


# LAWS OF MALAYSIA

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## Act 768

# TECHNOLOGISTS AND TECHNICIANS ACT 2015

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# TECHNOLOGISTS AND TECHNICIANS ACT 2015

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## Act 768

# TECHNOLOGISTS AND TECHNICIANS ACT 2015

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# LAWS OF MALAYSIA

## Act 768

# TECHNOLOGISTS AND TECHNICIANS ACT 2015

An Act to provide for the establishment of the Malaysia Board of Technologists and for the registration and recognition of Professional Technologists and Certified Technicians in providing technology services and technical services and for related matters.

[*1 August 2015, P.U. (B) 286/2015*]

**ENACTED** by the Parliament of Malaysia as follows:

## PART I

## PRELIMINARY

### Short title and commencement

**1.** (1) This Act may be cited as the Technologists and Technicians Act 2015.

(2) This Act comes into operation on a date to be appointed by the Minister by Notification in the *Gazette*.

### Interpretation

**2.** (1) In this Act, unless the context otherwise requires—

"Register" means the register kept and maintained under section 17;

"Qualified Technician" means a person registered under subsection 22(2);

"Certified Technician" means a person registered under subsection 22(4);

"skills" means an acquired and practised ability to carry out a task or job competently;

"Fund" means the Malaysia Board of Technologists Fund established under section 31;

"Board" means the Malaysia Board of Technologists established under subsection 4(1);

"Minister" means the Minister for the time being charged with the responsibility for the *Malaysia Board of Technologists;

"registered person" means a Professional Technologist, Graduate Technologist, Certified Technician and Qualified Technician;

"Registrar" means the Registrar of Technologists appointed under subsection 18(1);

"technical services" and "technology services" mean services determined by the Board under section 16;

"Graduate Technologist" means a person registered under subsection 21(2);

"Professional Technologist" means a person registered under subsection 21(4).

**Non-application**

**3.** (1) The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other written law relating to the registration of professionals.

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*NOTE—*See* the Ministers of the Federal Government (No. 3) Order 2020 [*P.U. (A) 201/2020*].

(2) Notwithstanding subsection (1), the provisions of this Act shall not apply to professionals registered under any other written law in force at the time of coming into operation of this Act relating to the registration of professionals.

## PART II

## MALAYSIA BOARD OF TECHNOLOGISTS

### Establishment of Malaysia Board of Technologists

**4.** (1) A body corporate to be known as the "Malaysia Board of Technologists" is established.

(2) The Board shall have perpetual succession and a common seal.

(3) The Board may sue and be sued in its name.

(4) Subject to and for the purposes of this Act, the Board may, upon such terms as it deems fit—

*(a)* enter into contracts;

*(b)* acquire, purchase, take, hold and enjoy movable and immovable property of every description;

*(c)* from time to time borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph *(b)*; and

*(d)* convey, assign, surrender, yield up, charge, mortgage, demise, lease, reassign, transfer, or otherwise dispose of, or deal with, any movable or immovable property or any interest vested in the Board.

**Functions of the Board**

**5.** The Board shall have the following functions:

*(a)* to recognize Professional Technologist and Certified Technician as professionals;

*(b)* to keep and maintain the Register under section 17;

*(c)* to provide facilities for the promotion of education and training and to hold or cause to be held, professional development programmes for registered persons to further enhance their knowledge relating to their professions;

*(d)* to conduct assessments or to cause assessments to be conducted by an institution approved by the Board for the purpose of admission to the profession;

*(e)* to determine and regulate the conduct and ethics of the technologist and technician profession; and

*(f)* generally, to carry out all such acts and do all such things as may appear to the Board necessary to carry out the provisions of this Act.

