



LAWS OF MALAYSIA

Act 654

**SURUHANJAYA PERKHIDMATAN AIR NEGARA
ACT 2006**

Date of Royal Assent	...	10 July 2006
Date of publication in the <i>Gazette</i>	20 July 2006

Publisher's Copyright ©

PERCETAKAN NASIONAL MALAYSIA BERHAD

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording and/or otherwise without the prior permission of **Percetakan Nasional Malaysia Berhad (Appointed Printer to the Government of Malaysia)**.

LAWS OF MALAYSIA**Act 654****SURUHANJAYA PERKHIDMATAN
AIR NEGARA ACT 2006**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title, commencement and application
2. Interpretation

PART II**THE COMMISSION**

3. Establishment of the Commission
4. Common seal
5. Membership of the Commission
6. Temporary exercise of functions of the Chairman
7. Statutory declaration by members of the Commission
8. Approval to hold other office
9. Tenure of office
10. Remuneration and allowances
11. Revocation of appointment and resignation
12. Vacation of office
13. Committees
14. Disclosure of interest

PART III

FUNCTIONS AND POWERS OF THE COMMISSION

Section

15. Functions of the Commission
16. Powers of the Commission
17. Delegation of the Commission's functions or powers
18. Direction by Minister
19. Returns, reports, accounts and information

PART IV

PROVISIONS RELATING TO EMPLOYEES

20. Chief Executive Officer
21. Temporary exercise of functions of the Chief Executive Officer
22. Appointment of employees
23. Conditions of service
24. Loans, scholarships and advances
25. Payment of retirement benefits, *etc.*
26. Commission may adopt regulations, *etc.*

PART V

FINANCE

27. Suruhanjaya Perkhidmatan Air Negara Fund
28. Expenditure to be charged on the Fund
29. Conservation of the Fund
30. Expenditure and preparation of estimates
31. Bank accounts
32. Power to borrow
33. Investment
34. Limitations on contracts
35. Financial procedure
36. Financial year
37. Accounts and reports

PART VI

GENERAL

Section

38. Prosecution
39. Public servant
40. Public Authorities Protection Act 1948
41. Obligation of secrecy
42. Representation in civil proceedings
43. Power to employ
44. Things done in anticipation of the enactment of this Act

SCHEDULE

LAWS OF MALAYSIA**Act 654****SURUHANJAYA PERKHIDMATAN AIR NEGARA
ACT 2006**

An Act to provide for the establishment of the Suruhanjaya Perkhidmatan Air Negara with powers to supervise and regulate water supply services and sewerage services and to enforce the water supply and sewerage services laws 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 Perkhidmatan Air Negara Act 2006.

(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 and the Federal Territories of Putrajaya and Labuan.

Interpretation

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

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

“Fund” means the Suruhanjaya Perkhidmatan Air Negara Fund established under section 27;

“employees” means persons employed by the Commission;

“Chairman” means the Chairman of the Commission appointed under paragraph 5(1)(a);

“water supply services” means the treatment of water abstracted from watercourses and the distribution and supply of treated water to consumers and includes the operation and maintenance of the water supply system;

“sewerage services” means the collection, conveyance, treatment and disposal of sewage or sewage sludge and includes the operation and maintenance of a sewerage system and the desludging of septic tanks;

“Commission” means the Suruhanjaya Perkhidmatan Air Negara established under section 3;

“water supply and sewerage services laws” means this Act and the Water Services Industry Act 2006 [*Act 655*], 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 Perkhidmatan Air Negara” is established with perpetual succession and a common seal.

(2) The Commission 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 common seal of the Commission shall bear a device as 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 Perkhidmatan Air Negara” may be used and shall be deemed to be its common seal.

(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 by such other person authorized by the Chairman in writing.

(4) All deeds, documents and other instruments purporting to be sealed with the common seal and authenticated in accordance with subsection (3) shall, until the contrary is proved, be deemed to have been validly executed.

(5) Any deed, document and 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 an employee of the Commission authorized in that behalf.

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

Membership of the Commission

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

- (a) the Chairman;

- (b) the Chief Executive Officer; and
- (c) not less than eight but not more than ten other persons, who, in the opinion of the Minister, have experience and shown capacity and professionalism in matters relating to finance, engineering, business or administration, or to be otherwise suitable for appointment because of their special knowledge and experience.

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

(3) The Minister may amend the provisions of the Schedule by order published in the *Gazette*.

Temporary exercise of functions of the Chairman

6. 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.

Statutory declaration by members of the Commission

7. (1) No person shall be appointed as a member of the Commission unless before such appointment the person makes a statutory declaration as to whether he has any interest, financial or otherwise, in any undertaking involving water supply services or sewerage services.

(2) If a member of the Commission acquires any interest, financial or otherwise, in any undertaking involving water supply services or sewerage services he shall, within one month after such acquisition, give notice in writing to the Minister specifying the interest acquired, and the Minister may, after taking the matter into consideration, if he thinks fit, declare that the member has vacated his office.

