



# LAWS OF MALAYSIA

**Act 689**

**GEOLOGISTS ACT 2008**

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**Act 689**  
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ARRANGEMENT OF SECTIONS

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PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

BOARD OF GEOLOGISTS

3. Establishment of Board
4. Functions and powers of the Board
5. Common seal
6. Membership of Board
7. Procedure of the Board
8. Tenure of office
9. Allowances
10. Revocation of appointment and resignation
11. Vacation of office
12. Appointment of replacement for member
13. Temporary exercise of functions of Chairman
14. Committees
15. Non-liability of member of Board
16. Application of Public Authorities Protection Act 1948
17. Member, *etc.*, deemed to be public servant
18. Returns, reports, accounts and information

PART III

REGISTRATION OF GEOLOGISTS

19. Register
20. Registered graduate geologist and registered professional geologist

## Section

21. Practice by practitioner
22. Practice by foreign geologist
23. Restrictions on non-registered professional geologist
24. Exception in respect of registered graduate geologist
25. Exception in respect of registered practitioner
26. Exception in respect of registered foreign geologist
27. Submission of geological reports or studies
28. Form and manner of application for registration
29. Appointment and duties of Registrar
30. Certificate of registration
31. Registrar to publish Register and particulars
32. Notification of change of address

## PART IV

## SUSPENSION, REVOCATION, REMOVAL AND REINSTATEMENT

33. Suspension or revocation of registration
34. Removal from Register
35. Reinstatement
36. Certificate to be returned

## PART V

## OFFENCES AND PENALTIES

37. Appointment and powers of Inspectors
38. Restriction on employment of unregistered person
39. Penalty for obtaining registration by false pretences, *etc.*
40. Failure to comply with order
41. General penalty
42. Abetment and attempt punishable as offence
43. Offence by partner, agent or employee
44. Institution of prosecution
45. Jurisdiction to try offences
46. Protection of Board, *etc.*

PART VI

GENERAL

Section

47. Monies of Board
48. Appeal
49. Representation in civil proceedings
50. Regulations
51. Saving of rights of government
52. Prevention of anomalies

FIRST SCHEDULE

SECOND SCHEDULE



**LAWS OF MALAYSIA****Act 689****GEOLOGISTS ACT 2008**

An Act to establish the Board of Geologists and to provide for the registration of geologists, the regulation of geological practice and for related matters.

[ ]

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

**PART I****PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the Geologists Act 2008.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for the coming into operation of this Act, or of different provisions of this Act, in different parts of Malaysia.

**Interpretation**

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

“foreign geologist” means a geologist who is not a citizen or a permanent resident of Malaysia;

“registered foreign geologist” means a foreign geologist who is registered under subsection 22(3);

“registered geologist” means a registered graduate geologist, a registered professional geologist or a registered foreign geologist;

“registered professional geologist” means a professional geologist who is registered under subsection 20(3);

“registered graduate geologist” means a graduate geologist who is registered under subsection 20(1);

“member” means the Chairman and any other member of the Board appointed under section 6;

“rock material” has the meaning assigned to it under section 5 of the National Land Code [*Act 56/1965*];

“Register” means the Register of Geologists kept and maintained by the Board under section 19;

“prescribed” means prescribed by or under this Act or any regulations made under this Act;

“Inspector” means an officer appointed under subsection 37(1);

“Institute” means the Institute of Geology Malaysia established under the Societies Act 1966 [*Act 335*] and includes any institute, body or society succeeding it that is approved by the Minister;

“committee” means a committee established under section 14;

“Board” means the Board of Geologists established under subsection 3(1);

“Minister” means the Minister charged with the responsibility for mineral and geoscience development;

“mineral” means any substance, whether in solid, liquid or gaseous form, occurring—

(a) naturally;

(b) as a result of mining in or on the earth; or

(c) as a result of mining in or under the sea or seabed, formed by or subject to a geological process, but does not include water, rock material and petroleum;

“Registrar” means the Registrar of Geologists appointed under section 29;

“practitioner” means a person referred to in subsection 21(1);

“registered practitioner” means a person who is registered under subsection 21(1);

“Chairman” means the Chairman of the Board appointed under paragraph 6(1)(a) or 6(2)(a), as the case may be;

“geological services” means the provision of geological advice and services pertaining to all or any of the following:

- (a) feasibility studies;
- (b) planning;
- (c) geological surveying;
- (d) implementation, commissioning, operation, maintenance and management of geological survey works or projects; and
- (e) any other services approved by the Board;

“petroleum” has the meaning assigned to it under section 2 of the Petroleum Mining Act 1966 [*Act 95*];

“appointed date” means the date appointed under subsection 1(2).

(2) Nothing in this Act shall be construed to permit the practice of engineering under the Registration of Engineers Act 1967 [*Act 138*] by a registered geologist or registered practitioner.

## PART II

## BOARD OF GEOLOGISTS

**Establishment of Board**

3. (1) There is established a body corporate by the name of “Board of Geologists”.

