

FEDERAL AGRICULTURAL MARKETING AUTHORITY

ACT, 1965

IN exercise of the powers conferred by section 5 of the Federal Agricultural Marketing Authority Act, 1965, the Minister, upon the recommendation of the Federal Agricultural Marketing Authority, hereby prescribes the following marketing scheme;

49/65.

1. (1) This Scheme may be cited as the **Coffee Marketing Scheme** and shall, subject to the provisions of sub-paragraph (2), have application throughout Malaysia.

Citation application and commencement.

(2) The Minister may by notification in the Gazette exempt any State or such of a State from the provisions of this Scheme or such part thereof as may be specified in such notification.

(3) This Scheme shall come into force on such date as the Minister may by notification in the Gazette appoint.

2. This Scheme shall be controlled and managed by the Agricultural Produce Marketing Board (hereinafter referred to as "the Board") established under section 6 of the federal Agricultural Marketing Authority Act, 1965.

Control and management of the Scheme. 49/65.

3. In this Scheme, unless the context otherwise requires—

Interpretation.

"coffee" means coffee berries or coffee beans or parts thereof of all species of the genus coffee including *Coffea Arabica* (or Arabian) *Coffea Robusta* (or Robusta) and *Coffea Liberica* (or Liberica);

"coffee beans" means the seeds contained in coffee berries, after such seeds have been separated from the coffee berries;

"coffee berries" means the fruits of the coffee plant;

"coffee farmer" means a person who cultivates coffee on land which belongs to him or in which he has an interest as lessee, tenant, occupier, licensee, assignee, chargee, successor in title, agent or in any other manner or capacity whatsoever; for the purpose of this definition a person shall be deemed to cultivate the land notwithstanding that he cultivates it through persons employed or otherwise engaged by him for the purpose and notwithstanding that he does not reside on the land or is not personally present when the physical cultivation [of the Land] takes place;*

Nota :* Perkataan “of the Land” selepas perkataan “cultivation” dibaris akhir takrif “coffee farmer” perlu dibaca atau diganti dengan “on the land”.

“coffee miller” means a person who carries on the business of milling coffee;

“milling”, in relation to coffee, means the roasting and grinding of coffee beans into coffee powder;

“processing”, in relation to coffee, means the performing of any one or more of the activities involved in the separation and removal of the pericarp from the coffee berries (including, in any case, washing, drying, dehusking, pulping, fermenting, hulling, winnowing and sieving) and the preparation of the resulting coffee beans for sale in unroasted form, but shall not, in any case, include the roasting of coffee beans.

4. (1) No person shall—

(a) purchase coffee berries or unroasted coffee beans from any coffee farmer; or

(b) purchase for the purpose of sale or export (regardless that such sale or export is after processing) coffee berries or unroasted coffee beans;

unless he is licensed to purchase coffee berries and unroasted coffee beans by the Board.

(2) A person shall, unless he proves to the contrary, be deemed to engage in the activities set out in sub-paragraph (1) if he—

(a) being neither a coffee farmer nor a coffee miller, is found in possession of coffee berries exceeding fifty piculs or coffee beans exceeding five piculs; or

(b) being neither a coffee farmer nor a coffee miller, arranges for or obtains the transportation at any one time, other than as a carrier, of coffee berries exceeding fifty piculs or coffee beans exceeding five piculs.

(3) The Board may restrict any licence issued under sub-paragraph (1) to any one or more of the activities or matters set out in the said sub-paragraph.

(4) Any person who immediately before the coming into force of this Scheme was lawfully dealing in coffee in any manner in respect of which a licence is required under sub-paragraph (1) shall, subject to the

Licensing.

<p>provisions of this Scheme, be entitled to be issued with a licence.</p>	
<p>5. (1) An application for a licence mentioned in paragraph 4 of this Scheme or the renewal thereof shall be in such form as the Board may from time to time prescribe.</p> <p>(2) Any licence issued or renewed in respect of any application made under sub-paragraph (1) may be subject to such terms and conditions as may from time to time, and at any time, be imposed by the Board.</p> <p>(3) Without prejudice to the provisions of sub-paragraph (2), the following provisions shall apply with respect to every licence issued or renewed as aforesaid:</p> <p>(a) each licence shall expire on the 31st day of December of the year in which it is issued or renewed;</p> <p>(b) there shall be paid to the Board such fee in respect of the licence as the Minister may from time to time prescribe;</p> <p>(c) the licensee shall keep in the premises specified in the licence a register, in the form approved by the Board, in Bahasa Malaysia or in English;</p> <p>(d) the licensee shall exhibit in a conspicuous position—</p> <p>(i) in the premises or place of business specified in the licence a board showing the price of coffee berries or unroasted coffee beans obtaining on each day and the deductions from the price or the weight thereof which may be permitted under the terms of the licence issued to him;</p> <p>(ii) over the door of the premises or place of business specified in the licence, and in such manner as can be easily read by members of the public, his full name, as appearing in the licence, in Roman letters and the words</p> <p><u>“PERAEH BUAH KOPI BERLESEN</u> (LICENSED COFFEE BERRY DEALER)” Or</p> <p><u>“PERAEH BIJI KOPI BERLESEN</u> (LICENSED COFFEE BEAN DEALER)” Or</p> <p><u>“PERAEH BUAH KOPI/BIJI KOPI BERLESEN</u> Or (LICENSED COFFEE BERRY/BEAN DEALER)”</p> <p>as the case may be;</p>	<p><i>Application for and terms and conditions of licenses.</i></p>