Approval to hold other office

8. The Chairman 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

9. (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 five terms.

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

Remuneration and allowances

10. (1) The Chairman shall be paid such remuneration and allowances as the Minister may determine after consultation with the Minister of Finance.

(2) All other members of the Commission shall be paid such allowances at such rates as the Minister may determine after consultation with the Minister of Finance.

Revocation of appointment and resignation

11. (1) The Minister may at any time revoke the appointment of any member of the Commission, other than the Chief Executive Officer, without assigning any reason for the revocation.

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

Vacation of office

12. The office of a member of the Commission, other than the Chief Executive Officer shall be vacated—

(a) if he dies;

- (b) if there has been proved against him, or he has been convicted on, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) if his conduct, whether in connection with his duties as a member of the Commission or otherwise, has been such as to bring discredit on the Commission;
- (d) if he becomes a bankrupt;
- (e) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (f) in the case of the Chairman, if he absents himself from a meeting of the Commission without leave of the Minister;
- (g) 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 of the Chairman;
- (h) if his appointment is revoked by the Minister; or
- (i) if his resignation is accepted by the Minister.

Committees

13. (1) The Commission may establish any committee as it considers necessary or expedient to assist 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 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 without assigning any reason for the revocation.

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

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

(8) A committee may regulate its own procedure.

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

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

(11) A committee shall cause—

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

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

(12) 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.

(13) The members of a committee and any person invited under subsection (12) shall be paid such allowances and other expenses as the Commission may determine after consultation with the Minister.

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 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) shall be guilty of 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 a 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 imposed on it under the water supply and sewerage services laws and shall also have the following functions:

- (a) to advise the Minister on all matters in relation to the national policy objectives of the water supply and sewerage services laws and to implement and promote the national policy objectives;
- (b) to implement and enforce the water supply and sewerage services laws and to consider and recommend reforms to the water supply and sewerage services laws;
- (c) to ensure the productivity of the water supply services and sewerage services industry and the monitoring of operator compliance with stipulated service standards, contractual obligations and relevant laws and guidelines;
- (d) to increase concerted efforts towards improving the operational efficiency of the industry and in particular the reduction of non-revenue water through short-term, medium-term and long-term programmes;
- (e) to advise the Minister on a fair and efficient mechanism for the determination of tariffs that is fair to both consumers and licensees and to implement tariffs that have been established through appropriate mechanism and tools;
- (f) to ensure the national development goals pertaining to coverage, supply and access to water supply services and sewerage services are achieved;
- (g) to ensure long-term sustainability of quality of water and sewerage services through continued capital works development;
- (h) to formulate and implement a plan so that all reasonable demands for sewerage services are satisfied and in consultation with the relevant authorities, prepare a sewerage catchment plan formulating the policy and general proposals in respect of the development of any new sewerage system and measures for improvement of any existing sewerage system;

- (i) to carry out any function conferred upon it under any other written law; and
- (j) to advise the Minister generally on matters relating to water supply services and sewerage services.

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 water supply and sewerage services laws.

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

- (a) to utilize all the property of the Commission, movable and immovable, in such manner as the Commission may think 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 human resource development and funding and co-operation programmes for the proper and effective performance of the functions of the Commission;
- (f) to co-operate with any corporate body or government agency for the purpose of performing the Commission's functions; and
- (g) to do anything incidental to any of its functions and powers.

Delegation of the Commission's functions or powers

17. (1) The Commission may, in writing, delegate any of the functions and powers imposed or conferred on it by the water supply and sewerage services laws, except the power to make subsidiary legislation, to—

- (a) the Chairman;
- (b) a member of the Commission; or
- (c) a committee.

(2) Any person delegated with such function and 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

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

(2) The Minister may give the Commission directions of a general character consistent with the provisions of this Act 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

19. (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.

PART IV

PROVISIONS RELATING TO EMPLOYEES

Chief Executive Officer

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

(2) The Commission shall vest in the Chief Executive Officer such powers 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 further duties as the Minister and the Commission may from time to time direct.

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

Temporary exercise of functions of the Chief Executive Officer

21. 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.

Appointment of employees

22. The Commission may from time to time appoint and employ such number of employees as the Commission thinks desirable and necessary and upon such terms as it considers appropriate for carrying out the purposes of the water supply and sewerage services laws.

Conditions of service

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

Loans, scholarships and advances

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

Payment of retirement benefits, etc.

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

Commission may adopt regulations, etc.

26. The Commission may, with the approval of the Minister, adopt with such modifications as it deems fit any regulations, rules, policies, circulars and directives enacted or issued by the Federal Government in relation to any matter under this Part.