(2) The Board shall have perpetual succession.

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

**Functions and powers of the Board**

4. (1) The Board shall have the following functions:

- (a) to perform the duties and functions and exercise the powers as may be provided in this Act;
- (b) with the approval of the Minister, to determine the scale of fees to be charged by registered professional geologists, registered foreign geologists and registered practitioners for geological services rendered;
- (c) to determine and regulate the professional conduct and ethics of the geological profession;
- (d) to hear and determine disputes relating to the professional conduct or ethics of registered geologists and registered practitioners or to establish a committee or to appoint an arbitrator to hear and determine such disputes;
- (e) to represent the geological profession in any matter in which it may be necessary or expedient to do so;
- (f) to examine and, if considered necessary, to report on any local matters submitted to it and to make recommendations to the Government or to any public authority, local authority or statutory authority or to any institute, body or society which in the opinion of the Board represents the geological profession;
- (g) to consider and recommend reforms to the law relating to geological surveying;
- (h) to conduct examinations for admission to the geological profession;

- (i) to appoint persons to represent the geological profession on any body or panel of examiners that may be appointed by any institute, body or society which in the opinion of the Board represents the geological profession;
- (j) to make recommendations in relation to any examinations to qualify for admission to the geological profession;
- (k) to hold or cause to be held professional development programmes for registered geologists and registered practitioners to further enhance their knowledge in the latest developments relating to the geological profession;
- (l) to provide scholarships and other facilities for the promotion of learning and education in connection with geology; and
- (m) to do such other things as it considers fit to enable it to perform its functions effectively or that are incidental to the performance of its functions.

(2) The Board shall have all such powers as may be necessary for, or in connection with, or reasonably incidental to, the performance of its functions under subsection (1).

(3) Without affecting the general powers conferred by subsection (2), the Board shall have the power—

- (a) to purchase or lease any land or building as may be required for the proper exercise of its functions under this Act;
- (b) subject to subsection (4), to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (a); and
- (c) to lease, dispose of or otherwise deal with any immovable property of the Board.

(4) The Board shall not borrow or raise money in any manner without the prior approval of the Minister and the Minister of Finance.

### **Common seal**

**5.** (1) The Board shall have a common seal that shall bear a device approved by the Board.

(2) The common seal may be broken, changed, altered and made anew as the Board considers fit.

(3) Until a seal is provided by the Board, a stamp bearing the words “Board of Geologists” may be used and shall be deemed to be its common seal.

(4) The common seal shall be kept in the custody of the Chairman or a member of the Board.

(5) The common seal shall be affixed in the presence of the Chairman and one other member of the Board and the Chairman and such member shall sign every deed, document or other instrument to which the common seal is affixed.

(6) All deeds, documents and other instruments purporting to be sealed with the common seal and authenticated as specified in subsection (5) shall, until the contrary is proven, be deemed to have been validly executed.

(7) Any deed, document or other instrument that, if executed by a person who is not a body corporate, is not required to be under seal, may in like manner be executed by the Chairman or a member of the Board on behalf of the Board.

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

### **Membership of Board**

**6.** (1) The Board shall consist of the following members who shall be Malaysian citizens and who shall be appointed by the Minister:

- (a) a Chairman who shall be a registered professional geologist;
- (b) a representative of the Institute;
- (c) five members who shall be registered professional geologists in the public services or in the service of any local authority or statutory authority;

- (d) five members who shall be registered professional geologists in private practice or in the full-time employment of any person or body of persons other than the public services or any local authority or statutory authority; and
- (e) two persons who, in the opinion of the Minister, are able to contribute to the development of the profession.

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

- (a) a Chairman who shall be a person qualified to be registered as a registered professional geologist;
- (b) a representative of the Institute;
- (c) five members who shall be persons qualified to be registered as registered professional geologists and who are in the public services or in the service of any local authority or statutory authority;
- (d) five members who shall be persons qualified to be registered as registered professional geologists and who are in private practice or in the full-time employment of any person or body of persons other than the public services or any local authority or statutory authority; and
- (e) two persons who, in the opinion of the Minister, are able to contribute to the development of the profession.

(3) For the purposes of paragraphs (1)(c) and (d) and (2)(c) and (d), the Institute may nominate suitable registered professional geologists or suitable persons who are qualified to be registered as registered professional geologists, as the case may be, for the consideration of the Minister.

(4) Nothing in subsection (3) shall be construed as requiring the Minister to appoint the members referred to in paragraph (1)(c) or (2)(c) from among the list of nominees submitted by the Institute.

(5) The following persons shall not be eligible to be appointed to the Board:

- (a) a person who is of unsound mind or is otherwise incapable of discharging his duties;

- (b) a bankrupt; and
- (c) a person who has been convicted of an offence by a court and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit.

### **Procedure of the Board**

7. (1) The provisions of the First Schedule shall apply to the members of the Board.

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

### **Tenure of office**

8. (1) Members of the Board shall each be appointed for a term not exceeding three years.

(2) Members of the Board shall be eligible for reappointment but no member shall hold office for more than two successive terms.

### **Allowances**

9. All members of the Board shall be paid such allowances at such rates as the Minister may determine.

### **Revocation of appointment and resignation**

10. (1) The Minister may at any time revoke the appointment of any member of the Board without assigning any reason for the revocation.

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

### **Vacation of office**

11. 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 on, 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) for more than two years;
- (c) if his conduct, whether in connection with his duties as a member of the Board or otherwise, has been such as to bring discredit on the Board;
- (d) if he becomes a bankrupt;
- (e) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (f) in the case of the Chairman, if he absents himself from three consecutive meetings of the Board without the permission in writing of the Minister;
- (g) in the case of a member other than the Chairman, if he absents himself from three consecutive meetings of the Board without the permission in writing of the Chairman;
- (h) if his appointment is revoked by the Minister;
- (i) if his resignation is accepted by the Minister; or
- (j) if his registration under this Act is revoked.

### **Appointment of replacement for member**

**12.** If a member of the Board dies or resigns his office or otherwise vacates his office or if his appointment is revoked, the Minister shall, as soon as may be practicable, appoint a new member in his place and the member so appointed shall hold office for the remainder of the term for which his predecessor was appointed.

**Temporary exercise of functions of Chairman**

**13.** (1) The Minister may appoint any member to act as the Chairman—

- (a) during any period when the office of Chairman is vacant;
- (b) during any period when the Chairman is absent from duty or from Malaysia; or
- (c) during any period when the Chairman is, for any other reason, unable to perform the duties of his office.

(2) Until an appointment under subsection (1) is made or in default of such appointment or in the absence of the Chairman from any meeting of the Board, the Board shall elect one of the members appointed under paragraph 6(1)(c) or 6(2)(c), as the case may be, to perform the functions of the Chairman.

(3) A member appointed under subsection (1) or a member referred to in subsection (2), as the case may be, shall, during the period in which he is performing the functions of the Chairman under this section be deemed to be the Chairman.

(4) If at any meeting of the Board neither the Chairman nor the person exercising the functions of the Chairman is present, the members present shall elect one of their number to preside at the meeting.

**Committees**

**14.** (1) The Board may establish such committees as it considers necessary or expedient to assist it in the performance of its functions under this Act except the functions under sections 20, 21, 22, 23, 33, 35 and 50.

(2) The Board may elect any of its members to be the chairman of a committee.

(3) The Board may appoint any person to be a member of any committee established under subsection (1).

(4) A member of a committee shall hold office for such term as may be specified in his letter of appointment and shall be eligible for reappointment.

(5) The Board may revoke the appointment of any member of a committee without assigning any reason for the revocation.

(6) A member of a committee may at any time resign by giving a notice in writing to the chairman of the committee.

(7) The Board may at any time discontinue or alter the constitution of a committee.

(8) A committee may regulate its own procedure.

(9) A committee shall be subject to and shall act in accordance with any direction given to it by the Board.

(10) A meeting of a committee shall be held at such time and place as the chairman of the committee may determine.

(11) A committee shall cause—

(a) minutes of all its meetings to be kept and maintained in a proper form; and

(b) copies of the minutes of all its meetings to be submitted to the Board as soon as may be practicable.

(12) A committee may invite any person to attend any meeting of the committee 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.

(13) Members of a committee and any person invited under subsection (12) shall be paid such allowances and other expenses as the Board may determine after consultation with the Minister.

(14) An act, ruling or decision of a committee shall be deemed to be the act, ruling or decision of the Board.

**Non-liability of member of Board**

**15.** No member of the Board shall incur personal liability for any loss or damage caused by any act or omission in administering the affairs of the Board unless the loss or damage is occasioned intentionally or through recklessness or gross negligence.

**Application of Public Authorities Protection Act 1948**

**16.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Board or against any member of the Board, any member of a committee, and any agent or employee of the Board in respect of any act, neglect or default done or committed by him in good faith or any omission omitted by him in good faith, in such capacity.

**Member, *etc.*, deemed to be public servant**

**17.** Every member of the Board or of any of its committees or any agent or employee of the Board, while discharging his duties as such member, agent or employee shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

**Returns, reports, accounts and information**

**18.** (1) The Board shall furnish to the Minister, and any public authority as may be specified by the Minister, such returns, reports, accounts and information with respect to its activities and finances as the Minister may require or direct.

(2) The returns, reports, accounts and information referred to in subsection (1) shall be in such form and shall contain such information relating to the proceedings and policy of the Board and any other matter as the Minister may specify.

## PART III

## REGISTRATION OF GEOLOGISTS

**Register**

19. (1) The Board shall keep and maintain a Register of Geologists that shall be in parts as follows:

- (a) Part A — that shall contain the names, registration numbers, business addresses and other particulars of registered professional geologists;
- (b) Part B — that shall contain the names, registration numbers, business addresses and other particulars of registered graduate geologists;
- (c) Part C — that shall contain the names, registration numbers, business addresses and other particulars of registered practitioners; and
- (d) Part D — that shall contain the names, registration numbers, business addresses and other particulars of registered foreign geologists.

(2) There shall be indicated against the name of each registered geologist and registered practitioner kept in the Register his qualifications and particulars of any conditions or restrictions imposed by the Board under this Act.

**Registered graduate geologist and registered professional geologist**

20. (1) Any person who holds the qualifications approved by the Board shall be entitled on application to be registered as a registered graduate geologist.

(2) A person who is registered as a registered graduate geologist under subsection (1) shall be required to obtain such practical experience as may be approved by the Board and to pass the examination as may be determined by the Board in order to be entitled to apply for registration as a registered professional geologist under subsection (3).

(3) The following persons shall be entitled on application to be registered as registered professional geologists:

(a) a person who—

- (i) is registered as a registered graduate geologist; and
- (ii) has obtained the practical experience approved by the Board and passed the examination determined by the Board under subsection (2);

(b) any person who although he does not hold the qualifications required by the Board under subsection (1)—

- (i) holds a degree in geology not approved by the Board;
- (ii) has passed the examination conducted by the Board; and
- (iii) has obtained the practical experience approved by the Board; and

(c) a person who holds a degree in geology or such other qualifications as the Board considers equivalent to it and who satisfies the Board that he was practising or was carrying on business or was employed as a geologist immediately before the appointed date and who applies for registration within twelve months of that date.

(4) Only a citizen or a permanent resident of Malaysia may qualify for registration as a registered graduate geologist or a registered professional geologist.

(5) A person seeking to be registered as a registered graduate geologist or a registered professional geologist shall apply to the Board and the application shall be supported by documentary proof that he possesses the qualifications required under this section.

(6) The Board may, in approving the registration under this section, impose such conditions or restrictions as it considers fit.

(7) The Chairman shall notify the applicant of the decision of the Board within ninety days of the receipt of the application.

(8) No person shall be entitled to be registered as a registered professional geologist if at any time before his registration there exists any facts or circumstances that would have entitled the Board to revoke his registration.

(9) Subsections 35(4) and 48(1) shall apply with such modifications as may be necessary to any person whose application for registration has been rejected under subsection (8).

### **Practice by practitioner**

**21.** (1) A person who is not a registered geologist and who does not hold any of the academic qualifications approved by the Board for the purposes of this Act but who has been practising or carrying on business in any of the fields of geology specified in the Second Schedule before the appointed date may continue to practise and carry on such business provided he is registered as a registered practitioner under this Act within twelve months from the appointed date.

(2) Only a citizen or a permanent resident of Malaysia may qualify for registration as a registered practitioner.

(3) A person seeking to be registered as a registered practitioner shall apply to the Board and the application shall be supported by documentary proof that he possesses the necessary expertise and experience required to practise the relevant field of geology.

(4) The Board may, in approving the registration under this section, impose such conditions or restrictions as it considers fit.

(5) The Chairman shall notify the applicant of the decision of the Board within ninety days of the receipt of the application.

(6) If any such person fails to be registered under this Act after the period prescribed in subsection (1), such person shall be deemed to be a non-registered professional geologist and the provisions of this Act shall apply to such person as if the person was a non-registered professional geologist.

**Practice by foreign geologist**

**22.** (1) A person seeking to be registered as a registered foreign geologist shall apply to the Board and the application shall be supported by documentary proof that he possesses the qualifications required under subsection (2).

(2) A foreign geologist may be considered for registration as a registered foreign geologist if he satisfies the Board that—

- (a) he possesses the necessary qualifications that are recognized for the practice of geology as a professional geologist in the country where he normally practices; and
- (b) he possesses the necessary expertise.

(3) The Chairman may, with the concurrence in writing of at least two-thirds of the members of the Board, in writing approve the registration of any foreign geologist.

(4) The Chairman may, in approving the registration under subsection (3), impose such conditions or restrictions as he considers fit.

(5) The Chairman may approve the registration of a foreign geologist for such period not exceeding one calendar year and may renew the registration in accordance with subsection (3) as he considers fit.

(6) The Chairman shall notify the foreign geologist of the decision of the Board within ninety days of the receipt of the application.

(7) Without prejudice to section 33, the Chairman may, with the concurrence in writing of at least two-thirds of the members of the Board, revoke the registration of a registered foreign geologist by a written notice served on the foreign geologist without assigning any reason for the revocation.

(8) Upon the revocation of the registration of a registered foreign geologist under subsection (7), the foreign geologist concerned shall cease to exercise any right or privilege accorded to him under this Act but he shall be entitled to recover in any court any fee, charge, remuneration or any other form of consideration for services rendered by him before the date of receipt of the notice from the Chairman revoking the registration.

**Restrictions on non-registered professional geologist**

**23.** (1) Subject to sections 24, 25 and 26, no person shall, unless he is a registered professional geologist—

- (a) practise, carry on business or take up employment as a geologist;
- (b) hold himself out as a geologist under any name, style or title—
  - (i) bearing the words “professional geologist”, “geologist” or the equivalent to it in any other language; or
  - (ii) bearing any other word in any language that may reasonably be construed to imply that he is a professional geologist or a geologist;
- (c) be entitled to describe himself as a “professional geologist” and to use the abbreviation “P.Geol.” after his name or in any way in association with his name;
- (d) use or display any sign, board, card or other device representing or implying that he is a professional geologist or a geologist; or
- (e) be entitled to recover in any court any fee, charge, remuneration or any other form of consideration for any geological services rendered.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

**Exception in respect of registered graduate geologist**

**24.** Notwithstanding subsection 23(1), a registered graduate geologist may, with the written approval of the Board, take up employment as a geologist and the restrictions on the usage of the word “geologist” referred to in subsection 23(1) shall not apply to him to the extent of his employment in such capacity.

**Exception in respect of registered practitioner**

**25.** Except for the restrictions on the usage of the words “professional geologist” referred to in subsection 23(1), the restrictions in that subsection shall not apply to a registered practitioner.

**Exception in respect of registered foreign geologist**

**26.** (1) Notwithstanding subsection 23(1), a registered foreign geologist who is authorized in writing by the Chairman may do any act or thing that the foreign geologist would otherwise be prohibited from doing or not be entitled to do.

(2) A registered foreign geologist who does any act or thing under and in accordance with an authorization given under subsection (1) shall, notwithstanding any provision of this Act to the contrary, be deemed to be permitted or entitled to do that act or thing.

**Submission of geological reports or studies**

**27.** (1) Except as otherwise provided under any other written law, no person other than a registered professional geologist, a registered foreign geologist or a registered practitioner who is residing and practising in Malaysia shall be entitled to prepare and submit to any person or authority in Malaysia geological reports or studies relating to geological services in any of the fields of geology specified in the Second Schedule.

(2) The right of a registered professional geologist, a registered foreign geologist or a registered practitioner to prepare and submit geological reports or studies to any person or authority in Malaysia shall be subjected to any conditions or restrictions as may be imposed by the Board under this Act.

(3) Any person who contravenes subsection (1) or (2) commits an offence.

(4) Nothing in this section shall prevent any geologist in the public services or in the service of any local authority or statutory authority from submitting geological reports or studies to any person or authority in Malaysia.

(5) The Minister may amend the provisions of the Second Schedule by order published in the *Gazette*.

(6) Nothing in this Act shall be construed to mean that geological services are necessary for the practice of engineering for any purpose unless specifically requested by a professional engineer.

### **Form and manner of application for registration**

**28.** All applications for registration under this Act shall be made to the Board in the prescribed form and manner and shall be accompanied by the prescribed fee.

### **Appointment and duties of Registrar**

**29.** The Board may appoint a Registrar of Geologists who shall be under the general control and direction of the Board and whose duties shall include—

- (a) signing all certificates of registration and orders of the Board; and
- (b) recording all entries of registration, suspension, revocation, removal and reinstatement in the Register.

### **Certificate of registration**

**30.** (1) On receipt of the prescribed fee, the Registrar shall issue to the applicant whose application has been approved by the Board a certificate of registration in the prescribed form.

(2) Every certificate of registration shall expire on 31 December of the year in which it is issued and shall after that be renewable annually on payment of the prescribed fee.

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

**Registrar to publish Register and particulars**

**31.** (1) The Registrar shall as soon as may be practicable publish, in at least one national language and one English language daily newspaper having nationwide circulation, the name, registration number, business address and other particulars of any registered geologist and registered practitioner whose registration has been suspended, revoked, removed or reinstated.

(2) The Registrar may annually publish and offer for sale copies of the Register.

**Notification of change of address**

**32.** (1) Every registered geologist and registered practitioner shall notify the Registrar of any change in his business address within sixty days of such change.

(2) A registered geologist and registered practitioner who without reasonable excuse fails to give the notification required under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

**PART IV****SUSPENSION, REVOCATION, REMOVAL AND REINSTATEMENT****Suspension or revocation of registration**

**33.** (1) The Board may impose any of the sanctions provided under subsection (2) against any registered geologist or registered practitioner under any of the following circumstances:

- (a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude in Malaysia or elsewhere;
- (b) if he offers or accepts any commission that 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 director or a member of or a substantial shareholder in or an agent for any company, firm or business or has any financial interest in any company, 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 or by reason of any mistake or error made by the Board in considering the application for registration;
  - (e) if his qualifications under section 20 have been withdrawn or revoked by the authority through which it was obtained or by which it was awarded;
  - (f) if the authorization under subsection 26(1) has been withdrawn or revoked;
  - (g) if he is found to be of unsound mind or otherwise incapable of performing his professional duties or becomes a bankrupt;
  - (h) if he is found by the Board to have contravened this Act or any regulations made under this Act;
  - (i) if he fails to observe any condition or restriction subject to which he is registered;
  - (j) if he is found guilty by the Board of any act or conduct that in the opinion of the Board is infamous or disgraceful;  
or
  - (k) if he fails to discharge his professional duties with due skill, care and diligence.
- (2) For the purposes of subsection (1), the Board may—
- (a) issue a written warning or reprimand to the registered geologist or registered practitioner concerned;
  - (b) order the registered geologist or registered practitioner concerned to pay a fine not exceeding five thousand ringgit;
  - (c) order the suspension of the registration of the registered geologist or registered practitioner concerned for a period not exceeding one year;
  - (d) order the revocation of the registration of the registered geologist or registered practitioner concerned; or
  - (e) impose any appropriate combination of the sanctions specified in paragraphs (a) to (d) on the registered geologist or registered practitioner concerned.

(3) The Board shall not make an order under subsection (2) unless—

- (a) there has been a hearing of the grounds of the complaint against the registered geologist or registered practitioner concerned who is alleged to have caused, contributed to or been a party to the grounds of the complaint, conducted by at least two-thirds of the total number of members of the Board; and
- (b) an opportunity to be heard has been given to the registered geologist or registered practitioner concerned, personally or by an advocate and solicitor.

(4) The Board may, if it considers fit, suspend the registration of any registered geologist or registered practitioner for a period not exceeding six months pending any investigation by the Board under this Act.

(5) On the Board suspending the registration of a registered geologist or a registered practitioner under paragraph (2)(c) or subsection (4), or revoking the registration of a registered geologist or a registered practitioner under paragraph (2)(d) or subsection 40(2), the geologist or practitioner concerned shall cease to exercise any right or privilege accorded to him under this Act but he shall be entitled to recover in any court any fee, charge, remuneration or any other form of consideration for services rendered by him before the date of receipt of the notice from the Board suspending or revoking the registration.

(6) An order of the Board under paragraph (2)(c) or (2)(d) or subsection (4) shall, as soon as may be practicable, be published in at least one national language and one English language daily newspaper having nationwide circulation.

### **Removal from Register**

**34.** There shall be removed from the Register the name and other particulars of—

- (a) any registered geologist or registered practitioner who has died;
- (b) any registered geologist or registered practitioner who has failed to renew his registration within one month of the expiry of the registration; or

- (c) any registered geologist or registered practitioner whose registration has been revoked.

### **Reinstatement**

**35.** (1) A registered geologist or a registered practitioner whose name has been removed from the Register pursuant to an order of the Board under paragraph 33(2)(d) shall, if his appeal is allowed under section 48, immediately be reinstated and be issued with a certificate of registration.

(2) A registered geologist or a registered practitioner whose name has been removed from the Register for failure to renew his registration for a period of not more than three years shall be reinstated as soon as he has notified the Registrar of his desire to be reinstated and on payment of the prescribed fee.

(3) A registered geologist or a registered practitioner who fails to renew his registration for a period of more than three years consecutively may be reinstated if the Board is satisfied with the reasons for reinstatement and on payment of the prescribed fee.

(4) A registered geologist or a registered practitioner whose name has been removed from the Register pursuant to an order of the Board under paragraph 33(2)(d) and who has not appealed against that order or whose appeal has been dismissed or withdrawn may apply for reinstatement after the expiration of not less than six months from the date of the order of revocation, or from the date of the decision of the appeal or from the date the appeal was withdrawn, whichever date is the later.

(5) For the purpose of subsection (4) the Board may, on receipt of an application by a geologist or a practitioner whose registration has been suspended under paragraph 33(2)(c) or revoked under paragraph 33(2)(d), reinstate the registration if the Board is satisfied that—

- (a) the reason that led to the suspension or revocation of the registration no longer exists; and
- (b) the geologist or practitioner concerned, at the time of the application, complies with the terms, conditions and restrictions imposed by the Board at the time of the original registration.

(6) Without prejudice to subsections (1) to (5), the Board may, on receipt of satisfactory evidence of proper reasons for reinstatement and on reimbursement to the Board of all expenditure incurred by the Board arising out of the proceedings leading to the revocation of the registration and on payment of the prescribed fee for a certificate of registration, re-register the geologist or practitioner concerned, as the case may be.

(7) In reinstating the registration of a geologist or a practitioner under this section, the Board may impose any additional terms, conditions and restrictions as it considers fit.

(8) An order of the Board under this section shall, as soon as may be practicable, be published in at least one national language and one English language daily newspaper having nationwide circulation.

### **Certificate to be returned**

**36.** A registered geologist or a registered practitioner whose name has been removed from the Register shall, within fourteen days after the geologist or practitioner is notified by registered post of the removal, surrender to the Board the certificate of registration issued to him under this Act.

## **PART V**

### **OFFENCES AND PENALTIES**

#### **Appointment and powers of Inspectors**

**37.** (1) The Minister may appoint from amongst public officers such number of officers as he considers necessary to be Inspectors for the purposes of this Act.

(2) The functions of an Inspector shall be—

- (a) to ensure that registered geologists and registered practitioners comply with the provisions of this Act;
- (b) to receive and consider any report of the commission of any offence under this Act and to investigate such reports; and

(c) to detect and investigate—

- (i) any suspected offence under this Act;
- (ii) any suspected attempt to commit any offence under this Act; or
- (iii) any suspected conspiracy to commit any offence under this Act.

(3) If an Inspector has reasonable cause to believe that an offence under this Act is being or has been committed on any premises or in connection with any business carried on in any premises, he shall apply to a Magistrate for a warrant authorizing him to enter and search the premises concerned.

(4) If it appears to a Magistrate, upon written information on oath and after such enquiry as the Magistrate considers necessary, that there is reasonable cause to believe that an offence under this Act is being or has been committed on any premises, the Magistrate may issue a warrant authorizing any Inspector named in the warrant to enter the premises at any reasonable time and there to search and examine such premises and to inspect, make copies of, take extracts from or seize any book, document or other article found in such premises that is reasonably believed to furnish evidence of the commission of an offence against this Act.

(5) An Inspector exercising his powers under subsection (4) may require any person conducting or managing any business on the premises concerned to produce for his inspection any certificate of registration issued to such person or, in the case of an employee, issued to his employer under this Act.

(6) An Inspector exercising his powers under subsection (4) shall declare his office and produce to the person against whom he is acting or from whom he seeks any information such authority card as the Minister may direct to be carried by such Inspector.

(7) An Inspector exercising his powers under subsection (4) may take with him such other persons and equipment as may appear to him to be necessary.

(8) If any book, document or other article is seized under subsection (4), the seizing Inspector shall prepare a list of the things seized and immediately deliver a copy of the list signed

by him to the occupier of the premises that have been searched or to his agent or employee at those premises and if the premises are unoccupied, the seizing Inspector shall whenever possible post a list of the things seized conspicuously on the premises.

(9) A person who obstructs or impedes an Inspector in the exercise of his duties under this Act commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Restriction on employment of unregistered person**

**38.** (1) No person shall employ a person who is not registered under this Act to render any geological services that under this Act only a registered geologist or a registered practitioner may render.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Penalty for obtaining registration by false pretences, etc.**

**39.** A 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) wilfully 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 certificate to have been forged, altered or counterfeited;
- (e) impersonates a registered geologist or a registered practitioner;
- (f) buys or fraudulently obtains a certificate of registration under this Act issued to another person; or

(g) sells any certificate of registration issued under this Act,

commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Failure to comply with order**

**40.** (1) Any person who fails to comply with an order of the Board made under section 33 or a decision of the Minister made under section 48 commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit and to imprisonment for a term not exceeding one year or to both.

(2) In addition to the penalty provided under subsection (1), the Board shall on the conviction of a registered geologist or registered practitioner under subsection (1) immediately revoke the registration of the registered geologist or registered practitioner concerned.

### **General penalty**

**41.** Any person who commits an offence under this Act for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Abetment and attempt punishable as offence**

**42.** (1) A person who abets the commission of or who attempts to commit any offence under this Act commits that offence and shall, on conviction, be liable to the punishment provided for the offence.

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

**Offence by partner, agent or employee**

**43.** A person who would have been liable to any punishment or penalty under this Act for any act, omission, neglect or default if the act, omission, neglect or default is committed by him personally shall be liable to the same punishment or penalty if the act, omission, neglect or default is committed by his partner, agent or employee unless he proves—

- (a) that the act, omission, neglect or default was committed without his knowledge, consent or connivance; and
- (b) that he took all reasonable precautions and had exercised due diligence to prevent the act, omission, neglect or default.

**Institution of prosecution**

**44.** No prosecution in respect of any offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

**Jurisdiction to try offences**

**45.** Notwithstanding any written law to the contrary, a Court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Act and to impose the full punishment for any such offence.

**Protection of Board, etc.**

**46.** (1) No action or prosecution shall be brought, instituted or maintained in any court against the Board, a member of the Board, the Registrar, an Inspector or any other person authorized to act for or on behalf of the Board for or on account of or in respect of any act ordered or done for the purpose of carrying this Act into effect.

(2) This section shall not apply to the powers conferred on the Board under subsection 4(3) or to any power to enter into contracts exercised by the Board.

PART VI

GENERAL

**Monies of Board**

**47.** (1) All monies from fees and charges payable to the Board under this Act shall be paid to the Board.

(2) The monies received by the Board under this Act shall be applied as follows:

- (a) to defray the expenses of registration and any other expenses incurred in the administration of this Act, including any expenses of the Board that may be allowed under any regulations made under this Act; and
- (b) to provide scholarships and to promote learning and education in the field of geology.

(3) Monies not immediately required by the Board shall be invested in such trustee securities as the Board may determine after consultation with the Minister or kept as fixed deposits in such banks as the Board may determine after consultation with the Minister.

**Appeal**

**48.** (1) Any registered geologist or registered practitioner who—

- (a) has been refused registration by the Board;
- (b) has been registered but is dissatisfied with any condition or restriction imposed by the Board under this Act;
- (c) having been registered has had his name removed from the Register pursuant to an order of the Board made under section 33; or
- (d) is not satisfied with any order of the Board made under section 33,

may, within twenty-one days of being so notified, appeal to the Minister, who shall then make a decision.

(2) The notice of appeal under subsection (1) shall be in writing and a copy of the notice of appeal shall be sent to the Chairman.

(3) The decision of the Minister on an appeal under subsection (1) shall be final and shall not be questioned in any court.

## **Representation in civil proceedings**

**49.** Notwithstanding any other written law—

- (a) in any civil proceedings by or against the Board; or
- (b) in any other civil proceedings in which the Board is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard,

any person authorised by the Board for the purpose may, on behalf of the Board, institute such proceedings or appear in such proceedings and may make all appearances and applications and do all acts in respect of such proceedings on behalf of the Board.

## **Regulations**

**50.** (1) The Board may, with the approval of the Minister, make regulations for all or any of the following purposes:

- (a) prescribing the manner of applying for registration, authorization and approvals under this Act, the particulars to be supplied by an applicant, the manner of registration and authorization, the conditions and restrictions to be imposed and the form of certificates, authorizations and approvals;
- (b) prescribing the forms for the purposes of this Act;
- (c) prescribing the fees and charges payable under this Act and the manner for collecting and disbursing such fees and charges;
- (d) providing for the regulation of all or any of the activities of the Board and generally the performance of the functions, the exercise of the powers and the discharge of the duties of the Board under this Act; and

- (e) providing for such other matters as are contemplated by, or necessary for giving full effect to, the provisions of this Act and for their due administration.

(2) Regulations made under subsection (1) may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding one thousand ringgit or imprisonment for a term not exceeding one year or both for such offence.

### **Saving of rights of government**

**51.** Nothing in this Act shall apply to anything done or omitted to be done by or under the authority of the Federal Government or the Government of any State.

### **Prevention of anomalies**

**52.** (1) The Minister may, after consultation with the Board, whenever it appears to him necessary or expedient to do so, whether for the purpose of removing difficulties or preventing anomalies in consequence of the enactment of this Act, by order published in the *Gazette*, make such modifications to any provisions in any existing laws as he considers fit.

(2) The Minister shall not exercise the powers conferred by subsection (1) after the expiration of two years from the appointed date.

(3) In this section, “modifications” includes amendments, additions, deletions, substitutions, adaptations, variations, alterations and non-application of any provision in any existing law.

## FIRST SCHEDULE

[Section 7]

### PROCEDURE OF BOARD

#### **Meetings**

**1.** (1) The Board shall meet at least four times a year at such time and place as may be appointed by the Chairman.

(2) The Chairman shall preside at a meeting of the Board.

(3) Five members of whom at least two shall be members appointed under paragraph 6(1)(c) or 6(2)(c) and at least two shall be members appointed under paragraph 6(1)(d) or 6(2)(d) present at any meeting of the Board shall constitute a quorum.

(4) Every member of the Board present shall be entitled to one vote.

(5) If on a question to be determined by the Board there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

### **Board may invite others to meetings**

2. (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 the Board may determine.

### **Minutes**

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

(2) Any minutes made of a meeting of the Board shall, if duly signed, be admissible in evidence in all legal proceedings as prima facie evidence of the facts stated in them without further proof.

(3) Every meeting of the Board in respect of the proceedings 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**

4. Subject to this Act, the Board may regulate its own procedure.

### **Disclosure of interest**

5. (1) A member of the Board having, directly or indirectly, by himself or his partner, any interest in any company or undertaking with which the Board proposes to make any contract or having any interest in any such contract or in any matter under discussion by the Board shall disclose to the Board the fact and the nature of his interest.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the Board and, after the disclosure, the member having an interest in the matter—

- (a) shall not take part nor be present in any deliberation or decision of the Board; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board.

(3) No act or proceedings of the Board shall be invalidated on the ground that any member of the Board has contravened the provisions of this paragraph.

**Validity of acts and proceedings**

**6.** No act done or proceeding 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;
- (b) a contravention by any member of the Board of the provisions of paragraph 5; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

**Member to devote time to business of Board**

**7.** Every member of the Board shall devote such time to the business of the Board as may be necessary to discharge his duties effectively.

**Secretary**

**8.** The Board shall appoint a secretary to the Board, who shall not be a member of the Board.

SECOND SCHEDULE

[Sections 21 and 27]

FIELDS OF GEOLOGY

- (a) geophysics
- (b) geochemistry
- (c) geochronology
- (d) environmental geology
- (e) economic geology
- (f) engineering geology
- (g) marine geology

- (h) petroleum geology
- (i) regional geology
- (j) structural geology and tectonics
- (k) hydrogeology
- (l) prospecting and exploration
- (m) mineralogy
- (n) petrology
- (o) stratigraphy and paleontology
- (p) geological sciences other than those specified in items (a) to (o)

