

## STATE OF SABAH

### SABAH TOURISM PROMOTION CORPORATION ENACTMENT 1981 (Sabah No. 16 of 1981)

#### LIST OF AMENDMENTS

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
2/1987	46, 47	16-4-1987
5/1989	4 (1) (c), (d)	28-12-1989
6/2002	2, Part II, 3, 4, 7, 10, Part III, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, Part IV, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49	21-11-2002

An Enactment to repeal and re-enact the law relating to the establishment of a Sabah Tourism Promotion Corporation and provide for matters incidental thereto and connected therewith so as to make better provisions respecting the constitution, administration, procedure, functions and finance of the Sabah Tourism Promotion Corporation.

[1st December 1981]

ENACTED by the Legislature of the State of Sabah as follows:

#### PART I PRELIMINARY

##### **Short title and commencement.**

- (1) This Enactment may be cited as the Sabah Tourism Promotion Corporation Enactment 1981 and shall come into operation on such date as the Minister may, by notice in the *Gazette*\*, appoint.

\* In force 1st December 1981 - See G.N. 132/82.

(2) The Minister may appoint different dates for the coming into operation of different parts or provisions of the Enactment.

**Interpretation.**

2. In this Enactment, unless the context otherwise requires—

“Board” means the Sabah Tourism Board constituted under section 3;

“Chairman” means Chairman of the Board;

“Deputy Chairman” means Deputy Chairman of the Board;

“functions” includes powers and duties;

“General Manager” means the General Manager appointed under section 20 of the Enactment and includes any person for the time being so appointed to perform the duties of the General Manager;

“member” means a member of the Board including the Chairman and Deputy Chairman;

“Minister” means the Minister for the time being charged with responsibility for matters relating to tourism promotion in Sabah;

“tourism enterprise” includes—

- (a) any business which, either wholly or in part, provides or arranges provisions of services for persons travelling in, or for visitors to, Sabah by way of transport, accommodation, tours or guides whether or not such services are provided within Sabah;
- (b) any business which, either wholly or in part, retails goods for sale or caters food or drinks to persons travelling in, or visitors to, Sabah;
- (c) any association of any of the business referred to in (a) or (b); and
- (d) any exhibition, show, fair, publicity campaign or other undertaking intended

wholly or in part for the benefit of or for the purpose of inducing persons to travel in Sabah or attracting visitors to Sabah.

PART II  
ESTABLISHMENT AND CONSTITUTION OF BOARD

**Establishment of Board.**

3. (1) As from the commencement of this Enactment there shall be constituted "The Sabah Tourism Board" which shall be a body corporate with perpetual succession, capable of suing and being sued in its corporate name and with power to purchase or otherwise deal with in any lawful manner whatsoever, any property movable and immovable, and to enter into contracts and generally to do such acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its objects and the exercise of its powers as set out in this Enactment.

(2) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board, as the Board may think fit.

(3) Until a common seal is provided under subsection (2), a stamp bearing the inscription "The Sabah Tourism Board" may be used as the common seal of the Board.

**Composition of Board.**

4. (1) The Board shall consist of the following members-

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) four *ex-officio* members who shall be persons for the time being holding the offices of the Permanent Secretary of the Ministry of Culture, Environment and Tourism, Permanent Secretary of the Ministry of Finance, Director of Parks and the Director of Wildlife respectively;
- (d) not less than four and not more than twelve members who shall be

persons having extensive experience in tourist enterprises or in other fields of activities which can be of great service in the development of tourism; and

(e) the person for the time being holding the office of General Manager:

Provided that the General Manager shall not be entitled to vote at the meeting of the Board.

(2) The members as specified in paragraphs (a), (b) and (d) of subsection (1) shall be appointed by the Yang di-Pertua Negeri.

(3) An *ex-officio* member may by instrument in writing addressed to the Chairman appoint another officer in the public service of the State as an alternate member who may attend on his behalf any meeting of the Board which such member is for any reason unable to attend and such alternate member when attending such meeting shall for all purposes be deemed to be a member of the Board.

