



LAWS OF MALAYSIA

Act 714

**SURUHANJAYA PENGANGKUTAN AWAM DARAT
ACT 2010**

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LAWS OF MALAYSIA

Act 714

SURUHANJAYA PENGANGKUTAN AWAM DARAT ACT 2010

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LAWS OF MALAYSIA

Act 714

SURUHANJAYA PENGANGKUTAN AWAM DARAT ACT 2010

An Act to provide for the establishment of the Suruhanjaya Pengangkutan Awam Darat towards achieving a safe, reliable, responsive, accessible, efficient, planned, integrated and sustainable land public transport, while ensuring the provision of affordable services for the carriage of passengers and competitive services for the carriage of goods and for related matters.

[]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title, commencement and application

1. (1) This Act may be cited as the Suruhanjaya Pengangkutan Awam Darat Act 2010.

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

(3) This Act applies to Peninsular Malaysia.

Interpretation

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

“members” means the Chairman and other members of the Commission appointed under section 5;

“Government Entity” means—

- (a) the Federal Government, or any State Government, State Authority or local government; and
- (b) any ministry, department, office, agency, authority, commission, committee, board, council or other body, corporate or unincorporate, of the Federal Government, or of any State Government or local government, whether established under written law or otherwise;

“committee” means a committee established by the Commission under section 13;

“goods vehicle” has the meaning assigned to it in section 2 of the Land Public Transport Act 2010 [Act 715];

“tourism vehicle” has the meaning assigned to it in section 2 of the Land Public Transport Act 2010;

“public service vehicle” has the meaning assigned to it in section 2 of the Land Public Transport Act 2010;

“railway” has the meaning assigned to it in section 2 of the Land Public Transport Act 2010;

“Chief Executive Officer” means the Chief Executive Officer of the Commission appointed under section 23;

“Fund” means the Suruhanjaya Pengangkutan Awam Darat Fund established under section 29;

“Minister” means the Prime Minister;

“Minister of Finance” means the Minister responsible for finance;

“persons with disabilities” has the meaning assigned to it in section 2 of the Persons with Disabilities Act 2008 [Act 685];

“appointed officer” has the meaning assigned to it in section 2 of the Land Public Transport Act 2010;

“employees” means any person employed by the Commission under section 25, and includes the Chief Executive Officer;

“land public transport” means the transport on land by means of land public passenger transport and land public freight transport, and includes land public transport services, terminals, facilities, networks, systems, operations and other services associated with such transport or land public transport services;

“land public freight transport” means the carriage of goods on land by means of a goods vehicle or railway;

“land public passenger transport” means the carriage of passengers, including their luggage, on land by means of a public service vehicle, tourism vehicle or railway;

“licensed operator” has the meaning assigned to it in section 2 of the Land Public Transport Act 2010;

“Chairman” means the Chairman of the Commission appointed under section 5;

“land public transport service” means—

- (a) the carriage of passengers by means of land public passenger transport; and
- (b) the carriage of goods by means of land public freight transport;

“universal design” has the meaning assigned to it in section 2 of the Persons with Disabilities Act 2008;

“Commission” means the Suruhanjaya Pengangkutan Awam Darat established under section 3;

“appointed date” means the date appointed by the Minister under subsection 1(2);

“land public transport laws” means this Act and the Land Public Transport Act 2010, and includes any subsidiary legislation made under those laws.

PART II

THE COMMISSION

Establishment of the Commission

3. (1) A body corporate by the name of “Suruhanjaya Pengangkutan Awam Darat” is established.

(2) The Commission shall have perpetual succession and may sue and be sued in its corporate name.

(3) Subject to and for the purposes of this Act, the Commission may, upon such terms as it deems fit—

(a) enter into contracts; and

(b) in respect of movable and immovable property and interest in movable and immovable property of every description—

(i) acquire, purchase and take such property and interest; and

(ii) hold, enjoy, convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer, or otherwise dispose of, or deal with, such property and interest vested in the Commission.

Common seal

4. (1) The Commission shall have a common seal which shall bear a device approved by the Commission and the seal may from time to time be broken, changed, altered and made anew as the Commission thinks fit.

