

MALAYSIAN AVIATION COMMISSION
(DISSOLUTION) BILL 2024

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Interpretation
3. Repeal and dissolution
4. Transfer of powers, rights, etc.
5. Transfer of Aviation Commission Fund and Public Service Fund
6. Existing contracts, etc.
7. Existing operating and concession agreement
8. Saving for pending application and complaint
9. Saving for licence, permit and air traffic right
10. Saving for order, etc.
11. Membership of Commission, etc.
12. Continuance of proceedings
13. Continuance of laws, etc.
14. Vesting of property, etc.

A BILL

i n t i t u l e d

An Act to repeal the Malaysian Aviation Commission Act 2015 [Act 771], to dissolve the Malaysian Aviation Commission established under the Act, to provide for the vesting of its properties in the Civil Aviation Authority of Malaysia established under the Civil Aviation Authority of Malaysia Act 2017 [Act 788] and to provide for related matters.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Malaysian Aviation Commission (Dissolution) Act 2024.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

“Public Service Fund” means the Public Service Fund established under section 27 of the Malaysian Aviation Commission Act 2015;

“Civil Aviation Authority of Malaysia Fund” means the Civil Aviation Authority of Malaysia Fund established under section 26 of the Civil Aviation Authority of Malaysia Act 2017;

“Aviation Commission Fund” means the Aviation Commission Fund established under section 25 of the Malaysian Aviation Commission Act 2015;

“Minister” means the Minister charged with the responsibility for transport;

“Authority” means the Civil Aviation Authority of Malaysia established under section 3 of the Civil Aviation Authority of Malaysia Act 2017;

“Commission” means the Malaysian Aviation Commission established under section 3 of the Malaysian Aviation Commission Act 2015.

Repeal and dissolution

3. The Malaysian Aviation Commission Act 2015 is repealed and the Commission established under the Act is dissolved.

Transfer of powers, rights, etc.

4. All powers, rights, duties, liabilities and obligations which before the date of coming into operation of this Act were the powers, rights, duties, liabilities and obligations of the Commission shall, on the date of coming into operation of this Act, be devolved on the Authority.

Transfer of Aviation Commission Fund and Public Service Fund

5. All moneys standing in, or due to be paid to, the Aviation Commission Fund and the Public Service Fund shall, on the date of coming into operation of this Act, be transferred to the Civil Aviation Authority of Malaysia Fund.

Existing contracts, etc.

6. All agreements, deeds, documents and other instruments subsisting before the date of coming into operation of this Act and affecting any property or money transferred under this Act shall continue to remain in full force and effect, against or in favour of the Authority, and enforceable as fully and effectually as if, instead of the Commission, the Authority had been named in the agreements, deeds, documents and other instruments and had been a party to the agreements, deeds, documents and other instruments.

Existing operating and concession agreement

7. (1) A person who is authorized to carry out the services and activities stipulated in an agreement in respect of any operating or concession agreement subsisting before the date of coming into operation of this Act shall carry out the services and activities until the expiry date of the agreement and subject to the terms and conditions attached to the agreement.

(2) Nothing in this section shall be construed to extend the term or duration of an agreement specified in subsection (1) beyond the date of its expiry.

Saving for pending application and complaint

8. Any application made or complaint received under the Malaysian Aviation Commission Act 2015 which is still pending before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, be dealt under the Civil Aviation Authority of Malaysia Act 2017.

Saving for licence, permit and air traffic right

9. (1) Every person who, before the date of coming into operation of this Act, held a valid licence or permit issued to him under the Civil Aviation Act 1969 [Act 3] or the Civil Aviation Regulations 2016 [P.U. (A) 97/2016], or the Malaysian Aviation Commission Act 2015, or is allocated to him any air traffic right for domestic or international route by the Government, or the Commission

under the Malaysian Aviation Commission Act 2015 shall, on the date of coming into operation of this Act, be deemed to be the valid licence or permit holder, or has been allocated to him any air traffic right for domestic or international route under the Civil Aviation Authority of Malaysia Act 2017 until the expiry date of the licence, permit or right and subject to the terms and conditions attached to the licence, permit or right.