(4) Subject to the provisions of section 7 of this Enactment, a member, other than an *ex-officio* member and the General Manager, shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

#### **Resignation and revocation.**

5. (1) A member, other than an *ex-officio* member and the General Manager, may at any time resign his office by giving notice in writing to the Chairman.

(2) The appointment of a member may at any time be revoked by the Yang di-Pertua Negeri if he thinks it expedient to do so.

#### **Disqualification from membership.**

6. The following persons shall be disqualified from being appointed as or if appointed, remaining a member-

(a) a person who is of unsound mind or otherwise incapable of performing his duties or managing his affairs;

- (b) a person who is prohibited from being a director of a company under the provisions of any written law relating to companies;
- (c) a person who has been convicted of any offence involving fraud, dishonesty or moral turpitude; and
- (d) a bankrupt.

**Vacation of office.**

7. The office of a member other than an *ex-officio* member and the General Manager, shall become vacant—

- (a) on his death;
- (b) if he is absent from three consecutive meetings of the Board without the special leave of the Chairman or leave of absence granted under this Enactment and the Board passes a resolution declaring his office vacant;
- (c) if he resigns his office;
- (d) if he becomes disqualified for membership under section 6 of this Enactment;
- (e) if his appointment is revoked by the Yang di-Pertua Negeri.

**Leave of absence.**

8. The Minister may grant to any member such leave of absence as the Minister may deem fit.

**Casual vacancies and temporary membership.**

9. (1) If the office of a member, other than an *ex-officio* member and the General Manager, becomes vacant, the Yang di-Pertua Negeri may appoint another suitably qualified person to fill such vacancy for so long only as the member in whose place he is appointed would have held office.

(2) Where any member, other than an *ex-officio* member and the General Manager, is prevented by illness, absence from the State or other like cause from performing his duties as a member, the Yang di-Pertua Negeri may appoint any suitably qualified person to act as deputy for such member during such period as he is so prevented from performing his duties.

**Remuneration of members of Board.**

10. There shall be paid to the members, or to such of them as the Minister may determine, such salaries, fees and allowances out of the funds of the Board as the Minister may from time to time approve.

**PART III**  
**PROCEDURE OF BOARD**

**Meetings.**

11. (1) The Board shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times as the Chairman may determine:

Provided that the Chairman shall not allow more than three months to elapse between such meetings.

(2) Where not less than three members, by notice in writing signed by them and addressed to the Chairman, request that a meeting of the Board be held for any purpose specified in such notice the Chairman shall, within seven days of the receipt by him of such notice, convene a meeting accordingly.

**Procedure of meetings.**

12. (1) The quorum necessary for the transaction of the business of the Board shall be five.

(2) In the absence of the Chairman from any meeting of the Board, the Deputy Chairman shall preside thereat and, in the absence of both the Chairman and the Deputy Chairman, the members present shall elect one of their number to preside thereat.

(3) Questions arising at any meeting of the Board shall be decided by the votes of the majority of those present and voting thereon and in the case of an equality of votes the Chairman or other person presiding at such meeting shall have a second or casting vote.

(4) Subject to the provisions of this Part, the Board shall have power to make standing orders to regulate its own proceedings.

**Members interested not to vote.**

13. (1) Any member who has or acquires, directly or indirectly by himself, his partner or agent—

(a) any share or interest in any contract made with or work done for the Board or in any company or with any person or in respect of any undertaking with which the Board proposes to contract; or

(b) any beneficial interest in land proposed to be acquired, purchased, leased or otherwise dealt with by the Board or which he knows to be affected or to be likely to be affected by any project, scheme or enterprise approved or proposed to be approved by the Board,

shall, before taking part in any proceedings at a meeting of the Board, relating to or affecting directly or indirectly any such contract or land, inform the person presiding at such meeting of the nature and extent of such share or interest, and such information shall be recorded in the minutes of such meeting, and such member shall not vote upon any resolution or question relating thereto, or to matters incidental thereto and if the person presiding at the meeting so requests, such member shall withdraw from the meeting during such deliberation or decision:

Provided that no member shall be deemed to have or acquire any share or interest in a contract with the Board by reason only that he has or acquires a share in any loan issued by the Board or in any security for the same:

Provided further that for the purpose of determining whether there is a quorum a member who attends the meeting shall be treated as being present notwithstanding that, under the provisions of this section, he may not vote or has withdrawn.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of one thousand ringgit and imprisonment for six months.

