



LAWS OF MALAYSIA

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Act 3

CIVIL AVIATION ACT 1969

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CIVIL AVIATION ACT 1969

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LAWS OF MALAYSIA

Act 3

CIVIL AVIATION ACT 1969

An Act to make better provision in the law relating to Civil Aviation and for matters connected therewith and ancillary to it.

*[Throughout Malaysia—27 February 1969;
Part IIIA: Peninsular Malaysia—1 May 1975,
P.U.(B)163/1975]*

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title and application

1. This Act may be cited as the Civil Aviation Act 1969 and shall extend throughout Malaysia.

Interpretation

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

“aerodrome” means any area of land or water, including any airport, airstrip (including water airstrip), heliport, building, installation and equipment, for the use wholly or partly for the arrival, departure or movement of aircraft;

“airport” means the aggregate of the lands comprised within an aerodrome including buildings, aircraft hangars, storage, facilities, roads and car parks used or intended to be used in whole or in part for the purposes of or in connection with the operation of such aerodrome;

“cargo” means moveable property carried in aircraft;

“Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on 7 December 1944;

“crew” includes every person employed or engaged in an aircraft in flight on the business of the aircraft;

“controlled area” means any area declared to be a controlled area under section 8;

“damage or loss” include, in relation to a person, loss of life and personal injury;

“Director General” means the Director General of Civil Aviation Malaysia;

“erection” in relation to a structure includes an addition or alteration to any existing structure;

“goods” and “articles” include mails and animals;

“Government aerodrome” means any aerodrome under the control of the Minister and includes any aerodrome of the Armed Forces or any visiting force;

“hire or reward” means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft;

“land” includes land covered with water and any right in or over land;

“licensed company” means the company to which a licence is issued by the Minister under subsection 24A(1);

“Malaysian aircraft” means an aircraft registered in any part of Malaysia;

“military aircraft” means aircraft in the military service of the Armed Forces and include any aircraft that is commanded by a member of the Armed Forces in the course of his duties as such a member;

“structure” includes any house, warehouse, office, shop, school and any other building, whether permanent or temporary, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gatepost, pillar, poling, frame, boarding, bridge, cable, wire or any other artificial obstruction raised above ground level.

(2) Any reference in this Act to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory and to the airspace over that country or territory and over the territorial waters adjacent to it.

PART IA

DUTIES AND FUNCTIONS OF THE DIRECTOR GENERAL OF CIVIL AVIATION MALAYSIA

The Director General of Civil Aviation Malaysia

2A. The Director General of Civil Aviation Malaysia shall perform the duties and functions assigned to him under this Act.

Duties and functions of the Director General

2B. It shall be the duty and function of the Director General—

- (a) to exercise regulatory functions in respect of civil aviation and airport and aviation services including the establishment of standards and their enforcement;

- (b) to represent the Government in respect of civil aviation matters and to do all things necessary for this purpose;
- (c) to ensure the safe and orderly growth of civil aviation throughout Malaysia;
- (d) to encourage the development of airways, airport and air navigation facilities for civil aviation;
- (e) to promote the provision of efficient airport and aviation services by the licensed company; and
- (f) to promote the interests of users of airport and aviation services in Malaysia in respect of the prices charged for, and the quality and variety of, services provided by the licensed company.

Delegation of powers, duties and functions of the Director General

2c. (1) The Director General may, in writing, delegate any of the powers, duties and functions conferred on him by this Act.

(2) Any person to whom any power, duty or function has been delegated under subsection (1) shall comply with all the conditions and restrictions imposed by the Director General and all the requirements, procedures and matters specified by the Director General.

(3) Any power, duty or function delegated under subsection (1) shall be exercised, discharged or performed in the name of the Director General.

(4) A delegation under this section shall not preclude the Director General himself from exercising, discharging or performing at any time any of the delegated powers, duties or functions.

(5) A delegation under this section may be revoked or varied at any time by the Director General.

Authority card

2D. Any person when acting under this Act shall, on demand, declare his office, and produce to the person against whom he is acting or from whom he seeks any information such authority card as the Director General may direct to be carried by such person.

PART II**REGULATION OF CIVIL AVIATION****Power to give effect to the Chicago Convention and regulate civil aviation**

3. (1) The Minister may make such regulations as he considers necessary or expedient to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating civil aviation and for carrying out the Chicago Convention, any Annex to it and any amendments of such Convention and Annexes.

(2) Without prejudice to the generality of subsection (1), and without prejudice to this Act, the Minister may make regulations making provision for—

- (a) regulating the use of aircrafts on flights for hire or reward by establishing a system of certification or otherwise in respect of technical and safety matters;
- (b) the registration and marking of aircraft in Malaysia;
- (c) imposing conditions before any aircraft shall be allowed to fly including conditions relating to air worthiness, maintenance and repair, of such aircraft;
- (d) requiring persons performing prescribed functions in relation to the operation or maintenance of aircraft to be the holders of licences or certificates of specified kinds and providing for the

grant, revocation, extension, validation, suspension or variation of such certificates or licences;

- (dd) the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircrafts have landed and for prohibiting or regulating the use of unlicensed aerodromes;
- (e) regulating the use of, or restricting the entry to, aerodromes, aircraft factories or maintenance establishments or such other place as may be expedient including places where aircraft parts and engines are maintained;
- (f) prescribing the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Malaysia may fly, and the conditions under which aircraft may fly from one part of Malaysia to another;
- (g) prescribing the conditions under which passengers and cargo may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and prohibiting the carriage by air of goods of such classes as may be prescribed;
- (h) minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation and prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;
- (i) generally securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and cargo carried in it, and preventing aircraft endangering other persons and property;
- (j) requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (k) regulating the making of signals and other communications by or to aircraft and persons carried in it;

- (l) prescribing a civil air ensign for Malaysia and regulating its use;
- (m) prohibiting or restricting aircraft from flying over such areas in Malaysia as may be prescribed;
- (n) prescribing the charges and fees payable to the Department of Civil Aviation as required under this Act and the manner for collecting and disbursing such charges and fees;
- (nn) *(Deleted by Act A1497)*;
- (o) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by regulations made under this Act and in respect of any other matters in respect of which it appears to the Minister to be expedient for the purpose of regulations made under this Act to charge fees;
- (p) exempting from the provisions of regulations made under this Act or any of them any aircraft, flights or persons or classes of aircraft, persons or flights;
- (q) the investigation in such manner as may be prescribed, including by means of a tribunal established for the purpose, of any accident either occurring in Malaysia or occurring to Malaysian aircraft;
- (r) prohibiting access to or interference with aircraft to which an accident has occurred, and authorizing any person, so far as may be necessary for the purpose of an investigation, to have access to, remove, take measures for the preservation of, or otherwise deal with any such aircraft;
- (s) requiring any person who owns an aircraft or who carries on the business of operating aircraft for reward to furnish such information relating to the aircraft, the crew, the mails, the passengers, and the cargo carried, other work performed by the

aircraft, the journeys made by the aircraft and such traffic reports, cost statistics and financial statements, showing amongst other things, all receipts and the sources of it, as may be prescribed; and

- (t) prescribing the powers, including powers of arrest, that may be exercised by the members of the crew of an aircraft, in relation to persons on board the aircraft, for the purpose of ensuring the safety of the aircraft or its passengers, crew or cargo or otherwise for the purposes of this Act or regulations made under this Act.

