

# ENERGY COMMISSION (AMENDMENT) ACT 2010

## ACT A1371

*Date of Royal Assent: ... .. 31 January 2010*

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*In force from: 15 March 2010 [P.U.(B) 105/2010]*

An Act to amend the Energy Commission Act 2001.

**ENACTED** by the Parliament of Malaysia as follows:

*[Use Back Button To Go Back]*

### **1. Short title and commencement.**

(1) This Act may be cited as the Energy Commission (Amendment) Act 2010.

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

### **2. Amendment of section 2.**

The Energy Commission Act 2001 [*Act 610*], which is referred to as the "principal Act" in this Act, is amended in section 2:-

(a) in the definition of "Chief Executive Officer", by deleting the words ", being the Chairman, and"; and

(b) in the definition of "Minister", by inserting after the words "the Chairman" the words ", the Chief Executive Officer".

### **3. Amendment of section 5.**

Section 5 of the principal Act is amended:-

(a) in subsection (1):-

(i) in paragraph (a), by substituting for the word "a" the word "the";

(ii) in paragraph (b), by substituting for the words "two members representing the Government; and" the words "the Chief Executive Officer;";

(iii) in paragraph (c), by substituting for the words "not less than two but not more than four other members." the words "three members representing the Government; and"; and

(iv) by inserting after paragraph (c) the following paragraph:

"(d) not more than six members, who, in the opinion of the Minister, have experience and shown capacity and professionalism in matters relating to finance, engineering, business or administration, or are otherwise suitable for appointment because of their special knowledge and experience."; and

(b) in subsection (2), by inserting after the word "Commission" the words ", other than the Chief Executive Officer,".

#### **4. Amendment of section 7.**

The principal Act is amended by substituting for section 7 the following section:

##### **"7. Tenure of office.**

(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 of two years.

(2) A member of the Commission shall be eligible for reappointment but no member shall hold office for more than three terms.

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

#### **5. Amendment of section 9.**

Section 9 of the principal Act is amended:-

(a) in subsection (1), by inserting after the word "Commission" the words ", other than the Chief Executive Officer,"; and

(b) in subsection (2), by inserting after the words "A member of the Commission" the words ", other than the Chief Executive Officer,".

## **6. Amendment of section 10.**

Section 10 of the principal Act is amended by inserting after the words "The office of a member of the Commission" the words ", other than the Chief Executive Officer,".

## **7. New section 17A.**

The principal Act is amended by inserting after section 17 the following section:

### **"17A. Restriction on the use of the symbol or representation of the Commission.**

(1) The Commission shall have the exclusive right to the use of such symbol or representation as the Commission may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) The symbol or representation selected or devised by the Commission shall be published in the *Gazette*.

(3) Any person who uses a symbol or representation of the Commission or any resemblance thereof, or creates any symbol or representation which refers to the Commission so as to deceive or cause confusion, or to be likely to deceive or to cause confusion, commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both."

## **8. Amendment of section 18.**

Section 18 of the principal Act is amended by substituting for subsection (1) the following subsection:

"(1) The Minister shall appoint a Chief Executive Officer on such terms and conditions as he considers desirable."

## **9. New section 18A.**

The principal Act is amended by inserting after section 18 the following section:

### **"18A. Temporary exercise of functions of Chief Executive Officer.**

The Minister may appoint temporarily any officer of the Commission to act as the Chief Executive Officer for the 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."

#### **10. Amendment of section 21.**

Section 21 of the principal Act is amended:-

- (a) in the shoulder note, by inserting after the word "Loans" the words ", scholarships"; and
- (b) by inserting after the word "loans" the words ", scholarships".

#### **11. Amendment of section 25.**

Section 25 of the principal Act is amended:-

- (a) by deleting the word "and" at the end of paragraph (e); and
- (b) by inserting after paragraph (e) the following paragraph:

"(ea) granting loans, scholarships and advances to its officers under section 21; and".

#### **12. New section 30A.**

The principal Act is amended by inserting after section 30 the following section:

##### **"30A. Limitation on contracts.**

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."

#### **13. Amendment of section 33.**

The principal Act is amended by substituting for section 33 the following section:

##### **"33. Accounts and reports.**

(1) The Commission shall cause proper accounts of the Fund and proper reports of its activities to be kept and shall, as soon as practicable after the end of each financial year, cause to be prepared for that financial year:-

(a) a statement of accounts of the Commission which shall include the balance sheet and account of income and expenditure; and

(b) a statement of its activities.

(2) The Commission shall as soon as possible send a copy of the statement of accounts certified by the auditors and a copy of the auditors' report to the Minister who shall cause them to be laid before both Houses of Parliament.

(3) The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Commission."

#### **14. Deletion of section 34.**

The principal Act is amended by deleting section 34.

#### **15. Saving.**

Any action taken or direction given by the Chairman acting as the Chief Executive Officer prior to the commencement of this Act shall be deemed to have been taken or given by the newly appointed Chief Executive Officer under this Act and may accordingly be continued by him.