**Power to appoint committee.**

14. (1) Subject to the provisions of this Enactment, the Board may, for any general or special purpose, appoint such committees as it thinks desirable.

(2) A committee may do all such things as may be necessary for the effective carrying out of its functions but shall be subject to the general directions of the Board.

(3) A committee shall consist of a Chairman and not more than five other persons.

(4) A committee may consist of persons who are not members of the Board.

(5) Members of a committee may be paid such remuneration or allowance as the Board may, with the approval of the Minister, determine.

**Meetings of a committee.**

15. (1) In the absence of the Chairman of a committee from any meeting of the committee, such other member of the committee as may be elected by the members present shall preside over the meeting.

(2) The quorum for the meeting of a committee shall be three.

(3) Any question to be determined at any meeting of a committee shall be decided by the votes of the majority of those present and voting thereon, and in case of an equality of votes the person presiding shall have a second or casting vote.

(4) A committee may invite to any of its meetings any person who can in its opinion contribute to its deliberations but such a person shall have no right to vote at the meeting.

(5) Subject to this section and the directions of the Board, a committee shall regulate its own procedure.

**Delegation of powers.**

16. (1) The Board may delegate to any committee, member, officer or servant of the Board, such of its functions, as it may deem necessary or desirable.

(2) Any functions delegated under this section—

(a) may be so delegated subject to such conditions or restrictions as the Board may either generally or specially impose;

(b) shall be exercised by the committee, member, officer or servant concerned in the name and on behalf of the Board.

(3) No delegation made under this section shall preclude the Board itself from exercising or performing at any time any of the functions so delegated.

**Power of Chairman to delegate.**

17. (1) Subject to the provisions of this Enactment and of any regulations made thereunder, the Chairman may delegate in writing to any member, officer or servant of the Board the power and authority to carry out on his behalf such duties, powers or functions as he may determine.

(2) The Chairman at the time of delegating any power or authority under subsection (1) to any member, officer, or servant, or at any time thereafter give directions as to the manner in which such delegated power or authority is to be exercised and may at any time revoke, modify or increase such delegation.

**Execution of documents, etc..**

18. (1) The common seal of the Board shall be in the custody of the Chairman and shall not be used except in the presence of the Chairman or Deputy Chairman and one member and such use shall be authenticated by the signatures of such persons and such authentication shall be sufficient evidence that such seal was duly and properly fixed and that it is the lawful seal of the Board.

(2) All documents, other than those required by law to be under seal, to which the

Board is a party may be signed on behalf of the Board by the Chairman or any member or by any officer or servant generally or specially authorised in that behalf by the Board.

**Vacancy not to invalidate acts, etc..**

**19.** (1) No act or proceeding of the Board or any committee thereof shall be questioned on account of any vacancy among the members or on account of the appointment of any member having been defective.

(2) Until the contrary is proved, every meeting of the Board or of any committee thereof shall be deemed to have been duly convened and held and all members present thereat shall be deemed to have been duly qualified.

(3) A statement in any document to the effect that any function has been delegated under this Part shall, unless the contrary is proved, be evidence that such delegation has been lawfully made.

**PART IV**  
**ADMINISTRATION**

**Appointment of General Manager, officers and servants.**

**20.** (1) Subject to section 21, the Board shall appoint a General Manager with the approval of the Minister, and such other officers and servants as may be necessary for carrying out its functions and duties under the Enactment.