**Powers of the Board**

**6.** (1) The Board may do all things necessary or expedient for, or in connection with, the performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Board may—

*(a)* approve or reject applications for registration under this Act or approve any such applications subject to such conditions or restrictions as it deems fit to impose;

*(b)* impose as it deems fit fees or any other charges as prescribed by the regulations in the performance of its functions and the exercise of its powers;

*(c)* pay allowances and other expenses of the members of the Board, council and committees;

*(d)* employ such number of employees as the Board thinks necessary upon such terms and conditions of service as may be determined by the Board for carrying out the purposes of this Act;

*(e)* pay remuneration, allowances and other benefits to the employees;

*(f)* appoint committees consisting of persons to be determined by the Board to assist it in carrying out its functions;

*(g)* establish councils to evaluate the quality assurance of the programme in the field of technology;

*(h)* appoint any person to represent the Board in any committee, panel or institution where that person would subsequently make recommendations to the Board on all matters relating to qualifications for admission to the profession; and

*(i)* cancel the registration of any registered person or remove from the Register, or reinstate into the Register, the name of any registered person.

**Delegation of the functions and powers of the Board**

**7.** (1) The Board may, in writing, delegate any of its functions and powers, except the power in paragraph 6(2)*(g)* to—

*(a)* a member of the Board;

*(b)* a committee appointed under paragraph 6(2)*(f)*; and

*(c)* a council established under paragraph 6(2)*(g)*.

(2) Any person, committee or council delegated with such functions or powers shall be bound to observe and have regard to all conditions and restrictions imposed by the Board and all requirements, procedures and matters specified by the Board.

(3) Any functions and powers delegated under this section shall be performed and exercised in the name and on behalf of the Board.

(4) The delegation under this section shall not preclude the Board itself from performing or exercising at any time any of the delegated functions and powers.

**Membership of the Board**

**8.** (1) The Board shall consist of the following members who shall be appointed by the Minister:

*(a)* a President who shall be a registered Professional Technologist; and

*(b)* not more than eighteen other members of whom—

(i) at least one but not more than five who shall be registered Professional Technologists or Certified Technicians working in the public service of the Federation;

(ii) at least one but not more than two who shall be registered Professional Technologists or Certified Technicians working in the service of any local authority or statutory authority;

(iii) at least one but not more than five who shall be registered Professional Technologists or Certified Technicians working in the private sector;

(iv) at least one but not more than five are members of organizations representing the relevant disciplines of technology and promoting the advancement of technology discipline;

(v) at least one but not more than five who shall be registered Professional Technologists in the service of institutions of higher learning;

(vi) at least one but not more than five who shall be registered Certified Technicians in the service of skills training institutions; and

(vii) at least one but not more than three are from among other related professional boards.

(2) Notwithstanding subsection (1), the first Board shall consist of the following members who shall be appointed by the Minister:

*(a)* a President who shall be a person qualified to be registered as a registered Professional Technologist; and

*(b)* not more than eighteen other members of whom—

(i) at least one but not more than five who shall be persons qualified to be registered as registered Professional Technologists or Certified Technicians working in the public service of the Federation;

(ii) at least one but not more than two who shall be persons qualified to be registered as registered Professional Technologists or Certified Technicians working in the service of any local authority or statutory authority;

(iii) at least one but not more than five who shall be persons qualified to be registered as registered Professional Technologists or Certified Technicians working in the private sector;

(iv) at least one but not more than five are members of organizations representing the relevant disciplines of technology and promoting the advancement of technology discipline;

(v) at least one but not more than five who shall be persons qualified to be registered as registered Professional Technologists in the service of institutions of higher learning;

(vi) at least one but not more than five who shall be persons qualified to be registered as registered Certified Technicians in the service of skills training institutions; and

(vii) at least one but not more than three are from among other related professional boards.

**Common seal**

**9.** (1) The Board shall have a common seal which shall bear a device approved by the Board and the seal may from time to time be broken, changed, altered and made anew as the Board thinks fit.

(2) Until a seal is provided by the Board, a stamp bearing the words "Malaysia Board of Technologists" may be used and shall be deemed to be the common seal of the Board.

(3) The common seal shall be kept in the custody of the President or such other person as may be authorized by the Board, and shall be authenticated by either the President or such person as may be authorized by the President in writing.

(4) All deeds, documents and other instruments purporting to be sealed with the common seal of the Board and duly authenticated shall, until the contrary is proven, be deemed to have been validly executed.