PART V

FINANCE

Suruhanjaya Perkhidmatan Air Negara Fund

27. (1) A fund to be known as the “Suruhanjaya Perkhidmatan Air Negara 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 by Parliament for the purposes of the water supply and sewerage services laws from time to time;
 - (b) all or any part of the licence fees or other fees, administration charges, levies or other charges imposed by or payable to the Commission under the water supply and sewerage services laws;
 - (c) all moneys derived as income from investments by the Commission;
 - (d) all moneys derived from the sale, disposal, lease or hire, or any other dealing with, any property, mortgages, charges or debentures vested in or acquired by the Commission;
 - (e) all moneys earned from consultancy and advisory services and any other service provided by the Commission;
 - (f) all other 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;
 - (g) sums borrowed by the Commission under section 32; and
 - (h) all other moneys lawfully received by the Commission.

(3) Notwithstanding paragraph 27(2)(b), the moneys referred to in that paragraph which are in excess of the financial requirements of the Commission for the performance of its functions may be paid into the Federal Consolidated Fund.

(4) Notwithstanding subsection (2), any money contributed for the Water Industry Fund and the Sewerage Capital Contribution Fund under the Water Services Industry Act 2006 shall not be a part of the Fund.

Expenditure to be charged on the Fund

- 28.** 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 and advances, superannuation allowances, retirement benefits and gratuities;
- (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 water supply and sewerage services laws;
- (d) purchasing or hiring equipment, machinery and any other material, acquiring land and any assets, and erecting buildings and carrying out any other works and undertakings in the performance of its functions and exercise of its powers under the water supply and sewerage services laws;
- (e) repaying moneys borrowed under section 32 and the interest due on the borrowed moneys;
- (f) granting loans, scholarships and advances to its employees under section 24; and
- (g) generally, paying any expenses for carrying into effect the provisions of the water supply and sewerage services laws.

Conservation of the Fund

29. It shall be the duty of the Commission to conserve the Fund by so performing its functions and exercising its powers under this Act to secure that the total revenue 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.

Expenditure and preparation of estimates

30. (1) The expenditure of the Commission up to such amount as may be authorized by the Minister for any one year shall be defrayed out of the Fund.

(2) Before 1 September of each year, the Commission shall submit to the Minister an estimate of its expenditure (including the expenditure for research and development programmes) for the following year in such form and containing such particulars as the Minister may direct.

(3) The Minister shall, before 1 January of the following year, notify the Commission of the amount authorized for expenditure generally or of the amount authorized for each description of expenditure based on the estimate prepared under subsection (2).

(4) The Commission may at any time submit to the Minister a supplementary estimate of its expenditure for any one year and the Minister may allow the whole or any part of the additional expenditure included in the supplementary estimate.

Bank accounts

31. The Commission shall open and maintain an account or accounts with such bank or banks in Malaysia as the Commission thinks fit, after consulting the Minister; and every such account shall be operated upon as far as practicable by cheques signed by any person as may be authorized by the Commission for such purpose from time to time.

Power to borrow

32. The Commission may, from time to time, borrow in such form and at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise, 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

33. 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.

Limitations on contracts

34. 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

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

Financial year

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

Accounts and reports

37. (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 a balance sheet and an 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 (Account and Annual Reports) Act 1980 [*Act 240*] shall apply to the Commission.

PART VI

GENERAL

Prosecution

38. No prosecution shall be instituted for any offence under this Act without the consent in writing of the Public Prosecutor.

Public servant

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

Public Authorities Protection Act 1948

40. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Commission or 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 him in good faith or any omission omitted by him in good faith in such capacity.

Obligation of secrecy

41. (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
- (b) no other person who has by any means access to any information or documents relating to the affairs of the Commission shall disclose such information or document.

(2) Any person who contravenes subsection (1) shall be guilty of 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

42. Notwithstanding any other written law—

- (a) in any civil proceedings by or against the Commission;
- or

- (b) 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, institute such proceedings or appear in such proceedings and may make all appearances and applications and do all acts in respect of the proceedings on behalf of the Commission.

Power to employ

43. 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 or for the better carrying into effect of the purposes of this Act.

Things done in anticipation of the enactment of this Act

44. All things done by any person or authority on behalf of the Commission in the preparation of and towards the proper administration 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 upon the coming into operation of this Act be deemed to be the rights and obligations of the Commission.

SCHEDULE

[Section 5]

Times and places of meetings

1. (1) The Commission is to 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 four members of the Commission.

Quorum

2. The Chairman and four 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.

Resolutions without meetings

5. (1) A resolution is taken to have been passed at a meeting of the Commission if—

- (a) all members of the Commission have been informed of the proposed resolution, or reasonable efforts have been made to inform all members of the Commission of the proposed resolution; and
- (b) without meeting, all of the members of the Commission indicate agreement with the resolution in accordance with the method determined by the Commission under subparagraph (2).

(2) Subparagraph (1) applies only if the Commission—

- (a) decides that the subparagraph applies; and
- (b) decides the method by which members of the Commission are to indicate agreement with the resolutions.

Minutes

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

(2) The minutes made 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

7. The Commission may regulate its own procedure.

Validity of acts and proceedings

8. No act done or proceedings 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 the Commission

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