(2A) Subject to subsection (4), regulations made under this section may provide for the imposition of the following penalties:

- (a) where the offence is committed by an individual, a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both; or
- (b) where the offence is committed by a body corporate, a fine not exceeding one hundred thousand ringgit.

(3) In the case of a regulation made in pursuance of paragraph (2)(m), may also provide for the taking of such steps (including firing on aircrafts) as may be specified in regulations made under this Act.

(4) Notwithstanding subsection (3), any regulations made in pursuance of paragraph (2)(a) may provide for the imposition of the following penalties:

- (a) in the case of a first offence—
 - (i) where the offence is committed by an individual, a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or both; or
 - (ii) where the offence is committed by a body corporate, a fine not exceeding one hundred thousand ringgit; or
- (b) in the case of a second or subsequent offence—

- (i) where the offence is committed by an individual, a fine not exceeding one hundred thousand ringgit or imprisonment for a term not exceeding five years or both; or
- (ii) where the offence is committed by a body corporate, a fine not exceeding one hundred and fifty thousand ringgit.

Dangerous flying

4. (1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner of it, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand ringgit, or to both.

(2) For the purpose of this section, “owner”, in relation to an aircraft, includes any person by whom the aircraft is hired at the time of the offence.

(3) This section shall be in addition to, and not in derogation of, any provisions made by the Minister under the powers conferred by section 3.

PART III

ESTABLISHMENT AND OPERATION OF AERODROMES

Establishment of aerodromes by the Minister

5. (1) The Minister may establish and maintain aerodromes, and provide and maintain in connection with it, roads, approaches, apparatus, equipment and buildings and other accommodation.

(2) The Minister may for the purpose of exercising the powers conferred by subsection (1) acquire land by agreement or in accordance with the

appropriate law in force in the relevant part of Malaysia relating to the acquisition of land for public purposes.

(3) The purposes for which the Minister may acquire land under this section include the purpose of securing that the land adjacent to the site of an aerodrome which the Minister has established, or is about to establish, shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, or approaching or leaving, the aerodrome.

Establishment, maintenance and operation of aerodrome

5A. (1) The Minister may—

- (a) authorize any person to establish an aerodrome in Malaysia for the take-off and landing of any aircraft engaged in the carriage of passengers, mail or cargo for hire or reward; and
- (b) authorize any person to establish, and license any person to maintain or operate, an aerodrome in Malaysia for the take-off and landing of any aircraft engaged in the carriage of passengers, mail or cargo not for hire or reward.

(2) For the purpose of subsection (1), the Minister may impose such terms and conditions as he thinks fit.

(3) Any person who establishes an aerodrome without an authorization or maintains or operates an aerodrome without a licence under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding ten years or to both.

(4) Any person who fails to comply with any of the terms and conditions imposed under subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Trespassing at licensed and Government aerodromes

6. (1) Any person who trespasses on any land forming part of an aerodrome, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand ringgit:

Provided that no person shall be liable to conviction under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted, so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

(2) Any person being the owner or for the time being having charge of a domestic animal which trespasses on land forming part of an aerodrome shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand ringgit.

(3) Any animal found on land forming part of an aerodrome may be destroyed by the proprietor of the aerodrome or by a person authorized by him:

Provided that if any such animal is for the time being in the charge of a person, such animal shall not be destroyed unless such person, upon being requested so to do, fails to remove the animal within a time which is in the circumstances reasonable.

(4) *(Deleted by Act A803).*

PART IIIA

CIVIL AVIATION FUND

***Commencement of Part IIIA**

6A. This Part shall come into force on such date as the Minister may, by notification in the *Gazette* appoint; and the Minister may appoint different dates for the coming into force for different parts of Malaysia.

Interpretation

6B. In this Part, unless the context otherwise requires—

“appointed date” means the date appointed under section 6A and if different dates are appointed under that section for different parts of Malaysia, the relevant date on which this Part comes into force for that part of Malaysia;

“civil aviation authority” means the Director General of Civil Aviation Malaysia, and includes an officer empowered by him to perform all or any of the functions conferred on the civil aviation authority under this Part;

“civil aviation services” includes all services connected with air navigation and Government aerodromes except for purposes of defence of the realm by air and for the purpose of this definition “Government aerodromes” shall not include any aerodrome of the armed forces or any visiting force;

“Development Fund” means the Development Fund specified in the Second Schedule to the Financial Procedure Act 1957 [*Act 61*];

“transfer date” means the date on which any designated property in a designated airport, which the Government of Malaysia was entitled to, is transferred to a company by virtue of the Airport and Aviation Services (Operating Company) Act 1991 [*Act 467*].

* *NOTE*—Part IIIA was inserted by the Civil Aviation (Amendment) Act 1975 [*Act A282*] and came into operation on 28-02-1975.

Establishment of Civil Aviation Fund

6C. (1) There is hereby established a fund to be known as the Civil Aviation Fund (hereinafter referred to as “the Fund”) which shall be controlled and operated by the Director General in accordance with this Part.

(2) The monetary transaction of the civil aviation authority shall be processed through the Fund, and for this purpose the following new item is hereby incorporated into the Second Schedule to the Financial Procedure Act 1957—

“Civil Aviation Fund.”.

(3) On the establishment of the Fund and notwithstanding subsection 9(6) of the Financial Procedure Act 1957, the balances in the Trust Accounts in respect of the civil aviation authority except the Development Fund Trust Account shall be paid to the Fund.

