dengannya penyata bulanan statutori itu dikeluarkan. Penyata bulanan statutori itu adalah dikehendaki dibuat dalam borang dalam Jadual B kepada Ordinan, dan ia hendaklah menjadi keterangan tunggal mengenai saham yang dipegang oleh pelanggan saham pada penghujung bulan yang berkenaan dengannya ia dikeluarkan.

Faedah atas saham yang terdapat di dalam akaun sesuatu institusi pendeposit dikehendaki dibayar oleh institusi itu kepada pelanggan saham, dan juga pembayaran balik wang-wang pokok yang kena dibayar atas kematangan saham itu.

Seksyen ini mengenakan obligasi kepada institusi pendeposit untuk memberi penyata, butir terperinci, butir dan maklumat berhubungan dengan akaun-akaun pemindahan saham yang dilaksanakan melaluinya, dan Bank adalah diberi kuasa untuk memeriksa dan mengambil salinan akaun-akaun tersebut. Seksyen ini melarang sesuatu institusi pendeposit menguruskan atau menggunakan mana-mana saham yang dipindahkan melaluinya, kecuali mengikut cara dan bagi maksud yang diperuntukkan di bawah seksyen baru 8B.

Institusi pendeposit itu dilarang mendedahkan maklumat berkenaan dengan akaun pelanggan saham kepada mana-mana orang kecuali kepada Bank dan pegawai-pegawai Bank, dan melainkan dengan kebenaran bertulis daripada pelanggan saham itu sendiri.

Institusi pendeposit itu tidaklah boleh mengenakan apa-apa caj, fee atau bayaran lain ke atas pelanggan saham berhubungan dengan pemindahan saham-saham yang dilaksanakan melaluinya, kecuali ia diperuntukkan melalui kaedah-kaedah yang dibuat di bawah seksyen baru 20.

Sesuatu institusi pendeposit adalah bertanggungjawab dan bertanggungan secara mutlak dan sepenuhnya kepada pelanggan-pelanggan sahamnya berkenaan dengan semua pemindahan saham yang dilaksanakan melaluinya.

(D) Seksyen baru 8D memberi kuasa kepada Bank untuk meminta penyata, butir terperinci, butir dan maklumat berhubungan dengan mana-mana akaun atau rekod yang disenggarakan oleh sesuatu institusi pelaburan peserta. Di bawah seksyen ini Bank boleh memeriksa dan mengambil salinan akaun-akaun, rekod-rekod dan buku-buku yang disenggarakan oleh sesuatu institusi pelaburan peserta.

(E) Seksyen baru 8E mengadakan peruntukan mengenai pemeliharaan rahsia oleh Bank berhubungan dengan maklumat yang berada dalam miliknya menurut mana-mana peruntukan Ordinan.

7. *Fasal 12* memotong seksyen 15 Ordinan yang menghendaki supaya saham dihantarserah untuk pembatalan setelah pembayaran balik wang-wang pokok oleh kerana di bawah sistem baru bagi terbitan saham menurut pindaan-pindaan yang dimasukkan oleh Rang Undang-Undang ini, terbitan dan pemindahan saham hendaklah melalui catatan di dalam rekod-rekod Bank atau institusi-institusi pendeposit, mengikut mana-mana berkenaan.

8. *Fasal 14* memasukkan seksyen baru 17, 18, 19, 20, 21 dan 22 ke dalam Ordinan.

(A) Seksyen baru 17 mengadakan peruntukan bagi melarang pembuatan catatan-catatan palsu dalam, meninggalkan daripada membuat catatan-catatan dalam, atau mengubah, mengeluarkan, menyembunyikan atau memusnahkan apa-apa buku atau rekod atau apa-apa dokumen lain berhubungan dengan perkara-perkara di bawah Ordinan.

(B) Seksyen baru 18 membuat peruntukan mengenai pelanggaran terhadap Ordinan, penalti baginya dan liabiliti jenayah bagi institutusi, pengarah, pegawai dan pengawalnya.