<p>(e) the licensee shall—</p> <p>(i) furnish to the Board such information or returns as the Board may require;</p> <p>(ii) display such information in such manner as the Board may require;</p> <p>(f) the licensee shall, on demand by an authorised officer of the Board, permit the officer to enter the premises and shall, if required, produce for the inspection of the officer his licence and the register aforesaid.</p> <p>(4) Without prejudice to the provisions of sub-paragraph (2), a person licensed under sub-paragraph (1) of paragraph 4 shall, in relation to the register required to be kept by him under sub-paragraph (3) (c), make within seventy-two hours of each purchase, receipt, sale, or export of coffee, proper entries of particulars relating to the name and address of the seller, supplier, purchaser, or the person to whom the coffee is exported, as the case may be the quantity so purchased, received, sold, or exported, the amount remaining stored in the premises consequent upon such purchase, receipt, sale, or export, the date of such purchase, receipt, sale, or export and such other particulars as the Board may from time to time prescribe.</p>	
<p>6. The Board may, in respect of any licence issued or to be issued, under Paragraph 4, impose a condition requiring the person licensed or to be licensed, as the case may be, to be appointed as an agent of the Board for the purpose for which such licence was issued or is to be issued:</p> <p>Provided that the provisions of this paragraph shall not apply to the issue of a licence to any person who immediately before the coming into force of this Scheme was lawfully dealing in coffee in any manner in respect of which a licence is required under sub-paragraph (1) of paragraph 4:</p>	<p><i>Appointment of licensees as agents of the Board.</i></p>
<p>And provided further that nothing shall be done under this paragraph so as to contravene the provisions of the proviso to subsection (1) of section 6 of the Act.</p>	<p>49/65.</p>
<p>7. (1) If it appears to the Board that any person duly licensed under the provisions of this Scheme has contravened or failed to comply with any provision of this Scheme or any of the terms and conditions of any licence issued to him thereunder, the Board may call upon such person to show</p>	<p><i>Cancellation of licence.</i></p>

<p>cause why any licence or licences held by him should not be cancelled.</p> <p>(2) Any person called upon to show cause under the provisions of sub-paragraph (1) —</p> <p>(a) shall be supplied by the Board with the particulars, in writing, of the contravention or non-compliance complained of; and</p> <p>(b) may, if he so desires, appear in person or be represented by any person authorised by him in writing, at a hearing before the Board.</p> <p>(3) If after such hearing the Board is of the opinion that the person called upon to show cause has contravened a failed to comply with any of the provisions of this Scheme a any of the terms and conditions of any licence issued to him thereunder, the Board may cancel any licence or licences held by him under the Scheme.</p> <p>(4) Where the Board calls upon a person under sub-paragraph (1) to show cause why any licence or licences held by him should not be cancelled, the Board may, in its absolute discretion, at the same time as it calls upon him to show cause as aforesaid or at any time thereafter while proceedings under the preceding sub-paragraphs of this paragraph are pending, suspend such licence or any of such licences until such proceedings are determined:</p> <p>Provided that the Board may, in its absolute discretion, at any time withdraw the suspension of any licence under this sub-paragraph.</p>	
<p>8. The Board, with the approval of the Minister, may by itself or together with any body of persons (whether corporate or un-incorporate) provide storage, drying, processing and grading facilities; and the use thereof by any person shall be subject to such terms and conditions as the Board may determine.</p>	<p><i>The Board may provide facilities.</i></p>
<p>9. (1) Notwithstanding any provision hereinbefore mentioned, the Board may, by itself or together with any body of persons (whether corporate a un-incorporate) carry out or promote arrangements for—</p> <p>(a) the purchase of coffee; or</p> <p>(b) the receipt or acceptance of coffee for the purpose of sale or export by itself, or by any other person; or</p> <p>(c) the transmission of coffee for the purpose of sale or export by itself or by any other person; or</p>	<p><i>The Board may participate in the purchase, processing, milling and disposal of coffee.</i></p>