(2) Nothing in this section shall be construed to extend the term or duration of the licence, permit or right specified in subsection (1) beyond the date of its expiry.

(3) The Authority may alter the terms and conditions attached to the licence, permit or right authorized under subsection (1) for the purpose of bringing the licence, permit or right into conformity with the Civil Aviation Authority of Malaysia Act 2017.

(4) The provisions relating to the cancellation of licence, permit or right under the Civil Aviation Authority of Malaysia Act 2017 shall apply to the person referred to in subsection (1).

Saving for order, etc.

10. Any order, exemption, notice, direction or decision made or given by the Commission under the Malaysian Aviation Commission Act 2015 before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, be deemed to have been made or given by the Authority under the Civil Aviation Authority of Malaysia Act 2017 until the expiry date of the order, exemption, notice, direction or decision and subject to the terms and conditions attached to the order, exemption, notice, direction or decision.

Membership of Commission, etc.

11. (1) Members of the Commission who held office and members of any committee appointed under the Malaysian Aviation Commission Act 2015 before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, cease to hold office or cease to be members of the committee, as the case may be.

(2) Any member of the Commission, except for the Secretary General of the Ministry of Transport shall not, within two years from the date of coming into operation of this Act, enter into any contract of service or carry out or be involved in any business or other activity carried on for the purpose of gain, in or relating to, aviation, unless with written approval of the Minister.

(3) Any member of the Commission who, before the date of coming into operation of this Act, ceased to be a member of the Commission, shall continue not to enter into any contract of service or carry out or be involved in any business or other activity carried on for the purpose of gain, in or relating to, aviation until the expiry date of two years from the date of his cessation, unless with written approval of the Minister.

Continuance of proceedings

12. (1) Any proceedings or cause of action by or against the Commission pending or exists before the date of coming into operation of this Act may be continued or instituted by or against the Authority as the proceedings or cause of action might have been continued or instituted by or against the Commission if this Act had not been passed.

(2) Any appeal brought, or any leave to appeal applied for, on or after the date of coming into operation of this Act, against a decision given before the date of coming into operation of this Act in any legal proceedings in which the Commission was a party may be brought by or against the Authority as the appeal or leave of appeal might have been brought or applied by or against the Commission if this Act had not been passed.

Continuance of laws, etc.

13. (1) Subject to this Act, all written laws including subsidiary legislation in force before the date of coming into operation of this Act shall, until amended or revoked, continue in force and be construed as if this Act had not been passed.

(2) Any reference to the Commission in any written law including subsidiary legislation or document shall be construed as a reference to the Authority.

Vesting of property, etc.

14. (1) Subject to this Act, the Minister may, from time to time, by order published in the *Gazette*, appoint a vesting date and on such date all properties, rights, interests, obligations and liabilities of the Commission specified by the Minister in the order shall, by virtue of this Act, be transferred to and vested in the Authority without any conveyance, assignment or transfer.

(2) Every property, rights, interest, obligation and liability transferred to and vested in the Commission shall be transferred to and vested in the Authority for the like title, estate or interest and on the like tenure as the property, rights, interest, obligation and liability were vested or held before the vesting date.

(3) Any land which before the date of coming into operation of this Act were vested in the Commission shall, on the vesting date, be vested in the Authority.

(4) Where by virtue of subsection (1), any property transferred to and vested in the Authority, the provisions of Part Thirty of the National Land Code [*Act 828*] shall, for the purpose of effecting the registration of such vesting, apply to the Authority.

(5) Any property and asset other than land which before the date of coming into operation of this Act were vested in the Commission shall, on the vesting date, be vested in the Authority.