Money required to be paid to the Fund

6D. (1) Notwithstanding the relevant provision of the Financial Procedure Act 1957 and the Development Funds Act 1966 [*Act 406*] there shall be paid from time to time into the Fund—

- (a) such sums as may be appropriated from the Consolidated Revenue Account for the purposes of civil aviation services;
- (b) such sums as may be appropriated from the Development Fund for expenditure on the development and expansion of the civil aviation services;
- (c) all receipts in respect of any licence issued or of any works or services performed by the civil aviation authority which were paid or will be paid out of—
 - (i) moneys standing to the credit of the Fund; or

- (ii) moneys appropriated to the civil aviation authority after the transfer date in respect of civil aviation services;
- (d) moneys received from the sale or lease or hire of any property controlled by the civil aviation authority or acquired or produced out of—
 - (i) moneys standing to the credit of the Fund; or
 - (ii) any moneys appropriated before the appointed date in respect of civil aviation services;
- (e) interest received from the investment of moneys standing to the credit of the Fund;
- (f) moneys received by the Federation in respect of any matter incidental to the performance of any functions or the exercise of any powers conferred upon the civil aviation authority by this Act; and
- (g) any other moneys received by the Federation in such circumstances as the Minister of Finance considers appropriate to be paid to the Fund:

Provided that in all cases any moneys received by the civil aviation authority between 1 January of the year of the appointed date and the date immediately preceding the appointed date which would have to be paid to the Fund under this subsection had the moneys been received on or after the appointed date, shall be accounted for in the Fund, subject to an amount not exceeding the receipts for the period of six months immediately preceding the appointed date.

(2) Payments into the Fund of moneys referred to in paragraphs (1)(a) and (b) shall be made in such sums and at such times as the Minister of Finance directs.

Application of the moneys of the Fund

6E. (1) Notwithstanding the relevant provisions of the Financial Procedure Act 1957 and the Development Funds Act 1966 moneys standing to the credit of the Fund may be applied by the Director General for the following purposes:

- (a) payment of the remuneration of the Director General and other persons employed by the Government in the Civil Aviation Department including contributions to the Employees Provident Fund or other schemes approved by the Government in respect of such persons;
- (b) payment for the cost of goods and services acquired for the purposes of the civil aviation services and for the acquisition of movable and immovable property incidental to the carrying out of works and services pursuant to this Act;
- (c) payment to the appropriate Consolidated Accounts by ways of reimbursement in respect of—
 - (i) pensions, gratuities and other allowances granted under the pensions laws to the Director General and other persons employed by the Government in the Civil Aviation Department or their dependants;
 - (ii) interest and other charges and the principal repayments on loans raised and appropriated after the appointed date for the purposes of the civil aviation services; and
 - (iii) any moneys required to satisfy any judgement, decision or award against the Federation by any court or tribunal in connection with the operation of civil aviation services;
- (d) payments in discharge of any liabilities incurred by the Federation on the civil aviation services; and

- (e) payment of any other expenditure properly incurred or accepted by the civil aviation authority in the exercise of its powers and functions under this Act:

Provided that in all cases any payment by the civil aviation authority between 1 January of the year of the appointed date and the date immediately preceding the appointed date which would have to be made out of the Fund under this subsection had the payment been made on or after the appointed date, shall be accounted for in the Fund.

(2) Moneys standing to the credit of the Fund may be invested in accordance with subsection 8(3) of the Financial Procedure Act 1957.

Power of the Minister of Finance to determine development expenditure from Fund

6F. The Minister of Finance, after consultation with the Minister, may before or during a financial year determine the maximum amount to be paid out of the Fund during that financial year in respect of development expenditure for civil aviation services.

Surplus money in Fund

6G. There shall be paid out of the Fund into the Consolidated Revenue Account such sums as may be determined by the Minister of Finance after consultation with the Minister to be surplus to the requirements of the Fund in any financial year.

Repayment of appropriation and payment of interest

6H. The Minister of Finance may if he considers it appropriate to do so—

- (a) direct payment out of the Fund in such amounts and at such times as he specifies to the Consolidated Revenue Account or the

Development Fund of sums paid into the Fund under paragraphs 6D(1)(a) and (b);

- (b) direct the payment out of the Fund at such times as he specifies to the Consolidated Revenue Account of amounts representing interest at such rates as he determines upon so much of any amount to which the paragraph (a) applies that has not been repaid.

Financial policy in respect of civil aviation services

6I. In the administration of this Act in relation to the civil aviation services the Director General shall pursue a policy directed towards achieving in respect of each financial year, such financial results as determined by the Minister in consultation with the Minister of Finance.

Commercial Accounts

6J. (1) Notwithstanding the relevant provision of the Financial Procedure Act 1957 and any regulations made and instructions issued under it, the books and accounts of the civil aviation authority shall be kept in accordance with generally accepted commercial accounting principles and practices.

(2) All the assets and liabilities of the civil aviation authority as on 1 January of the year of the appointed date which are not reflected in the financial accounts of the Federation shall be incorporated into the commercial accounts and the net worth of it shall be treated as capital of the Federation invested in the civil aviation authority on that date.

(3) The Director General with the concurrence of the Treasury shall issue directions and instructions as to the manner in which the books and accounts shall be kept and the form in which statements of accounts shall be submitted for audit.

Application of profits

6K. The net profit arising from the civil aviation services in respect of a financial year shall be applied in such manner as the Minister with the concurrence of the Minister of Finance determines.

Funding

6L. Each year the Director General shall submit through the Minister to the Treasury the estimated income and expense statement on the operations of civil aviation services in respect of the next succeeding financial year, the total cash requirement for operating and development expenditure to be incurred in respect of those services during that year and the sources from which the moneys to be expended are proposed to be obtained. In support of this statement the Director General shall submit details of the development programme which he proposes to undertake in the next succeeding financial year and other matters relating to civil aviation services as the Treasury considers appropriate.

Minister's report to Parliament

6M. The Minister shall cause to be laid before each House of Parliament before the commencement of each financial year a statement of the estimated financial results which he expects to achieve in the next succeeding financial year together with the details of the proposed development programme and the sources from which the programme will be financed.

Audit

6N. (1) The commercial accounts of the civil aviation authority shall be audited annually by the Auditor General and the provisions of the Audit Act 1957 [*Act 62*] shall apply.

(2) The Director General shall, not later than 31 March of the following year or such later date as the Minister of Finance may determine transmit to the Auditor General the financial statements of the commercial accounts

referred to in subsection (1) which will consist of the balance sheet, profit and loss statement and such other supporting statements as may be required by the Treasury.