(2) Until a seal is provided by the Commission, a stamp bearing the words “Suruhanjaya Pengangkutan Awam Darat” may be used and shall be deemed to be the common seal of the Commission.

(3) The common seal shall be kept in the custody of the Chairman or any other person authorized by the Commission, and shall be authenticated by either the Chairman or such person as may be authorized by the Chairman in writing.

(4) All deeds, documents and other instruments purporting to be sealed with the common seal and duly authenticated shall, until the contrary is proven, be deemed to have been validly executed.

(5) Any deed, document or other instrument which, if executed by a person not being a body corporate, is not required to be under seal may in like manner be executed by a member of the Commission or any other person authorized by the Commission on behalf of the Commission.

(6) The common seal of the Commission shall be officially and judicially noticed.

Membership of the Commission

5. The Commission shall consist of the following members who shall be appointed by the Minister:

- (a) the Chairman;
- (b) the Chief Executive Officer;
- (c) not more than five representatives of the Government;
and
- (d) not less than three but not more than five other members who in the opinion of the Minister have knowledge and experience and shown capacity and professionalism in matters relating to land public transport or any other suitable qualification as the Minister may determine.

Schedule

6. (1) The provisions of the Schedule shall apply to members of the Commission.

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

Approval to hold other offices

7. A member of the Commission shall not, while holding such office, hold any other office or employment, whether remunerated or not, without the Minister's prior written approval.

Tenure of office

8. (1) Subject to such conditions as may be specified in his instrument of appointment, a member of the Commission shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding three years and is eligible for reappointment.

(2) This section shall not apply to the Chief Executive Officer.

Remuneration and allowances

9. (1) The Chairman shall be paid such remuneration and allowances as the Minister may determine.

(2) All other members of the Commission shall be paid 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 Commission.

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

Vacation of office

11. The office of a member of the Commission shall be vacated—

(a) if he dies;

(b) if he has been convicted of an offence;

- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) in the case of the Chairman, if he absents himself from three consecutive meetings of the Commission without leave in writing from the Minister; or
- (f) in the case of a member of the Commission other than the Chairman, if he absents himself from three consecutive meetings of the Commission without leave in writing from the Chairman.

Temporary exercise of functions of the Chairman

12. The Minister may appoint temporarily any member of the Commission, other than the Chief Executive Officer, to act as the Chairman for the period when—

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

Committees

13. (1) The Commission may establish any committee as it considers necessary or expedient to assist it in the performance of its functions.

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

(3) The Commission may appoint any person to be a member of a committee.

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

(5) The Commission may revoke the appointment of any member of a committee.

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

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

(8) The Commission may, at any time, discontinue or alter the constitution of a committee.

(9) A committee may regulate its own procedure.

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

(11) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(12) A committee shall cause—

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

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

(13) A committee may invite any person to attend any of its meetings for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting.

(14) The members of a committee and any person invited under subsection (13) shall be paid such allowances and other expenses as the Commission may determine.

Disclosure of interest

14. (1) A member of the Commission or any committee established under section 13 who has or acquires a direct or indirect interest whether by himself, a member of his family or his associate in relation to any matter under discussion by the Commission or committee shall disclose to the Commission or committee, as the case may be, the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Commission or committee, as the case may be, in which the matter is discussed and, after the disclosure, the member—

- (a) shall not be present or take part in any discussion or decision of the Commission or committee, as the case may be, about the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Commission or committee, as the case may be,

when the matter is discussed or decided upon.

(3) A member of the Commission or committee who fails to disclose his interest as required under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(4) No act or proceedings of the Commission or committee shall be invalidated on the ground that any member of the Commission or committee has contravened this section.

(5) For the purposes of this section—

“a member of his family”, in relation to a member of the Commission or a committee, includes—

- (a) his spouse;
- (b) his parent (including a parent of his spouse);
- (c) his child (including an adopted child or stepchild);
- (d) his brother or sister (including a brother or sister of his spouse); and
- (e) a spouse of his child, brother or sister; and

“associate”, in relation to a member of the Commission or a committee, means—

- (a) a person who is a nominee or an employee of the member;

- (b) a firm of which the member or any nominee of his is a partner;
- (c) a partner of the member;
- (d) a trustee of a trust under which the member or a member of his family is a beneficiary; or
- (e) any corporation within the meaning of the Companies Act 1965 [Act 125], of which the member or any nominee of his or a member of the member's family is a director or has a substantial shareholding in the corporation.