(C) Seksyen baru 19 memperuntukkan bahawa pendakwaan, atau kegagalan mendakwa, mana-mana orang bagi sesuatu kesalahan di bawah Ordinan, atau pembebasan atau pelepasan mana-mana orang yang didakwa bagi apa-apa kesalahan tersebut, tidaklah boleh menjejaskan liabiliti sivil orang tersebut kepada mana-mana orang lain berhubungan dengan apa-apa jua yang dilakukannya di bawah Ordinan.

(D) Seksyen baru 20 memberi kuasa kepada Menteri, atas syor Bank, untuk membuat kaedah-kaedah yang perlu atau suaimanfaat untuk memberi kesan kepada peruntukan-peruntukan Ordinan, dan menetapkan beberapa perkara yang berhubungan dengannya kaedah-kaedah tersebut boleh dibuat.

(E) Seksyen baru 21 menjadikan Kerajaan bertanggungan bagi faedah yang kena dibayar atas semua saham, dan pembayaran balik wang-wang pokok yang dinyatakan dalam semua saham di bawah Ordinan. Ia juga memperuntukkan bahawa sekiranya apa-apa liabiliti tersebut berbangkit akibat daripada, atau oleh sebab, apa-apa keingkaran sesuatu institusi pelaburan peserta, termasuk sebagai sesuatu institusi pendeposit atau institusi pelaburan utama, institusi tersebut hendaklah bertanggungan apabila diminta untuk menanggung rugi Kerajaan sepenuhnya berhubungan dengan liabiliti tersebut.

(F) Seksyen baru 22 memberi kuasa kepada Menteri untuk meminda, melalui perintah yang disiarkan dalam *Warta*, sama ada Jadual A atau Jadual B kepada Ordinan yang dimasukkan ke dalam Ordinan melalui *fasal 15*.

9. *Fasal 15* menggantikan Jadual sedia ada yang menyatakan undang-undang bertulis yang berlainan berhubungan dengan takrif "saham tempatan" yang telah dipotong oleh *fasal 2 (b)*, dengan dua Jadual baru, iaitu, Jadual A adalah berkenaan dengan resit permakluman statutori yang dikehendaki dikeluarkan kepada pemindah dan penerima pindahan sesuatu saham, dan Jadual B adalah berkenaan dengan penyata bulanan statutori yang dikehendaki dikeluarkan oleh sesuatu institusi pendeposit kepada pelanggan-pelanggan sahamnya pada penghujung setiap bulan.

10. *Fasal 16* membuat peruntukan-peruntukan peralihan yang menurutnya borang yang mengikutnya saham itu diterbitkan di bawah Ordinan sebagaimana ia wujud sebelum mula berkuatkuasanya pindaan-pindaan yang dibuat kepadanya oleh Rang Undang-Undang ini, hendaklah diserahkan dan digantikan dengan catatan-catatan di dalam rekod-rekod Bank sekiranya saham itu dipegang oleh institusi pelaburan peserta, dan sekiranya dipegang oleh mana-mana orang lain, melalui suatu catatan di dalam rekod-rekod institusi pendeposit yang menyenggara akaun pelanggan berkenaan dengan orang itu. Dalam hal seseorang selain daripada suatu institusi pelaburan peserta, tindakan tersebut dikehendaki diambil dalam tempoh sembilan bulan dari 1hb Januari 1990, tetapi jika orang itu gagal berbuat demikian dalam tempoh tersebut, liabiliti Kerajaan kepada orang itu tidaklah terjejas, dan Bank adalah diberi kuasa menguruskan borang yang mengikutnya saham itu diterbitkan, mengikut apa-apa cara sebagaimana yang ditentukan oleh Bank.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan di dalam apa-apa perbelanjaan wang tambahan. [JPN (R) 200/75.]