(2) Whenever the General Manager is prevented by illness, absence from the State, or other like cause from performing his duties as such, or when the office of General Manager is vacant, the Board may appoint one of its officers to perform the duties of General Manager during such period as the General Manager is so prevented from performing his duties or the said office is vacant.

(3) Subject to the approval of the Government, the General Manager and other officers and servants of the Board shall be engaged on such terms and conditions as the Board may think fit.

**Restriction on alterations in establishment.**

21. The Board shall not, without the approval of the Government, make any addition to its established posts.

**General Manager as chief executive officer.**

22. (1) The General Manager shall be the chief executive officer responsible to the Board and shall perform such duties and exercise such powers as may be determined or delegated by the Board.

(2) Subject to the directions and control of the Board, all officers and servants of the Board shall be under the administrative control of the General Manager.

**Officer or servant not to be interested in contracts.**

23. (1) No person shall be eligible for employment as an officer or servant of the Board who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, for or on behalf of the Board.

(2) Any officer or servant of the Board who has or acquires any such share or interest shall be liable in the discretion of the Board to summary dismissal without notice.

(3) No officer or servant shall be deemed to have or acquire any such share or interest by reason only that—

- (a) he is or becomes a member of an incorporated company which owns land situated in Sabah or has a contract with or executes work for the Board; or
- (b) he has or acquires a share in any loan, issued by the Board or in any security for the same.

PART V  
FUNCTIONS OF THE BOARD

**Functions of the Board.**

24. (1) The functions of the Board shall be—

- (a) to initiate, co-ordinate and control the activities in respect of the tourism industry conducted by departments or governmental or non-governmental agencies;
- (b) to make recommendations to the Government as to the methods, measures and policies to be adopted to facilitate the development of the tourism industry, and, where approved by Government, to implement and assist in the implementation of the same; and
- (c) generally, to promote locally and internationally, and participate in, the development of the tourism industry in Sabah.

(2) The Board shall have power to do all things expedient or reasonably necessary or incidental to the discharge of its functions, and in particular, but without prejudice to the generality of the foregoing—

- (a) to conduct surveys and investigations in respect of tourism;
- (b) to conduct and carry out feasibility studies for the development of areas as holiday resorts or travel destination;
- (c) to require departments, and governmental and non-governmental agencies dealing in tourism enterprises to submit reports regarding their activities;
- (d) to engage or assist in the development of tourism enterprises, and in the provision or improvement of tourism facilities and attractions within Sabah and outside Sabah, where international co-operation can stimulate the development of Sabah or any part thereof as a holiday resort or travel destination;

- (e) to secure local and overseas publicity to promote travel in, and to attract visitors to Sabah;
- (f) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon;
- (g) to exercise all functions and powers and perform all duties which, under or by virtue of any other written law, may be vested or delegated to it.

PART VI  
FINANCIAL PROVISIONS

**Fund of the Board.**

25. (1) There shall be established a Fund to be known as the "Sabah Tourism Board Fund" which shall consist of-

- (a) such sums as may from time to time be provided by the Legislative Assembly out of the general revenues of the State of Sabah or donated by the Government of Sabah, or the Government of Malaysia or of any other State thereof or by any other institution or person for the purposes of the Board;
- (b) such sums as may from time to time be raised by the Board by loan;
- (c) all rents and proceeds of sale profits and income and other funds derived by the Board directly or indirectly from the property belonging to the Board;
- (d) all monies earned by the operation of any project, scheme or enterprise financed from the Fund;
- (e) all monies earned or arising from any property, investment, mortgage, charges or debentures acquired by, given to, or vested in the Board; and
- (f) all such other sums as may from time to time be paid to the Board.

(2) The Fund may be applied in defraying the following charges—

- (a) the expenses and allowances of the members;
- (b) the salaries, fees or remuneration of the officers, agents and servants and technical or other advisers of the Board;
- (c) all costs, charges and expenses of and incidental to the exercise of the powers of the Board under this Enactment;
- (d) interest on any loan raised by the Board;
- (e) sums required for the repayment of moneys borrowed;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Board;
- (g) any architect, management and agency fees;
- (h) grant or loan authorised by the Board to the State or towards any particular development project carried out by the State;
- (i) any other expenditure authorised by the Board and properly chargeable to revenue account.