(5) Any deed, document or other instrument which, if executed by a person not being a body corporate, is not required to be under seal may in like manner be executed by a member of the Board or any other person authorized by the President on behalf of the Board.

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

**Tenure of office**

**10.** (1) Subject to such conditions as may be specified in his instrument of appointment, a member of the Board shall, unless he resigns or vacates his office or his appointment is revoked, hold office for a term not exceeding three years as determined by the Minister and shall be eligible for reappointment for a term not exceeding two years.

(2) If a member of the Board dies or resigns or vacates his office or his appointment is revoked, a new member shall as soon as practicable be appointed in his place and the member so appointed shall hold office for the remainder of the term for which his predecessor was appointed.

**Allowances**

**11.** The President and the members of the Board shall be paid such allowances as the Minister may determine.

**Revocation of appointment and resignation**

**12.** (1) The Minister may, at any time, revoke the appointment of a member of the Board.

(2) A member of the Board may, at any time, resign from his appointment by giving at least thirty days' notice in writing to the Minister.

**Vacation of office**

**13.** The office of a member of the Board shall be vacated—

*(a)* if he dies;

*(b)* if there has been proved against him, or he has been convicted of, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law relating to corruption; or

(iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) of more than two years;

*(c)* if he becomes a bankrupt;

*(d)* if he is of unsound mind or is otherwise incapable of discharging his duties;

*(e)* in the case of the President, if he absents himself from three consecutive meetings of the Board without leave in writing from the Minister;

*(f)* in the case of a member of the Board other than the President, if he absents himself from three consecutive meetings of the Board without leave in writing from the President;

*(g)* if his resignation is accepted by the Minister; or

*(h)* if his appointment is revoked by the Minister.

**Schedule**

**14.** (1) The provisions of the Schedule shall apply to the members of the Board.

(2) The Minister may amend the Schedule by order published in the *Gazette*.

**Disclosure of interest**

**15.** (1) A member of the Board, council or committee who has acquired a direct or indirect interest whether by himself, a member of his family or his associate in relation to any matter under discussion by the Board, council or committee shall disclose to the Board, council or committee the fact of his interest and nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board, council or committee, as the case may be, in which the matter is discussed and, after the disclosure, the member—

*(a)* shall not be present or take part in any discussion or decision of the Board, council or committee, as the case may be, about the matter; and

*(b)* shall be disregarded for the purpose of constituting a quorum of the Board, council or committee, as the case may be,

when the matter is discussed or decided upon.

(3) A member of the Board who fails to disclose his interest as required under subsection (1) shall be removed from the Board by the Minister.

(4) A member of the council or committee who fails to disclose his interest as required under subsection (1) shall be removed from the council or committee by the Board.

(5) No act or proceedings of the Board, council or committee shall be invalidated on the ground that any member of the Board, council or committee has contravened this section.

(6) For the purposes of this section—

"a member of his family", in relation to a member of the Board, council or committee, includes—

*(a)* his spouse;

*(b)* his parent (including a parent of his spouse);

*(c)* his child (including an adopted child or stepchild);

*(d)* his brother or sister (including a brother or sister of his spouse); and

*(e)* a spouse of his child, brother or sister; and

"associate", in relation to a member of the Board, council or committee, means—

*(a)* a person who is a nominee or an employee of the member;

*(b)* a firm of which the member or any nominee of his is a partner;

*(c)* a partner of the member;

*(d)* a trustee of a trust under which the member or a member of his family is a beneficiary; or

*(e)* any corporation within the meaning of the *Companies Act 2016 [*Act 777*], of which the member or any nominee of his or a member of the member's family is a director or has a substantial shareholding in the corporation.

## PART III

### REGISTRATION OF TECHNOLOGISTS AND TECHNICIANS

**Technical services and technology services**

**16.** The Board shall determine—

*(a)* technical services in respect of any operation relating to product testing, product commissioning and product maintenance; and

*(b)* technology services in respect of any operation relating to product development, product manufacturing, product testing, product commissioning and product maintenance,

for the purpose of this Act.