(6) In the case of properties, rights, interests, obligations and liabilities arising under any loan which are vested in the Authority on the vesting date, the Authority may enter into agreements or arrangements over the rights, interests, obligations and liabilities with any other person.

EXPLANATORY STATEMENT

This Bill (“the proposed Act”) seeks to repeal the Malaysian Aviation Commission Act 2015 [Act 771], to dissolve the Malaysian Aviation Commission (“Commission”) established under the Act, to provide for the vesting of its properties to the Civil Aviation Authority of Malaysia established under the Civil Aviation Authority of Malaysia Act 2017 [Act 788] and to provide for related matters.

2. *Clause 1* contains the short title and seeks to empower the Minister to appoint the date of coming into operation of the proposed Act.

3. *Clause 2* contains the definitions of certain words and expressions used in the proposed Act.

4. *Clause 3* seeks to provide for the repeal of the Malaysian Aviation Commission Act 2015 and the dissolution of the Commission.

5. *Clause 4* seeks to provide for the devolution of powers, rights, duties, liabilities and obligations of the Commission to the Civil Aviation Authority of Malaysia.

6. *Clause 5* seeks to provide that all moneys standing in or due to be paid to the Aviation Commission Fund and Public Service Fund established under the Malaysian Aviation Commission Act 2015 shall be transferred to the Civil Aviation Authority of Malaysia Fund established under the Civil Aviation Authority of Malaysia Act 2017.

7. *Clause 6* seeks to provide for the transfer of all existing agreements, deeds, documents and other instruments from the Commission to the Civil Aviation Authority of Malaysia.

8. *Clause 7* seeks to provide for the continuance of services and activities stipulated in an agreement in respect of any operating or concession agreement by a person who is authorized to carry out the services and activities under the Malaysian Aviation Commission Act 2015 until the expiry date of the agreement and subject to the terms and conditions attached to the agreement.

9. *Clause 8* seeks to provide for the saving of application made or complaint received under the Malaysian Aviation Commission Act 2015.

10. *Clause 9* seeks to provide for the saving of any licence or permit held by a person or any air traffic right for domestic or international route allocated to a person before the date of coming into operation of the proposed Act.

11. *Clause 10* seeks to provide for the saving of order, exemption, notice, direction or decision made or given by the Commission under the Malaysian Aviation Commission Act 2015.

12. *Clause 11* seeks to provide for the status of members of the Commission and members of the committee appointed under the Malaysian Aviation Commission Act 2015.

Subclause (1) seeks to provide that on the date of coming into operation of the proposed Act the members of the Commission who held office and members of any committee appointed under the Malaysian Aviation Commission Act 2015 shall cease from holding the office or to be members of the committee.

Subclause (2) seeks to provide that within two years from the date of coming into operation of the proposed Act the members of the Commission, except for the Secretary General of the Ministry of Transport, are prohibited from entering into any contract of service or carry out or be involved in any business or other activity carried on for the purpose of gain, in or relating to, aviation, unless with written approval of the Minister.

Subclause (3) seeks to provide for the continuance of prohibition against any member of the Commission who ceased to be a member of the Commission before the date of coming into operation of the proposed Act from entering into any contract of service or carry out or be involved in any business or other activity carried on for the purpose of gain, in or relating to, aviation until the expiry date of two years from the date of his cessation, unless with written approval of the Minister.

13. *Clause 12* seeks to provide for the continuance of legal proceedings by or against the Commission under the Malaysian Aviation Commission Act 2015.

14. *Clause 13* seeks to provide for the continuance of all written laws including subsidiary legislation in force before the date of coming into operation of the proposed Act and any reference to Commission in any written laws including subsidiary legislation or document shall be construed as a reference to the Civil Aviation Authority of Malaysia.

15. *Clause 14* contains provisions relating to the vesting in the Civil Aviation Authority of Malaysia of all properties, rights, interests, obligations and liabilities of the Commission specified by the Minister in the order published in the *Gazette* without any conveyance, assignment or transfer.

16. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3334]