

P.U. (A) 133.

AKTA SURUHANJAYA KOPERASI MALAYSIA 2007

**PERATURAN-PERATURAN KOPERASI (TABUNG BANTUAN
KECEMASAN KOPERASI) 2010**

SUSUNAN PERATURAN-PERATURAN

Peraturan

1. Nama dan permulaan kuat kuasa
2. Tafsiran
3. Tabung Bantuan Kecemasan Koperasi
4. Perbelanjaan yang boleh dipertanggungjawabkan kepada Tabung Kecemasan
5. Jawatankuasa Tabung Bantuan Kecemasan Koperasi
6. Fungsi Jawatankuasa
7. Mesyuarat Jawatankuasa
8. Akaun Bank
9. Pemberian bantuan
10. Akaun dan audit

AKTA SURUHANJAYA KOPERASI MALAYSIA 2007

PERATURAN-PERATURAN KOPERASI (TABUNG BANTUAN KECEMASAN
KOPERASI) 2010

PADA menjalankan kuasa yang diberikan oleh seksyen 63 Akta Suruhanjaya Koperasi Malaysia 2007 [*Akta 665*], Suruhanjaya, dengan kelulusan Menteri, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini boleh dinamakan **Peraturan-Peraturan Koperasi (Tabung Bantuan Kecemasan Koperasi) 2010**.

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

Tafsiran

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

“bencana alam” termasuklah banjir, ribut, kilat, tanah runtuh, puting beliung, gempa bumi dan bencana alam lain;

“faktor luar kawalan” termasuklah serangan serangga ke atas tanaman, penyakit kaki dan mulut, penyakit-penyakit lain yang boleh merosakkan tanaman atau haiwan dan renjatan elektrik;

“Tabung Bantuan” ertinya Tabung Bantuan Kecemasan Koperasi yang ditubuhkan di bawah peraturan 3.

Tabung Bantuan Kecemasan Koperasi

3. (1) Suatu tabung yang dikenali sebagai Tabung Bantuan Kecemasan Koperasi ditubuhkan.

(2) Tabung Bantuan hendaklah terdiri daripada—

(a) sejumlah wang yang diperuntukkan oleh Suruhanjaya daripada Kumpulan Wang Pusat Koperasi di bawah subperaturan 35(2) Peraturan-Peraturan Koperasi 1995 [*P.U. (A) 551/1994*];

(b) sejumlah wang yang diperuntukkan oleh Suruhanjaya daripada hasil keuntungan pelaburan atau deposit tetap di bawah—

(i) Kumpulan Wang Amanah Pembangunan Koperasi yang ditubuhkan di bawah subperaturan 3(1) Peraturan-Peraturan Koperasi (Kumpulan Wang Amanah Pembangunan Koperasi) 2010 [*P.U. (A) 127*]; dan

- (ii) Kumpulan Wang Pusat Koperasi yang dipegang dan ditadbir di bawah subperaturan 35(2) Peraturan-Peraturan Koperasi 1995;
 - (c) derma dan pemberian daripada pihak ketiga; dan
 - (d) hasil pelaburan yang dibuat daripada Tabung Bantuan yang menggunakan apa-apa wang diperolehi daripada sumber dalam perenggan (a), (b) dan (c).
- (3) Tiada derma dan pemberian daripada sumber asing boleh diterima di bawah perenggan 2(c) kecuali dengan kelulusan Kerajaan.

Perbelanjaan yang boleh dipertanggungjawabkan kepada Tabung Bantuan

4. Tabung Bantuan hendaklah digunakan bagi maksud yang berikut:
- (a) membayar bagi kerosakan premis atau aset atau produknya yang dialami oleh koperasi akibat bencana alam atau faktor luar kawalan; dan
 - (b) membantu koperasi membangunkan semula aktiviti ekonomi koperasi akibat bencana alam atau faktor luar kawalan.

Jawatankuasa Tabung Bantuan Kecemasan Koperasi

5. (1) Suatu jawatankuasa yang dikenali sebagai Jawatankuasa Tabung Bantuan Kecemasan Koperasi ditubuhkan bagi maksud mentadbir Tabung Bantuan Kecemasan Koperasi.