**Register**

**17.** (1) The Board shall keep and maintain a register which shall be in four parts as follows:

*(a)* Part A — that shall contain the names, addresses and other particulars of Professional Technologists;

*(b)* Part B — that shall contain the names, addresses and other particulars of Graduate Technologists;

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**NOTE*—This Act has replaced the Companies Act 1965 [*Act 125*] which comes into operation on 31 January 2017–*se*e subsection 620(1) of Act 777.

*(c)* Part C — that shall contain the names, addresses and other particulars of Certified Technicians; and

*(d)* Part D — that shall contain the names, addresses and other particulars of Qualified Technicians.

(2) There shall be indicated against the name of each registered person in the Register the discipline of technology in which he is qualified to practice and particulars of any conditions or restrictions imposed by the Board under paragraph 6(2)*(a)*.

**Appointment and duties of Registrar**

**18.** (1) The Minister shall appoint a Registrar of Technologists who shall be under the direction of the Board and who shall sign all certificates of registration and their renewal, and orders of the Board, and record all entries of registration, suspension, cancellation, removal and reinstatement in the Register.

(2) The Registrar shall publish, through means as may be determined by the Board, in the national language and the English language, the name, address, registration number and other particulars of a registered person—

*(a)* whose registration has been by an order of the Board—

(i) suspended under paragraph 27(2)*(b)*; or

(ii) cancelled under paragraph 27(2)*(c)*;

*(b)* whose name and other particulars have been removed from the Register under subsection 28(1); or

*(c)* who has been reinstated under subsection 30(1).

(3) The publication under subsection (2) shall be made—

*(a)* within seven days of the expiration of the appeal period in subsection 41(1); or

*(b)* within seven days of the date of the Appeal Board's confirmation of the Board's order under subsection 44(4), if there is an appeal filed against the order of the Board.

**Professional Technologist**

**19.** A Professional Technologist shall be entitled to—

*(a)* approve and certify the manner or conduct of technology services to be carried out;

*(b)* describe himself or hold himself out under any name, style or title—

(i) bearing the words "Professional Technologist" or the equivalent in any other language;

(ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Professional Technologist;

(iii) using the abbreviated title "Ts." for Professional Technologist before his name with the approval of the Board; or

(iv) using the abbreviation "P.Tech." for Professional Technologist and his specialisation after his name with the approval of the Board;

*(c)* use or display any sign board, card or other device representing or implying that he is a Professional Technologist; and

*(d)* use the stamp as determined by the Board.

**Certified Technician**

**20.** A Certified Technician shall be entitled to—

*(a)* approve and certify the manner or conduct of technical services to be carried out;

*(b)* describe himself or hold himself out under any name, style or title—

(i) bearing the words "Certified Technician" or the equivalent in any other language;

(ii) bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a Certified Technician;

(iii) using the abbreviated title "Tc." for Certified Technician before his name with the approval of the Board; or

(iv) using the abbreviation "C.Tech." for Certified Technician and his specialisation after his name with the approval of the Board;

*(c)* use or display any sign board, card or other device representing or implying that he is a Certified Technician; and

*(d)* use the stamp as determined by the Board.

**Registration of Graduate Technologist and Professional Technologist**

**21.** (1) Subject to this Act, a person who holds a bachelor's degree recognized by the Board may apply to be registered as a Graduate Technologist upon payment of the prescribed fee.

(2) Upon application made under subsection (1), and based on the criteria as may be determined by the Board, the Board may approve the application to be registered as a Graduate Technologist.

(3) A Graduate Technologist registered under subsection (2) who has—

*(a)* obtained the practical experience as may be determined by the Board;

*(b)* paid the prescribed fee; and

*(c)* complied with all the criterias to be determined by the Board,

may apply to be registered as a Professional Technologist.

(4) Upon application made under subsection (3), and based on the criteria as may be determined by the Board, the Board may approve the registration of a Graduate Technologist as a Professional Technologist.

**Registration of Qualified Technician and Certified Technician**

**22.** (1) Subject to this Act, a person who holds a certificate qualification recognized by the Board may apply to be registered as a Qualified Technician upon payment of the prescribed fee.