**Investment of funds.**

26. The Board may, from time to time, invest any of its funds, not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Board in securities authorised for the investment of trust funds by any written law for the time being in force, and may place the same on deposit in any bank or banks licensed under the provisions of the Banking and Financial Institutions Act 1989\* [Act 372.] or, in any undertaking as may be approved by the Minister of Finance.

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\* “Banking and Financial Institutions Act 1989” substituted for “Banking Act 193” by virtue of Act 372.

**Borrowing powers.**

27. (1) The Board may, from time to time, with the approval of the Minister of Finance, borrow money by the issue of debenture stock or otherwise as the Minister of Finance may direct for the purposes of this Enactment.

(2) The Board may, from time to time, for the purpose of this Enactment, raise loans from the Government, or with the consent of the Minister of Finance, borrow by way of a temporary loan or overdraft from a bank licensed under the provisions of the Banking and Financial Institutions Act 1989\* [Act 372.] , or otherwise.

**Loans may be secured by mortgage.**

28. The Board may secure the repayment of any sum borrowed, by the mortgage or charge, legal or equitable, of any property vested in the Board, or of any revenue receivable by the Board under this Enactment or any other written law.

**Power to make loans.**

29. (1) Subject to such conditions as the Minister may deem fit to impose in particular cases, the Board may, out of the Fund make loans in accordance with the provisions of this Enactment in that behalf, in the execution of its duties or in the discharge of its functions under section 24.

(2) In making loans under the provisions of subsection (1), the Board may charge such rate of interest as it may deem fit in any particular case.

(3) Every loan shall be repaid to the Board in accordance with the terms and conditions under which such loan was made and the money so paid shall thereupon be taken into the accounts of the Board.

(4) Every mortgage to secure loan and every instrument or charge under the provisions of this Enactment shall be approved by the Board, and all costs, charges and expenses incurred in connection therewith shall be paid by the person to whom the loan is made.

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\* “Banking and Financial Institutions Act 1989” substituted for “Banking Act 193” by virtue of Act 372.

**Power to guarantee loans.**

30. The Board may, with the written approval of the Yang di-Pertua Negeri, guarantee any loans made by any bank or financial institution to any applicant approved by the Board for any purpose for which the Board might itself have granted such loan.

**Annual estimates.**

31. (1) The Board shall before the commencement of each financial year cause to be prepared and shall adopt annual estimates of income and expenditure of the Board for the ensuing year.

(2) Supplementary estimates may be adopted by the Authority at any of its meetings.

(3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Board, be sent forthwith to the Minister for his approval.

(4) No expenditure shall be incurred by the Board which has not been included in annual estimates or supplementary estimates adopted by the Board and approved by the Minister.

**Accounts.**

32. (1) The Board shall cause-

(a) proper accounts and other records in relation thereto to be kept; and

(b) an annual statement of accounts to be prepared.

(2) The annual statement of accounts of the Board shall present a true and fair view of the financial position of the Board, and of the results of the operations of the Board for the year to which it relates.

(3) The financial year of the Board shall be the period commencing on the 1st day of January and ending on the 31st day of December in each year.

**Audit and statement of accounts.**

33. (1) The accounts of the Board shall be audited by the Auditor-General.

(2) The Board shall not later than the 31st day of July of each year submit the accounts of the Board for the preceding financial year to the Auditor-General for the purpose of audit.

(3) The Board shall, when required by the Auditor-General, produce and lay before him all books and accounts of the Fund concerned, together with all vouchers in support thereof, and relating thereto, and the Auditor-General shall be entitled to require from the Board, or any member, officer, servant, or agent of the Board such information and explanation as he may deem necessary for the performance of his duties as an auditor.