- (2) Jawatankuasa hendaklah terdiri daripada orang yang berikut:
- (a) Pengerusi Eksekutif Suruhanjaya sebagai Pengerusi;
 - (b) Timbalan Pengerusi Eksekutif Suruhanjaya sebagai Timbalan Pengerusi;
 - (c) Ketua Sektor (Operasi dan Kawal Selia) Suruhanjaya;
 - (d) Pengarah Bahagian Audit Koperasi Suruhanjaya; dan
 - (e) Pengarah Bahagian Dasar dan Perancangan Pembangunan Suruhanjaya.

Fungsi Jawatankuasa

6. Jawatankuasa hendaklah bagi pihak dan atas nama Suruhanjaya mempunyai fungsi yang berikut:
- (a) menimbang dan meluluskan permohonan bantuan; dan
 - (b) melabur atau menandatangani dana Tabung Bantuan.

Mesyuarat Jawatankuasa

7. (1) Mesyuarat Jawatankuasa hendaklah diadakan sekurang-kurangnya dua kali setahun.

(2) Semua mesyuarat Jawatankuasa hendaklah dipanggil oleh Pengerusi.

(3) Pengerusi hendaklah mempengerusikan mesyuarat Jawatankuasa dan semasa ketiadaannya, Timbalan Pengerusi hendaklah mempengerusikan mesyuarat Jawatankuasa.

(4) Tiga orang anggota Jawatankuasa yang hadir pada mana-mana mesyuarat hendaklah membentuk kuorum.

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

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

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

Akaun Bank

8. (1) Semua wang Tabung Bantuan hendaklah disimpan dalam institusi perbankan yang diluluskan oleh Suruhanjaya Koperasi Malaysia atas nama Tabung Bantuan Kecemasan Koperasi.

(2) Akaun Tabung Bantuan hendaklah pada setiap masa berbaki kredit.

Pemberian bantuan

9. (1) Bantuan boleh diberikan dalam keadaan yang berikut:

(a) Jawatankuasa menerima laporan daripada pegawai Suruhanjaya berkenaan dengan bencana alam atau faktor luar kawalan; atau

(b) koperasi mengalami kerugian ke atas premis atau aset atau produknya akibat bencana alam atau faktor luar kawalan.

(2) Kadar bantuan akan ditentukan oleh Suruhanjaya bergantung kepada jumlah kerugian yang dialami serta keupayaan koperasi menyerap kerugian dan juga kedudukan kewangannya.

(3) Bantuan yang diberikan boleh dalam bentuk wang tunai atau bentuk-bentuk lain yang ditetapkan oleh Jawatankuasa.

(4) Mana-mana koperasi yang telah menerima bantuan daripada tabung-tabung lain boleh dipertimbangkan untuk menerima bantuan daripada Tabung Bantuan.

Akaun dan audit

10. (1) Jawatankuasa hendaklah bagi pihak dan atas nama Suruhanjaya menyenggara akaun dan rekod-rekod lain berkenaan dengan pengendalian Tabung Bantuan dengan sempurna dan hendaklah menyediakan penyata akaun bagi setiap tahun kewangan.

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

(3) Akaun-akaun Tabung Bantuan hendaklah diaudit pada setiap tahun oleh Ketua Audit Negara atau seorang juruaudit yang dilantik oleh Suruhanjaya.

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

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

DATO' MANGSOR BIN SAAD
Pengerusi Eksekutif
Suruhanjaya Koperasi Malaysia

Diluluskan oleh

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

MALAYSIA CO-OPERATIVE SOCIETIES
COMMISSION ACT 2007

CO-OPERATIVE SOCIETIES (CO-OPERATIVE SOCIETIES EMERGENCY
AID FUND) REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Interpretation
3. Co-operative Societies Emergency Aid Fund
4. Expenses which can be chargeable to the Aid Fund
5. Co-operative Societies Emergency Aid Fund Committee
6. Functions of the Committee
7. Meetings of the Committee
8. Bank Account
9. Granting of the aid
10. Accounts and audit

MALAYSIA CO-OPERATIVE SOCIETIES COMMISSION ACT 2007

CO-OPERATIVE SOCIETIES (CO-OPERATIVE SOCIETIES EMERGENCY
AID FUND) REGULATIONS 2010

IN exercise of the powers conferred by section 63 of the Malaysia Co-operative Societies Commission Act 2007 [*Act 665*], the Commission, with the approval of the Minister, makes the following regulations:

Citation and commencement

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

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

Interpretation

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

“natural disaster” includes flood, storm, flash, landslide, tornado, earth quake and other natural disasters;

“factors beyond control” includes insects attack against the crops, hand foot and mouth disease, other diseases that may destroy the crops or animals and electrocution;

“the Aid Fund” means the Co-operative Societies Emergency Aid Fund established under regulation 3.