(2) Upon application made under subsection (1), and based on the criteria as may be determined by the Board, the Board may approve the application to be registered as a Qualified Technician.

(3) A Qualified Technician registered under subsection (2) who has—

*(a)* obtained the practical experience as may be determined by the Board;

*(b)* paid the prescribed fee; and

*(c)* complied with all the criterias to be determined by the Board,

may apply to be registered as a Certified Technician.

(4) Upon application made under subsection (3), and based on the criteria as may be determined by the Board, the Board may approve the registration of a Qualified Technician as a Certified Technician.

**Application for registration**

**23.** An application for registration shall be made to the Board in such manner as may be determined by the Board and be accompanied by the prescribed fee.

**Certificate of registration**

**24.** (1) The Registrar shall, upon receipt of the prescribed fee, issue to a person whose application for registration has been approved by the Board a certificate of registration in the form to be determined by the Board.

(2) Every certificate of registration, except the certificate of registration issued to a Graduate Technologist or a Qualified Technician, shall, subject to this Act, expire one year from the date the registration was approved under subsection 21(4) or 22(4), as the case may be.

(3) In any proceedings, a certificate of registration shall be conclusive proof that the person named in it is a registered person.

**Renewal of registration**

**25.** (1) Subject to such conditions as may be determined by the Board, the certificate of registration issued to a Professional Technologist or Certified Technician may be renewed upon its expiry.

(2) The application for renewal shall be made to the Board in such manner as determined by the Board and be accompanied by the prescribed fee.

(3) If a Professional Technologist or Certified Technician fails to renew his registration after twelve months from the date of expiry of the certificate of registration, he shall not apply for renewal of registration under this section but instead apply for registration under section 21 or 22, as the case may be.

**Notification of change of address**

**26.** Every registered person shall notify in writing to the Registrar of any change in his address.

## PART IV

### SUSPENSION, CANCELLATION OF REGISTRATION, ETC.

**Suspension and cancellation of registration**

**27.** (1) Subject to subsection (3), the Board may make any of the orders specified in subsection (2) against a registered person under any of the following circumstances:

*(a)* if he is convicted of an offence involving fraud, dishonesty or corruption in Malaysia or elsewhere;

*(b)* if he offers or accepts any commission which in the opinion of the Board is an illicit commission;

*(c)* if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a sole proprietor, partner, director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any

financial interest in any such company or firm or business, with which he deals on behalf of his client;

*(d)* if his registration under this Act has been obtained by fraud or misrepresentation;

*(e)* if his qualification has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;

*(f)* if he is found to be of unsound mind;

*(g)* if he is found to be incapable or no longer able to perform his professional duties effectively;

*(h)* if he is a bankrupt;

*(i)* if he is found by the Board to have contravened or failed to comply with this Act or any regulations made under this Act;

*(j)* if he fails to observe any conditions or restrictions subject to which he is registered;

*(k)* if he is found guilty by the Board of any act or conduct which in the opinion of the Board is infamous or disgraceful; or

*(l)* if he fails to discharge his professional duties with due skill, care and diligence.

(2) The orders referred to in subsection (1) are—

*(a)* issuance of a written warning or reprimand;

*(b)* suspension of registration for a period not exceeding one year; or

*(c)* cancellation of registration.

(3) The Board shall not make any order under subsection (1) based on any of the circumstances set out in paragraphs (1)*(b)* to *(d)* or paragraphs (1)(*f)* to *(l)* unless—

*(a)* the registered person against whom the Board intends to make an order has been given an opportunity to be heard orally or in writing either personally or by a person appointed by him; and

*(b)* at the hearing, if applicable, at least five members of the Board are present.

(4) The Board shall notify the registered person in writing within seven days of the making of the order in subsection (1).

**Removal from Register**

**28.** (1) The Board shall order the removal from the Register the name and other particulars of—

*(a)* a registered person who has died;

*(b)* a Professional Technologist or Certified Technician who has failed to renew his registration under section 25; or

*(c)* a registered person whose registration has been cancelled.