(3) The audited statements shall be submitted to the Minister of Finance, who shall cause them to be laid before each House of Parliament.

Saving

60. Save as otherwise provided in this Part, the Financial Procedure Act 1957 and the Development Funds Act 1966 and any regulations made and instructions issued under it shall apply to the Director General and other persons employed by the Government in the Civil Aviation Department.

PART IV

CONTROL OF OBSTRUCTIONS IN VICINITY OF AERODROMES

Indication of presence of obstructions near aerodromes

7. (1) If the Minister is satisfied, with respect to any building, structure or erection in the vicinity of an aerodrome, that, in order to secure that aircraft, including military aircraft, flying in the vicinity may be navigated with safety and efficiency, provision ought to be made, whether by lighting or otherwise, for giving to such aircraft warning of the presence of that structure, he may, by order under his hand, authorize the licensee or any person in charge of an aerodrome and any person acting under the instruction of the licensee or the person in charge—

- (a) to execute, install, maintain, operate and, as occasion requires, repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order; and

- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over, with or without vehicles, any such land as may be specified in the order:

Provided that no such order shall be made in relation to any structure if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning of the presence of the structure.

(2) The Minister shall, before making any such order, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified in it, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and, at the end of that period, the order may, subject to this section, be made with such modifications, if any, of the original draft as the Minister thinks proper.

(3) Every such order shall provide—

- (a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order unless, at least fourteen days previously, the licensee or any person in charge of an aerodrome to which the order relates has served, in the manner specified in the order, on the occupier of that land and on every other person known by the licensee or the person in charge to have an interest in it, a written notice containing such particulars of the nature of the proposed works, and the manner in which, and the time at which, it is proposed to execute them, as may be specified by, or in accordance with, the order;
- (b) that if, within fourteen days after service of such notice on any person having such an interest, the licensee or any person in charge of an aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no

steps shall be taken in pursuance of the notice without the specific sanction of the Minister; and

- (c) for requiring the licensee or any person in charge of an aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any damage or loss which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Chief Judge of the appropriate High Court.

(4) For the purpose of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any structure to which such an order relates as is attributable to the operation of the order, shall be deemed to be damage or loss suffered in consequence of the order.

(5) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and, subject to subsection (7), so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the licensee or any person in charge of an aerodrome, willfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the order.

(6) If any person contravenes subsection (5), he shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding fifty thousand ringgit, or to both.

(7) Nothing in this section shall operate, in relation to any structure, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the structure if—

- (a) notice of the doing of that work is given as soon as may be to the licensee or any person in charge of an aerodrome; and

- (b) the giving of warning of the presence of the structure in the manner provided by any order under this section in force in relation thereto is not interrupted.

Power to declare a controlled area

8. Whenever it appears to the Minister that it is, or is likely to become, necessary for the safety of air navigation in the vicinity of an aerodrome or for securing the efficient operation of any aid to air navigation, whether situated at or in the vicinity of an aerodrome or elsewhere that any area should be cleared or kept clear of obstructions, he may, in conjunction with the Ruler or Yang di-Pertua Negeri of the State concerned, by order, declare that area to be a controlled area for the purposes of this Part and shall define the boundaries of that area.

Power to prohibit or regulate erection of structures and planting trees in controlled area

9. The Minister may, in conjunction with the Ruler or the Yang di-Pertua Negeri of the State concerned, at any time, by order, prohibit, absolutely or conditionally, or regulate the erection of any structure above a height specified in such order, or the planting of any tree or other high growing vegetation within a controlled area or any part of such area.

Notice to remove or alter structures, trees and other vegetation in controlled area

10. (1) The Minister, or any officer authorized by the Minister in that behalf, may, by notice in writing, require the owner or occupier of any land subject to any order under section 9, within such time, not being less than one month from the date of the service of such notice upon the person concerned, as may be fixed by the notice—

- (a) to remove or reduce in height any structure on such land which is above the height specified in such order, whether such structure was erected before or after the making of such order, or any tree

or other high growing vegetation, either planted in contravention of such order or likely, in the opinion of the Minister, to cause an obstruction to aircraft or to hinder the operation of any aid to air navigation; and

- (b) to take such steps in regard to, or to effect such alterations to, any structure, tree or other vegetation on any land within a controlled area, or any part of such area, as may be necessary to comply with any conditions imposed by any order under section 9 applicable to such structure, trees or vegetation or, in the case of any structure erected or tree or vegetation existing before the making of such order, which would have been applicable to such structure, tree or other vegetation if it had been erected or planted after the making of such order.

(2) If default shall be made in complying with such notice within the time fixed by such notice, any officer authorized by the Minister, either generally or specially in that behalf, may enter upon such land and cause such action to be taken as is required by such notice, and may recover the cost of, and all expenses incurred in doing, any necessary work from the person in default.

Power of entry on land

11. Any officer authorized in that behalf by the Minister, and any person employed in that behalf under the supervision of any such officer, may, from time to time, enter upon, survey and take levels of any controlled area and may do all other acts necessary for such survey and for the purpose of marking out the boundaries of such area or any part of it:

Provided that no such officer or person shall enter into any building or enclosed garden or compound attached to any building without the consent of the occupier unless he shall have previously given such occupier at least three clear days' notice in writing of his intention to do so.

Damage caused by reduction or removal of structure or valuable tree or plant

12. When any structure or valuable tree or plant is reduced in height or removed, or any expense is reasonably incurred in compliance with any order or the conditions of any order under section 9, the owner or occupier of the land shall, unless such structure was erected or such tree or plant was planted in contravention of any order under section 9 or of the conditions imposed by it, be entitled to compensation to the extent to which he has suffered damage or loss by reason of such reduction or removal or has incurred such expense.

Damage caused by entry on land under section 11

13. Where any damage is done to property in the exercise or purported exercise of any power conferred by section 11, the owner or occupier shall be entitled to compensation to the extent to which he has suffered damage by it.

Compensation for loss of value of land

14. Where any land in a controlled area is affected by any order under section 9 prohibiting or regulating the erection of any structure or the planting of any tree or vegetation, the owner or occupier of it shall be entitled to compensation to the extent, if any, that the value of his land, or his interest in such land, is shown to have been, by reason of such order, depreciated in relation to the current ordinary market value of neighbouring land not included in that order.

Procedure of settling claims for compensation under sections 12, 13 and 14

15. Where any person is entitled to any compensation by virtue of section 12, 13 or 14, the amount of such compensation shall be determined by agreement or, in default of agreement, by a single arbitrator appointed by the Chief Judge of the appropriate High Court.