(4) After the end of each financial year, as soon as the accounts of the Board have been audited, the Board shall cause a copy of the statement of accounts, together with a copy of any report made by the Auditor-General on that statement or on the accounts of the Board, to be sent to the Minister who shall lay the same before the Legislative Assembly and cause a copy thereof to be published in the *Gazette*.

**Annual report.**

34. The Board shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Board during such year, and the Minister shall cause a copy of such report to be laid before the Legislative Assembly.

**Bank account.**

35. (1) All moneys paid to the Board shall be paid into an account in such bank or banks licensed under the provisions of the Banking and Financial Institutions Act 1989\* [Act 372.] as may be approved by the Board.

(2) All orders against the said account shall be signed by the General Manager and countersigned by another officer of the Board authorised in writing in that behalf by the Board.

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\* "Banking and Financial Institutions Act 1989" substituted for "Banking Act 1973" by virtue of Act 372.

**When tenders to be called.**

36. Tenders for the execution of any work or duty, or for the supply of any materials or for other things necessary for the purposes of the Board whereby the expenditure of the Board is involved, shall be called in such cases and in such manner as the Government may generally or in any particular case direct.

PART VII  
GENERAL

**Powers of Minister to give directions.**

37. (1) The Minister may give to the Board directions of a general character, not inconsistent with the provisions of this Enactment, as to the exercise and performance by the Board of its functions and the Board shall give effect to any directions so given.

(2) The Board shall furnish the Minister with such information with respect to its property and activities as he may from time to time require.

**Land acquired compulsorily.**

38. (1) Where any immovable property, not being State land, is needed for the purposes of the Board and cannot be acquired by agreement, the Board may request and the Yang di-Pertua Negeri may, if he thinks fit, direct the acquisition of such property, and in such case, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that such land is so needed may be made notwithstanding that compensation is to be paid out of funds of the Board, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) When any land is acquired compulsorily by the Government at the request and for the purposes of the Board under the provisions of any written law for the time being in force relating to such acquisition—

- (a) the Board shall indemnify the Government against all costs, charges and expenses incurred by the Government in relation to such acquisition;
- (b) the Board shall not, without the written consent of the Minister, sell, exchange or otherwise dispose of such land or any interest therein.

**Transfer of property to Board.**

39. (1) The Yang di-Pertua Negeri may at any time by order vest any State land or movable property of the Government in the Board where it appears desirable to do so to enable the Board to carry out its duties and responsibilities.

(2) Property vested in the Board under this section may be so vested absolutely or subject to such terms and conditions as the Yang di-Pertua Negeri may think fit to impose.

(3) Where any land is vested in the Board under this section, a delivery of a copy of the order concerned shall, notwithstanding any provision of any State law to the contrary, be sufficient authority to any public officer charged with the responsibility for registering dealings with land or the issue of title thereto, and any such officer shall thereupon, without payment of fee, take necessary steps to perfect the title of the Board to such land.

**Emergency powers of General Manager.**

40. In any case of emergency, the General Manager may direct the execution of any work or the doing of any act which the Board is empowered to execute and do and which he is not by the provisions of this Enactment or the regulations expressly empowered to execute or do and the immediate execution or doing of which is in his opinion necessary and he may direct that the expense of executing the work or doing the act shall be paid from the funds of the Board:

Provided that—

- (a) the General Manager shall not take any step under this section in contravention of any resolution of the Board duly passed at a meeting; and
- (b) he shall report anything done under this section to the next following meeting of the Board.

**Power of suspension of executive functions.**

41. Notwithstanding any other provisions of this Enactment, the Yang di-Pertua Negeri may by order suspend all or any of the executive functions of the Board or of any member or of any officer or servant thereof and assign the same to any person or persons for such periods he may deem fit.

**Secrecy and penalty.**

42. (1) Except for the purposes of this Enactment or of any criminal proceedings under this Enactment, no member or officer or servant of the Board shall disclose any information with respect to any individual business, which has been obtained by him in the course of his duties and which is not published in pursuance of this Enactment.