(2) Where the removal from the Register is made under paragraph (1)*(b)* or *(c)*, the Board shall by registered post notify the registered person in writing of the order of removal within seven days of the making of the order.

**Certificate to be returned**

**29.** A registered person whose name is removed from the Register shall, within fourteen days of the date of receipt of notification of the

removal, surrender to the Board the certificate of registration issued to him under this Act.

**Reinstatement**

**30.** (1) Where a registered person whose name has been ordered to be removed from the Register under paragraph 28(1)*(c)* has appealed against that order and his appeal is allowed, the Appeal Board shall order the reinstatement of his name in the Register and give notice in writing to the registered person within seven days of the making of the order.

(2) Upon the order of reinstatement being made, the Registrar shall issue a certificate of registration to the registered person.

PART V

FINANCE

**Malaysia Board of Technologists Fund**

**31.** (1) A fund to be known as the "Malaysia Board of Technologists Fund" is established and shall be administered and controlled by the Board.

(2) The Fund shall consist of—

*(a)* moneys received by the Board in performing its functions under this Act;

*(b)* such sums as may be approved by the Parliament;

*(c)* all moneys and properties which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions and powers;

*(d)* any costs paid to, or recovered by, the Board in any settlement of action or proceedings, civil or criminal; and

*(e)* all other moneys lawfully received by the Board.

**Expenditure to be charged on the Fund**

**32.** The Fund shall be expended for the following purposes:

*(a)* paying any expenditure lawfully incurred by the Board;

*(b)* paying for the allowances and expenses of the members of the Board, members of the council and members of the committees;

*(c)* paying for the remuneration, allowances, benefits and expenses of the employees of the Board;

*(d)* paying any other expenses, costs or expenditure in relation to the procurement of goods and services, including the engagement of consultants, legal fees and costs and other fees and costs, properly incurred or accepted by the Board in the performance of its functions and the exercise of its powers under this Act; and

*(e)* generally, paying any expenses for carrying into effect the provisions of this Act.

**Expenditure and preparation of estimates**

**33.** (1) The expenditure of the Board up to such amount as may be authorized by the Board for any one financial year shall be defrayed out of the Fund.

(2) Before the beginning of each financial year, an estimate of the expenditure for the following financial year in such form and containing such particulars as the Minister may direct shall be

submitted by the Board to the Minister for his approval, and the Minister shall, before the beginning of that following financial year, notify the Board of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

(3) The Board may, at any time, submit to the Minister a supplementary estimate for any one financial year and the Minister may allow the whole or any part of the additional expenditure included in the supplementary estimate.

**Conservation of the Fund**

**34.** It shall be the duty of the Board to conserve the Fund by so performing its functions and exercising its powers under this Act to secure that the total revenues of the Board are sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

**Bank accounts**

**35.** The Board shall open and maintain an account or accounts with such bank or banks in Malaysia as the Board thinks fit; and every such account shall be operated as far as practicable by cheques signed by the President and Registrar or any two members of the Board as may be authorized by the President in writing for such purpose from time to time.

**Power to borrow**

**36.** (1) The Board may, from time to time, with the prior approval of the Minister and the Minister of Finance, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister and the Minister of Finance may approve, any sums required by the Board for meeting any of its obligations or performing any of its functions under this Act.

(2) The Board may, from time to time, with the prior approval of the Minister and the Minister of Finance, borrow money by the issue of bonds, debenture, debenture stocks or such other securities upon such terms as it deems expedient for meeting any of its obligations or performing any of its functions under this Act.

**Investment**

**37.** The Fund may, in so far as they are not required to be expended by the Board under this Act, be invested in such manner as the Board deems fit after consultation with the Minister.

**Financial procedure**

**38.** Subject to this Act, the Board shall determine its own financial procedure.

**Financial year**

**39.** The financial year of the Board shall begin on 1 January and end on 31 December of each year.

**Accounts and reports**

**40.** (1) The Board shall cause to be kept proper accounts of the Fund and reports of its activities and shall, as soon as practicable after the end of each financial year, cause to be prepared for that financial year—

*(a)* a statement of accounts of the Board which shall include a balance sheet and an account of its income and expenditure; and

*(b)* a statement of its activities.

