

BINTULU PORT AUTHORITY (DISSOLUTION)  
BILL 2024

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ARRANGEMENT OF CLAUSES

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A BILL

*i n t i t u l e d*

An Act to repeal the Bintulu Port Authority Act 1981, to dissolve the Bintulu Port Authority established under the Act, to provide for the vesting of its properties in the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws 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 Bintulu Port Authority (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—

“Bintulu Port Authority (Sarawak)” means the Bintulu Port Authority (Sarawak) established under section 3 of the Port Authorities Ordinance 1961 [*Ord. No. 1/61*];

“Authority” means the Bintulu Port Authority established under section 3 of the Bintulu Port Authority Act 1981;

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

### **Repeal and dissolution**

3. The Bintulu Port Authority Act 1981 [*Act 243*] is repealed and the Authority established under the Act is dissolved.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 Authority shall, on the date of coming into operation of this Act, be devolved on the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak.

### **Transfer of financial assets**

5. (1) All financial assets standing in, or due to be paid to, the Authority shall, on the date of coming into operation of this Act, be transferred to the Government.

(2) In this section, “financial asset” means any asset owned by the Authority including loans given, receivables from exchange dealings and investments, which can be liquidated to cash value.

### **Deposit, advanced receipt and lease rent**

6. On the date of coming into operation of this Act—

- (a) all rental deposits and lease deposits standing in to the Authority;

(b) all advanced receipts of lease standing in to the Authority;  
and

(c) lease rent due to be paid to the Authority,

shall be transferred to the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws.

**Existing contracts, etc.**

7. 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 Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak, and enforceable as fully and effectually as if, instead of the Authority, the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws had been named in the agreements, deeds, documents and other instruments and had been a party to the agreements, deeds, documents and other instruments.

**Saving for licence**

8. (1) Every person who, before the date of coming into operation of this Act, held a valid licence issued to him under the Bintulu Port Authority Act 1981 shall, on the date of coming into operation of this Act, be deemed to be the licence holder under the Port Authorities Ordinance 1961 until the date of expiry of the licence and subject to the terms and conditions attached to the licence.

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

(3) The Bintulu Port Authority (Sarawak) may alter the terms and conditions attached to the licence under subsection (1) for the purpose of bringing the licence into conformity with the Port Authorities Ordinance 1961.

(4) The provisions relating to the revocation of a licence under the Port Authorities Ordinance 1961 shall apply to the persons referred to in subsection (1).

### **Continuance of proceedings**

**9.** (1) Any proceedings or cause of action by or against the Authority pending or exists before the date of coming into operation of this Act may be continued or instituted by or against the Bintulu Port Authority (Sarawak) as the proceedings or cause of action might have been continued or instituted by or against the Authority 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 Authority was a party may be brought by or against the Bintulu Port Authority (Sarawak) as the appeal or leave of appeal might have been brought or applied by or against the Authority if this Act had not been passed.

(3) Notwithstanding anything in this section, the Government shall bear the costs and expenses of any proceedings or cause of action which—

(a) a judgment or award has been made against the Authority;  
or

(b) accruing against the Authority,

before the date of coming into operation of this Act.

### **Continuance of laws, etc.**

**10.** (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 Authority in any written law including subsidiary legislation or document shall be construed as a reference to the Bintulu Port Authority (Sarawak).

**Vesting of property, etc.**

**11.** (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 Authority specified by the Minister in the order shall, by virtue of this Act, be transferred to and vested in the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak without any conveyance, assignment or transfer.

(2) Every property, rights, interest, obligation and liability transferred to and vested in the Authority shall be transferred to and vested in the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak, 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 was vested in the Authority shall, on the vesting date, be vested in the Government of the State of Sarawak.

(4) Subject to section 5, any property and asset other than land which before the date of coming into operation of this Act were vested in the Authority shall, on the vesting date, be vested in the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws.

(5) In the case of properties, rights, interests, obligations and liabilities arising under any loan which are vested in the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws on the vesting date, the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws may enter into agreements or arrangements over the rights, interests, obligations and liabilities with any other person.

### **Written consent**

**12.** In this Act, “written consent” means a consent of both the Government and the Government of the State of Sarawak as specified in any document or instruments certified and verified by the Government and the Government of the State of Sarawak.

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### EXPLANATORY STATEMENT

This Bill (“the proposed Act”) seeks to repeal the Bintulu Port Authority Act 1981 [*Act 243*], to dissolve the Bintulu Port Authority established under the Act, to provide for the vesting of its properties to the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws 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 Bintulu Port Authority Act 1981 and the dissolution of the Authority.

5. *Clause 4* seeks to provide for the devolution of powers, rights, duties, liabilities and obligations of the Authority to the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak.

6. *Clause 5* seeks to provide for the transfer of financial assets.

*Subclause 5(1)* seeks to provide that all the financial assets standing in, or due to be paid to, the Authority shall be transferred to the Government.



*Subclause 5(2)* seeks to define “financial asset” referred to in *subclause 5(1)* as any asset owned by the Authority including loans given, receivables from exchange dealings and investments, which can be liquidated to cash value.

7. *Clause 6* seeks to provide for all rental deposits and lease deposits standing in to the Authority, all advanced receipts of lease standing in to the Authority and lease rent due to be paid to the Authority shall be transferred to the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws.

8. *Clause 7* seeks to provide for the transfer of all existing agreements, deeds, documents and other instruments from the Authority to the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak.

9. *Clause 8* seeks to provide for the saving of any licence held by a person before the date of coming into operation of the proposed Act.

10. *Clause 9* seeks to provide for the continuance of legal proceedings by or against the Authority under the Bintulu Port Authority 1981. This *clause* also provides that any costs and expenses of any proceedings or cause of action which a judgment or award has been made against the Authority or accruing against the Authority before the date of coming into operation of the proposed Act shall be borne by the Government.

11. *Clause 10* 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 the Authority in any written laws including subsidiary legislation or document shall be construed as a reference to the Bintulu Port Authority (Sarawak).

12. *Clause 11* contains provisions relating to the vesting in the Government or the Government of the State of Sarawak or any entity empowered or appointed by the Government of the State of Sarawak under the relevant written laws, in accordance with the written consent of the Government and the Government of the State of Sarawak, all properties, rights, interests, obligations and liabilities of the Authority as specified by the Minister in the order published in the *Gazette* without any conveyance, assignment or transfer.

13. *Clause 12* seeks to provide that written consent means a consent of both the Government and the Government of the State of Sarawak as specified in any document or instruments certified and verified by the Government and the Government of the State of Sarawak.

*FINANCIAL IMPLICATIONS*

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