Certain offences and penalty

16. (1) Any person who does any act in contravention of, or fails without reasonable excuse to comply with the terms of, any order or notice made or issued under section 9 or 10 shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding fifty thousand ringgit, or to both.

(2) Any person who wilfully obstructs any person in the exercise of any of the powers conferred by this Part or by any subsidiary legislation made under this Part shall be guilty of an offence and shall on conviction be liable—

- (a) where such person is an individual, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both; or
- (b) where such person is a body corporate, to a fine not exceeding one hundred thousand ringgit.

Power to make rules

17. The Minister may make rules generally for carrying into effect the provisions of this Part.

18. (*Deleted by Act A803*).

PART V**LIABILITY FOR DAMAGE CAUSED BY
AIRCRAFT****Trespass, nuisance and responsibility for damage**

19. (1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the

ground, which, having regard to wind, weather, and all the circumstances of the case, is reasonable, or the ordinary incidents of such flight, so long as this Act and any subsidiary legislation made under this Act are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

Provided that where material damage or loss is caused as aforesaid in circumstances in which—

- (a) damages are recoverable from the owner in respect of such damage or loss by virtue only of the preceding provisions of this section; and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of such damage or loss,

the owner shall be entitled to be indemnified by that other person against any claim in respect of the damage or loss.

(2) Where any aircraft has been *bona fide* demised, let or hired out for a period exceeding fourteen days to any other person by the owner of it, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

Nuisance caused by aircraft on aerodromes

20. (1) Regulations made under section 3 may provide for regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes and may provide that subsection (2) shall apply to any

aerodrome concerning which provision as to noise and vibration caused by aircraft is so made.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of regulations under section 3, so long as any such regulations are duly complied with.

PART VI

DETENTION OF AIRCRAFT

Exemption of aircraft and parts thereof from seizure on patent claims

21. (1) Any lawful entry into Malaysia or any lawful transit across Malaysia, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator of it or any other interference with it by or on behalf of any person in Malaysia on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) The importation into, and storage in, Malaysia of spare parts and spare equipment for an aircraft to which this section applies and the use and installation of it in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Malaysia on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Malaysia or are exported from Malaysia for sale or distribution.

(3) This section shall apply to an aircraft, other than an aircraft used in military, customs or police service, registered in any country or territory in the case of which there is for the time being in force a declaration, made by the Minister and published in the *Gazette*, with a view to the fulfilment of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory, and to such other aircraft as the Minister may specify in any such declaration.

Detention of aircraft

22. Any regulations made under this Act may provide for the detention of aircraft to secure compliance with this Act or any such regulations and may make such further provisions as appears to the Minister to be necessary or expedient for securing such detention.

PART VII

WRECK AND SALVAGE

Wreck and salvage

23. (1) Any services rendered in assisting or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel; and, where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

(2) Subsection (1) shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of Malaysia.

(3) The provisions relating to vessels in distress (except in respect of examination of ships in distress) and provisions relating to dealing with

wrecks, unclaimed wrecks, removal of wrecks, offences in respect of wrecks, collisions, salvage procedure, jurisdiction of the High Courts in salvage and Receivers of wrecks contained in the law for the time being in force relating to merchant shipping shall apply in relation to aircrafts as those provisions apply to ships, with such modifications as may be necessary and in particular with the following exceptions, adaptations and modifications:

- (a) the word “vessel” and “ship” shall respectively include aircraft;
- (b) the expression “wreck” shall include any aircraft or any part of it found derelict in or upon the seas surrounding Malaysia or the tidal waters of it or any ports or harbours of it or upon or near the shores of the said seas and waters or found or taken possession of outside Malaysia and the said seas and tidal waters and subsequently brought within those limits;
- (c) the word “master” shall include the commander or other person in charge of an aircraft;
- (d) the word “shipwrecked” shall include aircraft wrecked.

PART VIII

RESTRICTION ON CLAIMS FOR DAMAGES AND COMPENSATION

Restriction on claims for damages and compensation

24. (1) No damages or compensation in respect of any subsidiary legislation under this Act, or of any act done under this Act or such subsidiary legislation, shall be recoverable—

- (a) save under and in accordance with the relevant provisions of this Act and of any subsidiary legislation made under it; and

- (b) unless the claim is made within three months of happening of the event which gave rise to the claim or within such further time as the Minister may, in any case or class of cases, allow.

(2) This section shall not apply to any claims made under or any actions brought in pursuance of section 19.

PART VIIIA

LICENCE TO PROVIDE AIRPORT AND AVIATION SERVICES

Power of Minister to grant a licence to provide airport and aviation services

24A. (1) The Minister may grant a licence to a company nominated by the Government of Malaysia under this section to provide any services within an aerodrome or otherwise, other than the ground handling services and operation of an aerodrome which are subject to the Malaysian Aviation Commission Act 2015 [*Act 771*].

(2) Without prejudice to the generality of subsection (1), every licence issued under this section shall set out the following matters:

- (a) the function to be carried out or the services to be provided by the company; and references in this Act to any airport and aviation services shall be references to the services so provided by the company;
- (b) the compliance by the company of performance standards established by the Director General under paragraph 2B(a);
- (c) (*Deleted by Act A1497*);
- (d) the duration of the licence;
- (e) the annual fee payable by the company;

- (f) the particular duties of the company in respect of services provided by it; and
- (g) such other matters or conditions as the Minister thinks fit.

(3) The issue of a licence to a company under subsection (1) shall not impose any liability on the Government of Malaysia for any loss, damage, injury or death occasioned by, or resulting from any incident or reportable accident as a result of, any act, omission or default of the company.

(4) In this section—

“incident” means an occurrence associated with the operation of an aircraft which affects or could affect the safety of the operation;

“reportable accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked from it, in which—

- (a) a person dies or is fatally or seriously injured as a result of—
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast,except when the death or injuries are from natural causes, self-inflicted or inflicted by other persons, or when the death or injuries are to stowaways hiding outside the areas normally accessible to the passengers and crew;
- (b) the aircraft sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and

- (ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to the engine or its cowlings or accessories, or for damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

- (c) the aircraft is missing or completely inaccessible.

Charges and fees collected by licensed company

24B. Notwithstanding any provision of this Act or the Financial Procedure Act 1957, all charges and fees prescribed under regulations made pursuant to section 3, which relate to the carrying out of any function or service by a licensed company, shall be collected by, and form part of the revenue of, the licensed company.