(2) The Board shall, as soon as possible, send a copy of the statement of accounts and the statement of activities mentioned in subsection (1) certified by the Auditor General and a copy of the Auditor General's Report to the Minister who shall cause them to be laid before both Houses of Parliament.

(3) The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Board.

## PART VI

## GENERAL

### Grounds for appeal

**41.** (1) A person—

*(a)* who has been refused registration by the Board;

*(b)* who having been registered has had his name removed from the Register pursuant to an order made by the Board under paragraph 28(1)*(c)*; or

*(c)* who is aggrieved by an order of the Board under subsection 27(1),

may, within thirty days of receipt of the notification in writing of the refusal, removal or order, appeal to the Appeal Board constituted under section 42 and the Appeal Board may thereupon make such orders as it may deem just or proper.

(2) A person whose appeal under paragraph (1)*(a)* has been refused by the Appeal Board may make a new application under section 21 or 22, as the case may be.

(3) The Board shall give effect to any order made by the Appeal Board forthwith.

**Appeal Board**

**42.** For the purpose of this Part, there shall be constituted an Appeal Board consisting of a Chairman and two other persons who each has a minimum of ten years' experience in the field of technology appointed by the Minister.

**Tenure of office of members of the Appeal Board**

**43.** A member of the Appeal Board shall, unless he resigns or vacates his office or his appointment is revoked, hold office for such term as may be specified in the instrument appointing him and shall be eligible for reappointment.

**Appeal**

**44.** (1) An appeal against an order of the Board shall be made by way of notice in writing to the Appeal Board and a copy of the notice shall be sent to the President of the Board.

(2) Upon receipt of the copy of the notice of appeal, the President of the Board or in the absence of the President, the member delegated by the President shall cause to be prepared and sent to the Chairman of the Appeal Board the records or a summary of the records of the proceedings of the Board and a statement setting out the grounds on which the Board arrived at its decision.

(3) Upon receiving the records or summary of the records and the statement of the grounds of the decision of the Board, the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal.

(4) The Appeal Board after hearing the appeal may confirm, vary or reverse the decision of the Board.

(5) The decision of the Appeal Board shall be final.

**Investigating Committee and its powers**

**45.** (1) For the purposes of section 27, the Board shall appoint an Investigating Committee consisting of—

*(a)* a Chairman, who is a Professional Technologist;

*(b)* two persons from among Professional Technologists or Graduate Technologists; and

*(c)* two persons from among Certified Technicians or Qualified Technicians,

to conduct an investigation.

(2) Where the Chairman of the Investigating Committee is a member of the Board, he shall not sit as a member of the Board when the Board conducts a hearing or makes an order under subsection 27(1) in respect of the registered person who has been examined by the Investigating Committee of which he is the Chairman.

(3) The Investigating Committee appointed under subsection (1) may, for the purpose of an investigation—

*(a)* require any person to attend before it and give evidence on oath or affirmation, and the Chairman of the Investigating Committee presiding at the investigation may administer the oath; and

*(b)* require such person to produce any book, document or paper relating to the subject matter of the investigation which is in the custody of that person or under his control.

(4) Upon completion of its investigation, the Investigating Committee shall submit a report together with its recommendations, if any, to the Board for its consideration.

(5) A person shall—

*(a)* attend and give evidence when required to do so by the Investigating Committee;

*(b)* answer truthfully and fully any question put to him by any member of the Investigating Committee; and

*(c)* produce to the Investigating Committee any book, document or paper required of him.

(6) The Board may, if it deems fit, suspend the registration of a registered person for a period not exceeding six months pending an investigation by an Investigating Committee under this Act and during the period of such suspension, he shall not exercise any of the rights or privileges accorded to him under this Act.