PART III

FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the Commission

15. The Commission shall have all the functions conferred on it under the land public transport laws and shall also have the following functions:

- (a) to advise the Minister on all matters relating to land public transport, including matters in connection with the exercise of its functions under the land public transport laws;
- (b) to promote, encourage, facilitate and implement a safe, reliable, responsive, efficient, planned, integrated and sustainable land public transport;
- (c) to promote, encourage, facilitate and implement the provision of affordable services for the carriage of passengers by public service vehicles and railways and competitive services for the carriage of goods by land public freight transport;
- (d) to advise the Minister on policies and plans, including schemes and programmes in respect of land public transport and develop strategies in line with such policies and plans, including those relating to—
 - (i) the provision, development, improvement and expansion of land public transport in line with anticipated user demand;

- (ii) the enhancement of safety, reliability and efficiency of land public transport services through the formulation, implementation and monitoring of minimum performance standards;
 - (iii) the promotion and improvement of co-ordination, integration and accessibility within the land public transport system;
 - (iv) the competition framework in respect of the supply of land public transport services; and
 - (v) travel demand management mechanisms;
- (e) to assist the Minister in developing a national master plan and regional master plans or other policy documents or plans requested by the Minister from time to time, for land public transport and review, revise and where relevant, implement any part of the same falling within the scope of its functions and powers under the land public transport laws and assist the Minister in monitoring the extent of the implementation of the same by other Government Entities exercising their functions and powers under other written laws or otherwise;
- (f) to advise the Minister on fair and efficient structures or mechanisms for fares imposed on passengers of public service vehicles and railways, that are affordable to passengers and fair to licensed operators, having regard to relevant considerations, including the standard and quality of services provided;
- (g) to advise the Minister on competitive structures or mechanisms for land public freight transport, having regard to relevant considerations, including the standard and quality of services provided and operator viability;
- (h) to supervise and regulate land public transport in accordance with the land public transport laws;
- (i) to implement and enforce the land public transport laws;
- (j) to review land public transport laws and any other law affecting land public transport and make the necessary recommendations to the Government;

- (k) to promote, facilitate, encourage and implement the use of new technology for the improvement of environmental performance or compliance of the land public transport and to regulate the same;
- (l) to investigate and review railway accidents and incidents in accordance with and subject to its functions under the Land Public Transport Act 2010 and to take such responsive action as it considers necessary;
- (m) to conduct inquiries on, carry out surveys and research on, collate, analyse and publish information, statistics and factors influencing or relevant to, the development or improvement of land public transport, including the relieving of road congestion or for the better carrying out of the Commission's functions;
- (n) to foster and promote better understanding of policies, plans, strategies, schemes and programmes contained in the master plan on land public transport described in paragraph (e), whether solely or jointly with other Government Entities or any other person;
- (o) to issue guidelines or circulars in relation to the implementation and enforcement of the provisions of the land public transport laws;
- (p) to recommend to the relevant Government Entities such policies, laws and actions to be applied by them to facilitate the achievement of a safe, reliable, responsive, efficient, planned, integrated and sustainable land public transport;
- (q) to advise or provide guidance or recommendations to the relevant Government Entities in relation to the integration of land use and land public transportation planning and policies;
- (r) to promote and facilitate conformity of land public transport facilities, amenities and services with universal design to facilitate their access and use by persons with disabilities;
- (s) to perform such other functions as are conferred on the Commission by the land public transport laws; and

- (t) to carry out all such activities and do all such things as may appear to the Commission requisite, advantageous or convenient for the purpose of carrying out or in connection with the performance of its functions under the land public transport laws.

Powers of the Commission

16. (1) The Commission shall have the power to do all things necessary or expedient for, or in connection with, the performance of its functions under the land public transport laws.