(2) Any person knowingly contravening the provision of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year.

**Protection against legal proceedings.**

43. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board or against the officer or servant appointed by the Board in respect of any act done or statement made *bona fide* in pursuance or execution or intended execution of this Enactment.

(2) Where a person is exempted from liability by reason only of the provision of this section the Board is liable to the extent that it would be if such person were a servant or agent of the Board.

**Public servants.**

44. All members, officers, and servants of the Board shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

**Public Authorities Protection.**

45. The Public Authorities Protection Act 1948 [*Act 198.*] shall apply to any action, suit, prosecution or proceeding against the Board or against any member, officer, servant or agent of the Board in respect of any act, neglect, or default done or committed by the Board or such person in such capacity.

**Conduct of prosecution.**

46. Any person authorised in writing by Public Prosecutor pursuant to section 377 of the Criminal Procedure Code [*Act 593.*] may conduct prosecuting for offences under this Enactment or the rules made thereunder.

**Sanction for prosecution.**

47. No prosecution for any offence punishable under this Enactment shall be instituted except by or with the previous sanction in writing of the Public Prosecutor.

**Power to make regulations.**

48. (1) The Yang di-Pertua Negeri may make such regulations as may be expedient or necessary for prescribing anything required by this Enactment and for the better carrying out of its functions and powers and the provisions of the Enactment.

(2) Without prejudice to subsection (1), regulations under that subsection may—

- (a) regulate by registration or otherwise any tourist enterprise and may require deposits from such tourist enterprise;
- (b) regulate the manner of forfeiture or use of any deposit referred to in paragraph (a);
- (c) regulate by registration or otherwise tourist guides including the training and certification thereof;
- (d) regulate the manner by which cess is to be levied and collected;
- (e) regulate the manner of entry and inspection of premises, books, accounts

and other documents;

- (f) regulate the establishment and co-ordination of hotel or catering schools and other centres for training of persons for services to tourist and tourist enterprises;
- (g) provide for the establishment and management of a contributory provident fund for the officers and servants of the Board.

**Repeal and saving.**

49. (1) The Sabah Tourism Promotion Corporation Enactment 1976 [En. No. 15/1976.] is hereby repealed.

- (2) Notwithstanding the repeal of the Enactment specified in subsection (1)–
  - (a) the corporate body constituted under the repealed Enactment shall continue to exist as if the same had been constituted under this Enactment;
  - (b) any right, privilege, obligation or liability acquired, accrued, or incurred under the repealed Enactment shall continue to be valid as if the same had been acquired, accrued or incurred under this Enactment;
  - (c) any property of whatever nature possessed by or vested in the corporate body constituted under the repealed Enactment shall continue to be possessed by or vested in the Board;
  - (d) any deed, bond, agreement, instrument and working arrangement subsisting immediately before the commencement of this Enactment shall continue to be in force and effect against or in favour of the Board;
  - (e) any appointment made under the repealed Enactment or any subsidiary legislation made thereunder shall continue to be in force and have effect as if the same had been made under this Enactment;
  - (f) any subsidiary legislation made under the repealed Enactment shall insofar as such subsidiary legislation is not inconsistent with the

provisions of this Enactment continue to be in force and have effect as if the same had been made under this Enactment and may be repealed, extended, varied or amended accordingly;

- (g) any person's liability to be prosecuted or punished for offences committed under the repealed Enactment or any proceedings brought in respect of such offence before the commencement of this Enactment shall not be affected;
- (h) any proceedings, whether civil or criminal, or cause of action pending or existing immediately before the commencement of this Enactment by or against the corporate body constituted under the repealed Enactment may be continued or instituted by or against the Board; and
- (i) any person who, immediately before the commencement of this Enactment, was employed as an officer or servant of the body corporate constituted under the repealed Enactment shall continue to be employed by the Board as an officer or servant, as the case may be, upon the same terms and conditions of service.