**Penalties for obtaining registration by false pretences, etc.**

**46.** Any person who—

*(a)* obtains or attempts to obtain registration or a certificate of registration under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;

*(b)* willfully makes or causes to be made any false entry in the Register;

*(c)* forges, alters or counterfeits any certificate of registration under this Act;

*(d)* uses any forged, altered or counterfeited certificate of registration under this Act knowing the same to have been forged, altered or counterfeited;

*(e)* impersonates a registered person;

*(f)* buys or fraudulently obtains a certificate of registration under this Act issued to another person;

*(g)* sells any certificate of registration issued under this Act; or

*(h)* contravenes sections 19 or 20,

commits 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 both.

**Indemnity**

**47.** No action or proceeding shall be instituted or maintained in any court against the Board, Appeal Board, Investigating Committee, council or committee appointed by the Board or any member of the Board, Appeal Board, Investigating Committee, council or committee or any person authorized to act for or on behalf of the Board for any act or omission done in good faith in the discharge of any of its or his functions, powers and duties under this Act or any regulations made under this Act.

**Public servant**

**48.** All members of the Board, Appeal Board, Investigating Committee and members of the council, committee and any employees and agents of the Board while discharging their duties under this Act as such members, employees or agents, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

**Obligation of secrecy**

**49.** Except for any of the purposes of this Act or for the purposes of any civil or criminal proceedings under any written law or where otherwise authorized by the Board—

*(a)* no member of the Board or any of its committees or councils or any employee or agent of the Board or any person attending any meeting of the Board or any of its committees or councils, whether during or after his tenure of office or employment, shall disclose any information obtained by him in the course of his duties; and

*(b)* no other person who has by any means access to any information or document relating to the affairs of the Board shall disclose such information or document.

**Power to make regulations**

**50.** (1) The Board may, with the approval of the Minister, make regulations as may be expedient or necessary for giving full effect or the better carrying out of the provisions of this Act.

(2) The regulations made under this section may include provisions for prescribing fees or charges for any service rendered in the performance of the functions of the Board.

SCHEDULE

[Section 14]

**Frequency and venue of meetings**

**1.** (1) The President shall preside over the meetings of the Board.

(2) The Board shall hold as many meetings as are necessary for the efficient performance of its functions and such meetings are to be held at such places and times as the President may decide, provided that meetings are held at least twice a year.

(3) The President shall call for a meeting if requested to do so in writing by the Minister.

(4) In the absence of the President, the members shall elect a person among themselves to preside over the meeting.

**Quorum**

**2.** The President and at least one third of the other members of the Board shall form a quorum at a meeting of the Board.

**Casting vote**

**3.** If on any question to be determined by the Board there is an equality of votes, the President shall have a casting vote in addition to his deliberative vote.

**Board may invite others to meetings**

**4.** (1) The Board may invite any person to attend any meeting or deliberation of the Board for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the meeting or deliberation.

(2) A person invited under subparagraph (1) shall be paid such allowances as may be determined by the Board.

**Minutes**

**5.** (1) The Board shall cause minutes of all its meetings to be maintained and kept in proper form.

(2) The minutes of meetings of the Board, if duly signed, shall, in any legal proceedings, be admissible as *prima facie* evidence of the facts stated in the minutes without further proof.

(3) Every meeting of the Board of which minutes have been made in accordance with subparagraphs (1) and (2) shall be deemed to have been duly convened and held and all members at the meeting to have been duly qualified to act.

**Procedure**

**6.** The Board may regulate its own procedure.

**Validity of acts and proceedings**

**7.** No act done or proceedings taken under this Act shall be questioned on the ground of—

*(a)* any vacancy in the membership of, or any defect in the constitution of the Board; or

*(b)* any omission, defect or irregularity not affecting the merits of the case.

**Members to devote time to business of the Board**

**8.** The members of the Board shall devote such time to the business of the Board as is necessary to discharge their duties effectively.

# LAWS OF MALAYSIA

## Act 768

## TECHNOLOGISTS AND TECHNICIANS ACT 2015

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|---|---|---|
| - NIL - | | |

# LAWS OF MALAYSIA

## Act 768

## TECHNOLOGISTS AND TECHNICIANS ACT 2015

LIST OF SECTIONS AMENDED

| Section | Amending authority | In force from |
|---|---|---|

- NIL -