(2) Without prejudice to the generality of subsection (1), the powers of the Commission shall include the power—

- (a) to utilise all the property of the Commission, movable and immovable, in such manner as the Commission thinks expedient including the raising of loans by mortgaging such property;
- (b) to impose fees or charges for services rendered by the Commission;
- (c) to appoint such agents, experts or consultants as it deems fit to assist the Commission in the performance of its functions;
- (d) to grant loans and scholarships to employees of the Commission for such purposes as may be approved by the Minister;
- (e) to formulate and implement programmes for the proper and effective performance of the Commission's functions, including programmes for human resource development, funding and co-operation;
- (f) to co-operate with Government Entities or any other body corporate for the purpose of performing the Commission's functions; and
- (g) to do anything incidental to any of its functions.

Arrangements with Government Entities

17. (1) Subject to subsection (2), the Commission may enter into an agreement or arrangement with any Government Entity concerning—

- (a) the carrying out by the Commission and the Government Entity of any of their respective functions and powers; or
- (b) the carrying out or provision by the Government Entity, on behalf of the Commission, of any works or services.

(2) Any agreement or arrangement entered into under subsection (1) shall be—

- (a) with the consent of the Minister in the case of a Federal Government Entity;
- (b) with the consent of the respective State Government in the case of a State Government Entity; and
- (c) subject to and in accordance with the laws governing the functions and powers of the relevant Government Entity.

Responsibility of Government Entities

18. It shall be the responsibility of every Government Entity to—

- (a) co-operate with and assist the Commission, including to provide such information within their control or ability to procure, as may be required by the Commission and any appointed officer in the performance of the Commission's functions and in the exercise of its powers under the land public transport laws; and
- (b) where relevant, refer to and utilise the information and statistics disseminated by the Commission in the performance of the Government Entity's functions and in the exercise of its powers.

Delegation of the Commission's functions and powers

19. (1) The Commission may, in writing, delegate any of its functions and powers under the land public transport laws, except the power to make subsidiary legislation, to—

- (a) a member of the Commission;
- (b) a committee; and
- (c) any employee of the Commission.

(2) Any person delegated with such function or power shall be bound to observe and have regard to all conditions and restrictions imposed by the Commission and all requirements, procedures and matters specified by the Commission.

(3) Any function and power delegated under this section shall be performed and exercised in the name and on behalf of the Commission.

(4) The delegation under this section shall not preclude the Commission itself from performing or exercising at any time any of the delegated functions and powers.

Direction by Minister

20. (1) The Commission shall be responsible to the Minister.

(2) The Minister may give to the Commission directions of a general character, consistent with the provisions of the land public transport laws, relating to the performance of the functions and powers of the Commission and the Commission shall give effect to such directions.

Returns, reports, accounts and information

21. (1) The Commission 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, from time to time, require or direct.

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

Commission may establish and participate in body corporate

22. The Commission may, with the approval of the Minister and the concurrence of the Minister of Finance, establish and participate in any body corporate for the purpose of promoting the service level standards in relation to land public transport or for such other purposes deemed necessary to promote the development and improvement of land public transport.

PART IV

EMPLOYEES OF THE COMMISSION

Chief Executive Officer

23. (1) The Minister shall appoint a Chief Executive Officer on such terms and conditions, and who shall be paid such remuneration and allowances, as he thinks desirable.

(2) The Commission shall vest in the Chief Executive Officer such power and impose upon him such duties as may be determined by the Commission.

(3) The Chief Executive Officer shall be responsible for the overall administration and management of the functions and the day-to-day affairs of the Commission.

(4) The Chief Executive Officer shall have general control of the employees of the Commission.

(5) The Chief Executive Officer shall perform such other duties as the Commission may, from time to time, direct.

(6) In discharging his duties, the Chief Executive Officer shall act under the general authority and direction of the Commission.

(7) The Chief Executive Officer shall be an employee of the Commission.

Temporary exercise of the functions of Chief Executive Officer

24. The Minister may appoint any employee of the Commission to act as the Chief Executive Officer during any period when—

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

Appointment of employees of the Commission

25. The Commission may, from time to time, appoint and employ such number of employees as it thinks desirable and necessary and upon such terms as it considers appropriate for carrying out the purposes of the land public transport laws.

Conditions of service

26. The Commission may, with the approval of the Minister, determine the conditions of service of its employees.

Payment of retirement benefits, *etc.*

27. The Commission may make arrangements for the payment to its employees and their dependants of such retirement benefits, pensions, gratuities and other allowances as the Commission may determine.

Loans, scholarships and advances

28. The Commission may grant loans, scholarships and advances to its employees for such purposes and on such terms as the Commission may determine.

PART V

FINANCE

Suruhanjaya Pengangkutan Awam Darat Fund

29. (1) A fund to be known as the “Suruhanjaya Pengangkutan Awam Darat Fund” is established and shall be administered and controlled by the Commission.

(2) The Fund shall consist of—

- (a) such sums as may be provided from time to time by Parliament;
- (b) all or any part of the operators’ licence fees or other fees, administrative charges or other charges imposed by or payable to the Commission under the land public transport laws;
- (c) all moneys derived as income from investments by the Commission;
- (d) all moneys derived from the sale, disposal, lease or hire of, or any other dealing with, any property, mortgages, charges or debentures vested in or acquired by the Commission;
- (e) all moneys and property which may in any manner become payable to or vested in the Commission in respect of any matter incidental to its functions and powers;
- (f) any costs paid to, or recovered by, the Commission in any settlement of action or proceedings, civil or criminal;
- (g) all moneys borrowed by the Commission under section 33; and
- (h) all other moneys lawfully received by the Commission,

but shall not include moneys or sums which are payable into the Land Public Transport Fund established under the Land Public Transport Act 2010.

Expenditure to be charged on the Fund

30. The Fund shall be expended for the following purposes:

- (a) paying any expenditure lawfully incurred by the Commission;
- (b) paying for the remuneration, allowances and other expenses of the members of the Commission, members of the committees and employees of the Commission, including the granting of loans, scholarships and advances, superannuation allowances, retirement benefits, pensions, gratuities and other benefits;
- (c) paying any other expenses, costs or expenditure in relation to the procurement of goods and services, including the engagement of consultants, legal fees and costs and other fees and costs, properly incurred or accepted by the Commission in the performance of its functions and exercise of its powers under the land public transport laws;
- (d) purchasing or hiring equipment, machinery and any other materials, acquiring land and any assets, and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or in the exercise of its powers under the land public transport laws;
- (e) repaying any moneys borrowed under section 33 and the interest due on the borrowed moneys; and
- (f) generally, paying any expenses for carrying into effect the provisions of the land public transport laws.

Conservation of the Fund

31. It shall be the duty of the Commission to conserve the Fund by so performing its functions and exercising its powers under this Act as to secure that the total revenues of the Commission are sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Bank accounts

32. The Commission shall open and maintain an account or accounts with such bank or banks in Malaysia as the Commission thinks fit.

Power to borrow

33. The Commission may, from time to time, borrow in such form and on such terms as may be approved by the Minister with the concurrence of the Minister of Finance, any money required by the Commission for meeting any of its obligations or discharging any of its duties.

Investment

34. The moneys of the Commission shall, in so far as they are not immediately required to be expended by the Commission under this Act, be invested in such manner as the Minister may, with the concurrence of the Minister of Finance, approve.

Limitation on contracts

35. The Commission shall not, without the approval of the Minister and the concurrence of the Minister of Finance, enter into any contract under which the Commission is to pay or receive an amount exceeding ten million ringgit.

Financial procedure

36. Subject to this Act and approval of the Minister, the Commission shall determine its own financial procedure.

Financial year

37. The financial year of the Commission shall begin on 1 January and end on 31 December of each year.

PART VI

GENERAL

Prosecution

38. (1) A prosecution for any offence under this Act shall not be instituted except by or with the consent in writing of the Public Prosecutor.

(2) Any employees of the Commission authorized in writing by the Public Prosecutor may conduct the prosecution for any offence under this Act.

Public servant

39. All members of the Commission and of any committee, and employees and agents of the Commission, while discharging their duties under this Act as such members, employees or agents, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Protection against suits and legal proceedings

40. No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintained in any court against—

(a) the Commission; or

(b) any member of the Commission or of the committee, any employee or agent of the Commission,

in respect of any act, neglect or default done or committed by it or him in good faith or any omission omitted by it or him in good faith, in such capacity.