Co-operative Societies Emergency Aid Fund

3. (1) A fund known as the Co-operative Societies Emergency Aid Fund is established.

(2) The Aid Fund shall consists of—

(a) a sum of money allocated by the Commission from the Co-operative Societies Central Fund under subregulation 35(2) of the Co-operative Societies Regulations 1995 [*P.U. (A) 551/1994*];

(b) a sum of money allocated by the Commission from the proceeds of profit of investment or the fixed deposit under—

(i) the Development Trust Fund established under subregulation 3(1) of the Co-operative Societies (Co-operative Societies Development Trust Fund) Regulations 2010 [*P.U. (A) 127*]; and

(ii) the Co-operative Societies Central Fund established under subregulation 35(2) of the Co-operative Societies Regulations 1995;

- (c) donations and grants from the third party; and
- (d) proceeds of investment made from the Aid Fund using any money acquired from source referred in paragraphs (a), (b) and (c).

(3) No donations and grants from any foreign sources can be received under paragraph 2(c) except with the prior approval of the Government.

Expences which can be chargeable to the Aid Fund

4. The Aid Fund shall be used for the following purposes:
- (a) to pay for the damages of the premises or assets or its products suffered by the co-operative societies as a consequence of the natural disaster or the factors beyond control; and
 - (b) to assist the co-operative societies to redevelop its economic activities as a consequence of the natural disaster or the factors beyond control.

Co-operative Societies Emergency Aid Fund Committee

5. (1) A committee known as the Co-operative Societies Emergency Aid Fund Committee for the purpose of administering the Aid Fund is established.

- (2) The Committee shall consist of the following persons:
- (a) the Executive Chairman of the Commission as the Chairman;
 - (b) the Deputy Executive Chairman of the Commission as Deputy Chairman;
 - (c) the Head Sector (Operation and Regulatory) of the Commission;
 - (d) the Director of Co-Operative Society Audit Division of the Commission; and
 - (e) the Director of Policy and Development Planning Division of the Commission.

Functions of the Committee

6. The Committee shall on behalf and in the name of the Commission have the following functions:
- (a) to consider and to approve the application for the aid; and
 - (b) to invest or to deposit the Aid Fund.

Meetings of the Committee

7. (1) Meetings of the Committee shall be held at least twice a year.
- (2) All meetings of the Committee shall be summoned by the Chairman.

(3) The Chairman shall chair the meetings of the Committee and in the absence of the Chairman, the Deputy Chairman shall chair the meetings of the Committee.

(4) Three members of the Committee present in any of the meetings shall form a quorum.

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

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

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

Bank Account

8. (1) All the monies from the Aid Fund must be kept in the banking institution approved by the Malaysia Co-operative Societies Commission in the name of the Co-operative Societies Emergency Aid Fund.

(2) The account of the Aid Fund shall at all time in credit balance.

Granting of the aid

9. (1) The aid may be given in the following circumstances—

(a) the Committee receive report from the officer of the Commission in respect of the natural disaster or the factors beyond control; or

(b) a co-operative society suffered loss on its premise or assets or products as a consequence of the natural disaster or factors beyond control.

(2) The rate of the aid will be prescribed by the Commission depending on the amount of loss suffered and the ability of the co-operative society to absorb loss and its financial position.

(3) The aid given may be in the form of cash or any other form prescribed by the Committee.

(4) Any co-operative society that has previously received the aid from other funds may be considered to receive the aid from this Aid Fund.

Accounts and audit

10. (1) The Committee shall on behalf and in the name of the Commission maintain proper accounts and other records in respect of the operation of the Aid Fund and shall prepare statements of account for each financial year.

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

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

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

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

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

Approved by

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

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA