

P.U. (A) 129.

AKTA KOPERASI 1993

PERATURAN-PERATURAN KOPERASI (PELABURAN) 2010

SUSUNAN PERATURAN-PERATURAN

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AKTA KOPERASI 1993

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PADA menjalankan kuasa yang diberikan oleh perenggan 86(2)(o) dan (p) Akta Koperasi 1993 [*Akta 502*], Suruhanjaya, dengan kelulusan Menteri, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Koperasi (Pelaburan) 2010**.

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

Tafsiran

2. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain, “kumpulan wang anggota” ertinya—

- (a) modal syer anggota;
- (b) modal yuran anggota;
- (c) modal syer bonus;
- (d) modal syer ditebus;
- (e) Kumpulan Wang Penebusan Syer Bonus;
- (f) Akaun Rizab Modal;
- (g) Kumpulan Wang Penebusan Syer;
- (h) Kumpulan Wang-Kumpulan Wang lain yang diwujudkan untuk manfaat anggota; dan
- (i) Akaun Untung Rugi Terkumpul.

Pelaburan oleh koperasi

3. (1) Sebelum sesuatu koperasi melabur wang lebihannya, koperasi itu hendaklah memastikan—

- (a) pelaburan itu mematuhi peruntukan Akta, peraturan-peraturan, pekililing dan garis panduan yang dikeluarkan oleh Suruhanjaya;
- (b) undang-undang kecilnya membenarkan aktiviti pelaburan;
- (c) pelaburan itu hendaklah memperuntukkan pulangan atau manfaat kepada koperasi dan anggotanya;

- (d) tujuan pelaburan itu bukan untuk spekulasi;
- (e) pelaburan itu diluluskan oleh Lembaga koperasi; dan
- (f) pelaburan itu tidak menjejaskan aktiviti utama koperasi.

(2) Koperasi itu hendaklah juga memastikan pelaburan itu diuruskan secara berkesan dan sistematik dan hendaklah—

- (a) menetapkan dasar dan tatacara bagi operasi dan aktiviti pelaburan;
- (b) menjalankan pemantauan dan penilaian berkala ke atas pegangan instrumen-instrumen pelaburan;
- (c) mengadakan kawalan dalaman yang berkesan; dan
- (d) mewujudkan dasar pengurusan risiko.

Permohonan bagi kelulusan

4. (1) Koperasi hendaklah mengemukakan permohonan bagi pelaburan kepada Suruhanjaya untuk kelulusan.

(2) Permohonan untuk kelulusan hendaklah dikemukakan dalam borang yang ditentukan oleh Suruhanjaya.

Had pelaburan

5. (1) Koperasi yang melaburkan wang lebihannya hendaklah mematuhi had pelaburan yang berikut—

- (a) bagi koperasi kredit, tidak melebihi sepuluh peratus daripada jumlah kumpulan wang anggota; dan
- (b) bagi koperasi bukan kredit—
 - (i) yang aktiviti utamanya dalam undang-undang kecilnya ialah selain pelaburan, had pelaburannya hendaklah tidak melebihi dua puluh peratus daripada jumlah kumpulan wang anggota; atau
 - (ii) yang aktiviti utamanya dalam undang-undang kecilnya ialah pelaburan, had pelaburannya boleh melebihi dua puluh peratus daripada jumlah keseluruhan kumpulan wang anggota.

(2) Walau apa pun subperenggan 5(1)(b)(i) dan (ii), jika pelaburan koperasi melebihi sepuluh peratus daripada kumpulan wang anggotanya, analisis risiko yang disediakan oleh badan profesional hendaklah dikemukakan kepada Suruhanjaya.

Pelaburan dalam subsidiari koperasi

6. (1) Koperasi boleh melabur wang lebihannya dalam subsidiarinya tertakluk kepada kelulusan bertulis oleh Suruhanjaya dan syarat-syarat yang berikut:

(a) pelaburan itu bertujuan—

- (i) memajukan aktiviti perniagaan koperasi;
- (ii) menjana pendapatan koperasi; dan
- (iii) bermanfaat kepada anggotanya; dan

(b) koperasi mempunyai keupayaan kewangan untuk membuat pelaburan dalam subsidiarinya.

(2) Had pelaburan dalam setiap subsidiari adalah tertakluk kepada peraturan 5 dan kelulusan mesyuarat agung koperasi itu.

Pelaburan dalam harta tak alih

7. Koperasi boleh melabur dalam harta tak alih berdasarkan syarat-syarat yang berikut:

- (a) harta tak alih itu mempunyai hak milik berdaftar yang sah;
- (b) harta tak alih itu bebas dari bebanan; dan
- (c) harta tak alih itu dinilai oleh mana-mana penilai bertauliah dan harga belian hendaklah tidak melebihi nilai pasaran semasa.

Dibuat 23 April 2010

[SKM.IP(AM): 7875; PN(PU²)527/XIII]

DATO' MANGSOR BIN SAAD
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Diluluskan

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CO-OPERATIVE SOCIETIES ACT 1993

CO-OPERATIVE SOCIETIES (INVESTMENT) REGULATIONS 2010

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7. Investment in immovable property

CO-OPERATIVE SOCIETIES ACT 1993

CO-OPERATIVE SOCIETIES (INVESTMENT) REGULATIONS 2010

IN exercise of the powers conferred by paragraphs 86(2)(o) and (p) of the Co-operative Societies Act 1993 [Act 502], the Commission, with the approval of the Minister, makes the following regulations:

Citation and commencement

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

(2) These Regulations come into force on 3 May 2010.

Interpretation

2. In these Regulations, unless the context otherwise requires “membership fund” means—

- (a) members’ share capital;
- (b) members’ subscription capital;
- (c) bonus share capital;
- (d) redeemed share capital,
- (e) Bonus Share Redemption Fund;
- (f) Capital Reserve Account;
- (g) Share Redemption Fund;
- (h) other funds established for the benefit of members; and
- (i) Accumulated Profit and Loss Account.

Investment by co-operative society

3. (1) Before a co-operative society invests its surplus funds, a co-operative society shall determine—

- (a) the investment complies with the provisions of the Act, regulations, circulars and guidelines issued by the Commission;
- (b) its by-laws allows the investment activities;
- (c) the investment shall provide returns or benefits to the co-operative society and its members;
- (d) the purpose of investment is not for speculation;

- (e) the investment is approved by the Board of co-operative society; and
- (f) the investment shall not give any effect to the main activities of the co-operative society.

(2) The co-operative society shall also ensure that the investment is managed effectively and systematically and shall—

- (a) establish the policy and procedure for the operation and activities of investment;
- (b) conduct periodical monitoring and assessment on the investment instruments held;
- (c) establish effective internal control; and
- (d) creates risk management policy.

Application for approval

4. (1) A co-operative society shall submit an application for investment to the Commission for approval.

(2) The application for an approval shall be submitted in the form to be determined by the Commission.

Limit of investment

5. (1) A co-operative society investing its surplus funds shall fulfill the limit of investment as follows:

- (a) for credit co-operative societies, shall not exceed ten per centum of the total membership fund; and
- (b) for non-credit co-operative societies—
 - (i) that its main activity in its by-laws other than investment, the limit of investment shall not exceed twenty per centum of the total membership fund; or
 - (ii) that its main activity in its by-laws is investment, the limit of investment may exceed twenty per centum of the total membership fund.

(2) Notwithstanding subparagraphs 5(1)(b)(i) and (ii), if the co-operative society investment exceeds ten per centum of the total membership fund, the risk analysis prepared by a professional body shall be submitted to the Commission.

Investment in a subsidiary of a co-operative society

6. (1) A co-operative society may invest its surplus funds in its subsidiary subject to a written approval by the Commission and the following terms:

- (a) the investment is for the purpose of—
 - (i) developing the business activities of the co-operative society;
 - (ii) generating income of the co-operative society; and
 - (iii) benefits its members; and
- (b) the co-operative society has financial capability to invest in its subsidiary.

(2) The limit of investment in each subsidiary is subject to regulation 5 and approval by the co-operative society's general meeting.

Investment in immovable property

7. (1) A co-operative society may invest in any immovable property based on the following terms:

- (a) such immovable property possess a valid registered title;
- (b) such immovable property is free from encumbrances; and
- (c) such immovable property is valued by any qualified valuer and the purchase price shall not exceed the current market value.

Made 23 April 2010

[SKM.IP(AM): 7875; PN(PU²)527/XIII]

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

Approved

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