Public Authorities Protection Act 1948

41. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Commission or against a member of the Commission, a member of a committee, and an employee or agent of the Commission in

respect of any act, neglect or default done or committed by it or him in good faith or any omission by it or him in good faith, in such capacity.

Obligation of secrecy

42. (1) Except for any of the purposes of this Act or for the purposes of any civil or criminal proceedings under any written law or where otherwise authorized by the Commission—

- (a) no member of the Commission or any of its committees or any employee or agent of the Commission or any person attending any meeting of the Commission or any of its committees, whether during or after his tenure of office or employment, shall disclose any information obtained by him in the course of his duties and which is not published in pursuance of the land public transport laws; and
- (b) no other person who has by any means access to any information or document relating to the affairs of the Commission shall disclose such information or document.

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

Representation in civil proceedings

43. Notwithstanding the provisions of any other written law—

- (a) in any civil proceedings by or against the Commission;
- (b) in any civil proceedings against any employee in relation to the performance of his functions under the land public transport laws; or
- (c) in any other civil proceedings in which the Commission 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 authorized by the Commission for that purpose may, on behalf of the Commission or the said employee, 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 Commission or employee.

Power to make regulations

44. The Minister may make regulations as may be expedient or necessary for giving full effect or the better carrying out of the provisions of the Act.

Power to employ

45. The Commission may employ and pay agents and technical advisers, including advocates and solicitors, bankers, consultants and other persons, to transact any business or to do any act required to be transacted or done in the performance of its functions, the exercise of its powers or for the better carrying into effect the purposes of this Act.

Employment of government employees

46. (1) The Commission shall, on the appointed date, accept into its employment every person who immediately before that date is in the employment or service of—

- (a) the Commercial Vehicles Licensing Board Peninsular Malaysia; and
- (b) the Department of Railways, Ministry of Transport,

who was given an option by the Government of Malaysia and has opted to serve as an employee of the Commission.

(2) Every such person who opts under subsection (1) to serve as an employee of the Commission shall be employed by the Commission on terms and conditions of service not less favourable than the terms and conditions of service to which he was entitled to immediately before the appointed date.

(3) Until such time as the terms and conditions of service of its employees are drawn up by the Commission, the scheme and terms and conditions of service of employees of the Commercial Vehicles Licensing Board Peninsular Malaysia or Department of Railways, Ministry of Transport, as the case may be, shall continue to apply to every person employed by the Commission under subsection (1).

Things done in anticipation of the enactment of this Act

47. All things done by any person or authority on behalf of the Commission in the preparation of and towards the proper implementation or administration of any of the provisions of this Act, and any expenditure incurred in relation thereto, in anticipation of the enactment of this Act shall be deemed to have been authorized by this Act, and all rights acquired or obligations incurred on behalf of the Commission from anything so done shall, on the appointed date, be deemed to be the rights and obligations of the Commission.

SCHEDULE

[Section 6]

Times and places of meetings

1. (1) The Commission shall hold as many meetings as are necessary for the efficient performance of its functions and such meetings are to be held at such places and times as the Chairman may decide, provided that the Chairman shall not allow more than two months to lapse between meetings.

(2) The Chairman shall call for a meeting if requested to do so in writing by the Minister or by at least two members of the Commission.

Quorum

2. The Chairman and at least half of the other members of the Commission shall form a quorum at any meeting of the Commission.

Casting vote

3. If on any question to be determined by the Commission there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

Commission may invite others to meetings

4. (1) The Commission may invite any person to attend any meeting or deliberation of the Commission 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 may be determined by the Commission.

Minutes

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

(2) The minutes of meetings of the Commission, if duly signed, shall, in any legal proceedings, be admissible as *prima facie* evidence of the facts stated in the minutes without further proof.

(3) Every meeting of the Commission 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

6. The Commission may regulate its own procedure.

Validity of acts and proceedings

7. 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 Commission; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

Members to devote time to business of Commission

8. The members of the Commission shall devote such time to the business of the Commission as is necessary to discharge their duties effectively.