Submission of memorandum for any change in existing charges and fees

24C. (1) The licensed company may submit to the Minister a memorandum containing proposals for any change in the existing charges and fees prescribed under regulations made under section 3, which relate to the carrying out of any of its function or service, for the approval of the Minister.

(2) The Minister shall consider the memorandum within six months of its submission.

(3) Where the Minister approves the memorandum, he may subject his approval to such modifications as he deems fit to the proposals in the memorandum.

(4) Where the Minister rejects the memorandum, the licensed company may, where there is a change in circumstances relating to the proposals in the memorandum, apply to the Minister for a review:

Provided that such application shall be made before the expiration of thirty days from the date of notice of rejection of the memorandum.

(5) The Minister shall consider the application within three months of its submission.

Minister to make regulations in respect of change in charges and fees

24D. Where the Minister approves the memorandum, with or without any modifications, he shall as soon as practicable make regulations under section 3 in respect of the change in the existing charges and fees which relate to the carrying out of any function or service by the licensed company.

General duties of licensed company

24E. (1) It is the duty of the licensed company to ensure that the services provided by it meet the performance standards established by the Director General under paragraph 2B(a).

(2) The licensed company shall have due regard to the efficiency, economy and safety of operation in respect of the services provided by it.

Contravention of conditions of licence

24F. Any licensed company which contravenes any of the conditions of the licence issued under this Part shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred thousand ringgit.

24G. (*Deleted by Act A1192*).

Inspectorial power of Director General

24H. The Director General may for the purposes of this Act or any of the regulations made under it enter upon any of the premises occupied by the licensed company to inspect and examine the state of such premises or any building or facility in it.

Suspension or revocation of licence on breach of condition of licence

24I. (1) Where the Director General is satisfied that the licensed company is contravening, or has contravened and is likely again to contravene, any of the conditions of its licence, the Director General may give notice in writing to the licensed company requiring it to comply with that condition within the period prescribed in the notice.

(2) If on the expiry of the period prescribed in such notice the licensed company fails to comply with the condition mentioned in it, the Director General shall submit to the Minister a report of such failure by the licensed company and the report shall be in such form as the Director General considers appropriate.

(3) Where, after considering the report from the Director General, the Minister is satisfied that the contraventions were, or the apprehended contraventions are, of a serious nature or affected or likely to affect the public interest or safety and that the licensed company has refused to take or has not taken all such steps as appear necessary to the Minister for the purpose of securing compliance with the condition in question, the Minister may give to the licensed company notice stating that he proposes to suspend or revoke, as the case may be, its licence and such notice shall also set out or specify—

- (a) the condition of the licence which the company has contravened and the acts or omissions which constitute such contravention; and
- (b) the period (not being less than thirty days from the date of the notice) within which the licensed company may make

representations with respect to the proposed suspension or revocation, as the case may be.

(4) After the expiry of the period specified in the notice and considering any representations made by the licensed company, the Minister shall decide whether to proceed with the proposed action or to take no further action.

(5) A notice shall be given by the Minister to the licensed company of his decision and the decision shall take effect from the date on which the said notice is served on the company.

(6) The decision of the Minister under this section shall be final and conclusive.

Suspension or revocation of licence on breach of this Act or regulations under it

24J. (1) Where the Director General is satisfied that the licensed company has breached or failed to comply with any provision of this Act or any of the regulations made under it, he shall submit to the Minister a report of such breach or non-compliance by the licensed company.

(2) Where, after considering the report from the Director General, the Minister is satisfied that the breach or non-compliance was of a serious nature or affected or likely to affect the public interest or safety, he shall give notice to the licensed company stating that he proposes to suspend or revoke, as the case may be, its licence and such notice shall also set out or specify—

- (a) the provision of this Act or the regulations made under it which the company has contravened and the acts or omissions which constitute such contravention; and
- (b) the period (not being less than thirty days from the date of the notice) within which the licensed company may make representations with respect to the proposed suspension or revocation, as the case may be.

(3) After the expiry of the period specified in the notice and considering any representations made by the licensed company, the Minister shall decide whether to proceed with the proposed action or to take no further action.

(4) A notice shall be given by the Minister to the licensed company of his decision and the decision shall take effect from the date on which the said notice is served on the company.

(5) The decision of the Minister under this section shall be final and conclusive.

Special power in emergency

24K. (1) The Yang di-Pertuan Agong may, on the occurrence of any industrial unrest, strike, lock-out or any other event which gives rise to an emergency or in the interest of public safety, authorize the Minister to—

- (a) suspend the licence of the licensed company, take temporary possession of any aerodrome and operate any airport and aviation services in it through the Department of Civil Aviation Malaysia, or in such manner as the Minister thinks fit; or
- (b) withdraw either partially or totally the use of any airport from any person or class of persons or from the public at large.

(2) If any doubt arises as to the existence of an emergency or whether any act done under subsection (1) was in the interest of public safety, a certificate signed by the Yang di-Pertuan Agong and exhibited at such places as the Minister deems fit shall be conclusive proof on the point.

(3) Where the Government takes possession of any aerodrome under paragraph (1)(a), adequate compensation shall be paid.

Use, occupation, etc., of lands in Malacca and Penang under Article 166(3)

24L. Where any lands in Malacca or Penang are occupied, used, controlled and managed by the Federal Government under Clause (3) of Article 166 of the Constitution, the State Authority, if so requested by the Minister, may upon application in writing by the licensed company—

- (a) permit the whole or a part of such land to be occupied, used, controlled and managed by the licensed company on such terms and conditions as may be agreed between the Federal Government, the State Authority, and the licensed company; or
- (b) alienate such land to the licensed company on such terms and conditions as may be specified by the State Authority under and in accordance with the National Land Code [*Act No. 56 of 1965*], and agreed upon by the Federal Government.

PART VIII B**ENFORCEMENT AND INVESTIGATION****Authorized officer**

24LA. (1) The Director General may in writing authorize any officer of the Department of Civil Aviation to exercise the powers of enforcement under this Act.

(2) In exercising any of the powers of enforcement under this Act, an authorized officer shall on demand produce to the person against whom he is acting the authority issued to him by the Director General.

Powers of enforcement, inspection and investigation

24LB. The authorized officer shall have all the powers of a police officer of whatever rank as provided for under the Criminal Procedure Code [*Act 593*],

except the power to arrest without warrant, in relation to enforcement, inspection and investigation, and such powers shall be in addition to the powers provided for under this Act and not in derogation thereof.

Power to require information

24LC. (1) The authorized officer may make an order under subsection (2) against any person if he has reasonable grounds to believe that person—

- (a) has any information or any document that is relevant to the performance of functions and powers under this Act; or
- (b) is capable of giving any evidence which the authorized officer has reasonable grounds to believe that the evidence is relevant to the performance of functions and powers under this Act.

(2) The order under subsection (1) may require the person—

- (a) to give the authorized officer any such information;
- (b) to produce to the authorized officer any such documents, whether in a physical form or in electronic media;
- (c) to make copies of any such documents and to produce those copies to the authorized officer;
- (d) if the person is an individual, to appear before the authorized officer at a time and place specified in the notice to give any evidence, either orally or in writing, and produce any such documents, whether in a physical form or in electronic media;
- (e) if the person is a body corporate or a public body, to cause a competent officer of the body corporate or the public body to appear before the authorized officer at a time and place specified in the notice to give any such evidence, either orally or in writing, and produce any documents, whether in a physical form or in electronic media; or

- (f) if the person is a partnership, to cause an individual who is a partner in the partnership or an employee of the partnership to appear before the authorized officer at a time and place specified in the notice to give any evidence, either orally or in writing, and produce any documents, whether in a physical form or in electronic media.
- (3) The person so ordered under subsection (1) shall—
 - (a) provide the required information or documents within such time as specified in the order or such extended time as the authorized officer may grant; and
 - (b) ensure that the information or documents provided are true, accurate and complete and shall provide a representation to that effect, including a representation that he is not aware of any other information or document which would make the information or document provided untrue or misleading.
- (4) A person who fails to comply with an order of the authorized officer under this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Power to conduct inspection

24LD. (1) For the purpose of ascertaining compliance with this Act, the authorized officer shall have access to any place or building and may inspect and make copies of or take extracts from any book, minute book, register or other documents required to be kept by the Director General or necessary for the purpose of ascertaining compliance with this Act.

(2) For the purposes of this section, the authorized officer may by notice in writing require any person to produce to him such books, minute books, registers or other documents as are in the custody or under the control of that person.

(3) Any person who—

- (a) fails to produce any books, minute books, registers or other documents as required by the authorized officer under this section; or
- (b) obstructs, intimidates, distracts, harasses or hinders the authorized officer while exercising any of the powers under this section,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Power to investigate

24LE. The authorized officer shall have the power to conduct an investigation where there is reason to suspect that—

- (a) an offence has been or is being committed;
- (b) there was an attempt to commit an offence; or
- (c) there was a conspiracy to commit an offence,

in relation to this Act.

Giving false or misleading information, evidence or document

24LF. A person who fails to disclose or omits to give any relevant information or evidence or document, or provides any information, evidence or document that he knows or has reason to believe is false or misleading, in response to a direction issued by the Director General or authorized officer, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Compliance order

24LG. (1) Where the authorized officer is satisfied that a person has committed or is likely to commit an offence against this Act, he may make a compliance order under this section.

(2) Any person against whom a compliance order is made shall comply with the order.

(3) A compliance order may require a person to refrain from conduct which is in contravention of this Act or to take actions required to be taken in order to comply with this Act.

(4) A compliance order shall be made in writing specifying the grounds for its making.

Tipping off

24LH. (1) Any person who—

(a) knows or has reasonable grounds to suspect that an authorized officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted under or for the purposes of this Act and discloses to any other person information or any other matter which is likely to prejudice that investigation or proposed investigation; or

(b) knows or has reasonable grounds to suspect that a disclosure has been made to an authorized officer under this Act and discloses to any other person information or any other matter which is likely to prejudice any investigation which might be conducted following the disclosure,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Nothing in subsection (1) makes it an offence for an advocate and solicitor or his employee to disclose any information or other matter—

- (a) to his client or the client's representative in connection with the giving of advice to the client in the course and for the purpose of the professional employment of the advocate and solicitor; or
- (b) to any person in contemplation of, or in connection with and for the purpose of, any legal proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any illegal purpose.

(4) In proceedings against a person for an offence under this section, it is a defence to prove that—

- (a) he did not know or suspect that the disclosure made under paragraph (1)(b) was likely to prejudice the investigation; or
- (b) he had lawful authority or reasonable excuse for making the disclosure.

PART IX

MISCELLANEOUS

Offence by body corporate

24M. Where an offence under this Act or under any regulations made under this Act is committed by a body corporate, every person who was a director, secretary or manager or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of the affairs of the body corporate is deemed to have committed the offence unless that person proves that the offence was committed without his consent or connivance and that he had exercised due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Power to compound

24N. (1) The Director General may, with the consent of the Public Prosecutor, offer in writing to compound any offence under this Act or under any regulations made under this Act by accepting from the person reasonably suspected of having committed the offence such amount, not exceeding fifty per centum of the amount of the maximum fine for that offence to which that person would have been liable if he had been convicted of the offence, within such time as may be specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made.

(4) Any money received by the Director General under this section shall be paid into and form part of the Federal Consolidated Fund.

Publication of notices, etc.

24O. (1) Every notice, circular, directive and information issued under this Act or under any subsidiary legislation made under this Act shall be published by the Director General in such manner as in his opinion will ensure that the notice, circular, directive and information is brought to the attention of the person who has to comply with such notice, circular, directive and information.

(2) Any person who fails to comply with such notices, circulars, directives and information shall be guilty of an offence and shall on conviction be liable—

- (a) where such person is an individual, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both; or
- (b) where such person is a body corporate, to a fine not exceeding one hundred thousand ringgit.

Extra-territorial application of subsidiary legislation

25. No provision contained in any subsidiary legislation made under this Act shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to Malaysian aircraft, wherever they may be, or prohibits, requires or regulates—

- (a) the doing of anything by persons, in or any of the crew of, Malaysian aircraft, wherever they may be; or
- (b) the doing of anything in relation to Malaysian aircraft by other persons, wherever they may be.

Offences

26. Any act done by any person on Malaysian aircraft outside of Malaysia which, if it had been done by him in Malaysia, would have constituted an offence under the laws of Malaysia, shall, for the purposes of criminal proceedings in Malaysia against that person in respect of that act, be deemed to have been done by him in Malaysia.

Military aircraft

27. Any subsidiary legislation made under this Act may, if it so expressly provides, apply to military aircraft or to any class or classes of military aircraft.

27A. (*Deleted by Act A803*).