<p>(d) the collection of coffee; or</p> <p>(e) the transportation or conveyance of coffee; or</p> <p>(f) the storage of coffee; or</p> <p>(g) the processing of coffee; or</p> <p>(h) the milling of coffee; or</p> <p>(i) the disposal of coffee by sale, export or otherwise.</p> <p>(2) In this paragraph, the word "coffee", in addition to having the meaning assigned to it in paragraph 3, includes coffee powder.</p>	
<p>10. (1) The Board may appoint its own agents (whether in or outside Malaysia) to—</p> <p>(a) purchase coffee, or</p> <p>(b) receive or accept coffee for the purpose of sale or export by himself or by any other person; or</p> <p>(c) transmit coffee for the purpose of sale or export by himself or by any other person; or</p> <p>(d) collect coffee; or</p> <p>(e) transport or convey coffee. or</p> <p>(f) store coffee; or</p> <p>(g) process coffee; or</p> <p>(h) mill coffee; or</p> <p>(i) sell, export or otherwise dispose of coffee.</p> <p>(2) Any agent appointed by the Board under sub-paragraph (1) or appointed pursuant to paragraph 6—</p> <p>(a) may be paid such fees or commission as the Board may deem fit; and</p> <p>(b) shall not dispose of any coffee berries or unroasted coffee beans purchased or otherwise acquired by him except to the Board or otherwise than in accordance with instructions and directions given</p>	<p><i>The Board may appoint its own agents.</i></p>

<p>by or on behalf of the Board.</p> <p>(3) In this paragraph, the word "coffee" in addition to having the meaning assigned to it in paragraph 3, includes coffee powder.</p>	
<p>11. The Board shall endeavour to promote, expand and improve the market for coffee; and the Board may do all such things as may be necessary and incidental thereto.</p>	<p><i>The Board to promote market for coffee.</i></p>
<p>12. The Board may—</p> <p>(a) with the approval of the Minister, provide financial assistance; or</p> <p>(b) in its discretion, provide assistance other than financial;</p> <p>to any person licensed under paragraph 4, or to coffee farmers or to any other section of the coffee industry.</p>	<p><i>The Board may provide assistance.</i></p>
<p>13. (1) The Board may require persons who purchase coffee for milling to register with the Board in such manner as the Board may prescribe.</p> <p>(2) Persons registered under sub-paragraph (1) shall furnish to the Board such information and returns as the Board may require.</p>	<p><i>Registration of persons purchasing coffee for milling.</i></p>
<p>14. The Board may—</p> <p>(a) specify the services which the Board may render and, with approval of the Minister, the charges to be made therefor;</p> <p>(b) subject to the provisions of written law for the time being relating to weights and measures, prescribe the manner of weighing and the type of weighing scales to be used in weighing coffee offered for sale;</p> <p>(c) prescribe grades for coffee berries and unroasted coffee beans;</p> <p>(d) prescribe the forms of licences, certificates and other documents required to be prescribed under this Scheme;</p> <p>(e) prescribe the returns to be submitted by persons licensed under paragraph 4 or registered under paragraph 13.</p>	<p><i>Powers of the Board.</i></p>

**FEDERAL AGRICULTURAL MARKETING AUTHORITY
ACT, 1965**

IN exercise of the powers conferred by sub-paragraph (2) of paragraph 1 of the Coffee Marketing Scheme, the Minister of Agriculture of Lands hereby exempts the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak and Terengganu from the provisions of the Coffee Marketing Scheme.

P.U.(B) 446/71.

Dated this 27th day of December, 1971.

[FAMA S. 3023/G. Vol. III; PN. 4074/2 Pt. III.]

TAN SRI HAJI MOHD. GHAZALI BIN HAJI JAWI.

Minister of Agricultural and Lands

**FEDERAL AGRICULTURAL MARKETING AUTHORITY
ACT, 1965**

P.U.(B) 446/71.

IN exercise of the powers conferred by sub-paragraph (3) of paragraph 1 of the Coffee Marketing Scheme, the Minister of Agriculture and Lands hereby appoints the 1st day of March, 1972 as the date on which the Coffee Marketing Scheme, shall come into force.

Dated this 27th day of December, 1971.

[FAMA S. 3023/G. Vol. III; PN. 4074/2 Pt. III.]

TAN SRI HAJI MOHD. GHAZALI BIN HAJI JAWI

Minister of Agriculture and Lands