PART X

TRANSITIONALS

Repeal of certain laws and saving provisions

28. (1) The Civil Aviation Act 1949, and the Colonial Civil Aviation (Application of Act) Order 1952 (both of the United Kingdom) shall, from the commencement of this Act, cease to have effect in any part of Malaysia; and such cessation shall be deemed to be a repeal for the purposes of the Interpretation Acts 1948 and 1967 [*Act 388*].

(2) The laws set out in the Schedule to this Act are hereby repealed.

(3) Notwithstanding subsections (1) and (2) and the Schedule—

(a) except where any subsidiary legislation is expressly repealed by this Act, all subsidiary legislation which was—

(i) made under, or applied by, any law which is repealed or ceases to have effect by virtue of this Act; and

(ii) in force in any aviation area immediately before the commencement of this Act, shall (without prejudice to the power to amend the same by any subsidiary legislation made under this Act and subject to such modifications as may be necessary to bring such subsidiary legislation into conformity with this Act) continue in force in that aviation area until repealed or replaced by subsidiary legislation made under those appropriate provisions, or otherwise terminated, and shall be deemed to have been made under it; and

(b) any instrument which was—

(i) issued, served or granted under any law which was repealed or ceases to have effect by virtue of this Act; and

(ii) in force in any aviation area immediately before the commencement of this Act, shall (without prejudice to any

power to amend such instrument and subject to such modifications as may be necessary to bring it into conformity with this Act) continue in force in that aviation area until superseded, revoked or otherwise terminated, and shall be deemed to have been issued, served or granted under this Act, and this Act and any subsidiary legislation made under it shall apply to, or in relation to, such instrument accordingly:

Provided that no such instrument which is expressed to continue in force for a definite period shall continue in force after the expiration of that period unless it is being renewed in accordance with this Act and any subsidiary legislation made under it.

(4) In this section—

“aviation area” means—

- (a) Malacca and Penang;
- (b) Sabah;
- (c) Sarawak; or
- (c) the States of Peninsular Malaysia other than Malacca and Penang,

as the circumstances of the case require;

“instrument” means any instruction or other requirement, any notice and any certificate, licence, validation or other authority.

SCHEDULE

[Subsection 28(1)]

MALAYSIAN LAWS TO BE REPEALED

1. The Aerodromes (Control of Obstructions) Ordinance of Sabah [*Cap. 3*].
 2. The Aerodromes (Control of Obstructions) Ordinance 1950 [*F. of M. No. 25 of 1950*].
 3. The Air Navigation Ordinance of Sabah [*Cap. 5*].
 4. The Air Navigation Ordinance of Sarawak [*Cap. 129*].
 5. The Air Navigation Ordinance 1952 [*F. of M. No. 84 of 1952*] in force in the States of Malaya other than Malacca and Penang.
 6. The Air Navigation Ordinance [*S.S. Cap. 108*] in force in Malacca and Penang.
 7. The Air Navigation (Wreck and Salvage) Regulations 1953 [*L.N. 586 of 1953*].
 8. The Air Navigation Aids (Control of Obstructions) Act 1962 [*F. of M. No. 30 of 1962*].
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LAWS OF MALAYSIA**ACT 3****CIVIL AVIATION ACT 1969****LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act A282	Civil Aviation (Amendment) Act 1975	28-02-1975
Act A160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A679	Civil Aviation (Amendment) Act 1987	25-09-1987
Act A803	Civil Aviation (Amendment) Act 1991	01-11-1992
Act A885	Constitution (Amendment) Act 1994	24-06-1994
Act A1062	Civil Aviation (Amendment) Act 1999	09-07-1999
Act A1192	Civil Aviation (Amendment) Act 2003	01-06-2003
Act A1497	Civil Aviation (Amendment) Act 2015	01-03-2016

LAWS OF MALAYSIA

ACT 3

CIVIL AVIATION ACT 1969

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A803 Act A1497	01-11-1992 01-03-2016
2A	Act A803	01-11-1992
2B	Act A803	01-11-1992
2C	Act A1192	01-06-2003
2D	Act A1192	01-06-2003
3	Act A803 Act A1062 Act A1192 Act A1497	01-11-1992 09-07-1999 01-08-2003 01-03-2016
4	Act 160 Act A1192	29-08-1975 01-06-2003
5A	Act A803 Act A1192 Act A1497	01-11-1992 01-06-2003 01-03-1016
6	Act A803 Act A1192	01-11-1992 01-06-2003
6A	Act A282	28-02-1975
6B	Act A282 Act A803	28-02-1975 01-11-1992
6C	Act A282	28-02-1975
6D	Act A282 Act A803	28-02-1975 01-11-1992

Section	Amending authority	In force from
6E	Act A282	28-02-1975
6F	Act A282	28-02-1975
6G	Act A282	28-02-1975
6H	Act A282	28-02-1975
6I	Act A282	28-02-1975
6J	Act A282	28-02-1975
6K	Act A282	28-02-1975
6L	Act A282	28-02-1975
6M	Act A282	28-02-1975
6N	Act A282	28-02-1975
6O	Act A282	28-02-1975
7	Act A885 Act A1192	24-06-1994 01-06-2003
15	Act A885	24-06-1994
16	Act A160 Act A1192	29-08-1975 01-06-2003
18	Act A803	01-11-1992
24A	Act A679 Act A803 Act A1062 Act A1497	25-09-1987 01-11-1992 09-07-1999 01-03-2016
24B	Act A679 Act A803 Act A1062	25-09-1987 01-11-1992 09-07-1999
24C	Act A679 Act A803 Act A1062	25-09-1987 01-11-1992 09-07-1999

Section	Amending authority	In force from
24D	Act A679 Act A803 Act A1062	25-09-1987 01-11-1992 09-07-1999
24E	Act A803	01-11-1992
24F	Act A803 Act 1192 Act A1497	01-11-1992 01-06-2003 01-03-2016
24G	Act A803 Act 1192 Act A1497	01-11-1992 01-06-2003 01-03-2016
24H	Act A803	01-11-1992
24I	Act A803	01-11-1992
24J	Act A803	01-11-1992
24K	Act A803 Act A1497	01-11-1992 01-03-2016
24L	Act A803	01-11-1992
Part VIIIB	Act A1497	01-03-2016
24LA-24LH	Act A1497	01-03-2016
24M	Act A1192	01-06-2003
24N	Act A1192	01-06-2003
24O	Act A1192	01-06-2003
27A	Act A679 Act A803	25-09-1987 01-11-1992
Throughout Act	Act A1497	01-03-2016
