



LAWS OF MALAYSIA

REPRINT

Act 231

HIGHWAY AUTHORITY MALAYSIA (INCORPORATION) ACT 1980

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**HIGHWAY AUTHORITY MALAYSIA
(INCORPORATION) ACT 1980**

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HIGHWAY AUTHORITY MALAYSIA (INCORPORATION) ACT 1980

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SCHEDULE

LAWS OF MALAYSIA**Act 231****HIGHWAY AUTHORITY MALAYSIA
(INCORPORATION) ACT 1980**

An Act to establish the Highway Authority Malaysia to supervise and execute the design, construction, regulation, operation and maintenance of inter-urban highways, to impose and collect tolls, to enter into contracts and to provide for matters connected therewith.

[24 October 1980, P.U. (B) 531/1980]

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, commencement and application**

1. (1) This Act may be cited as the Highway Authority Malaysia (Incorporation) Act 1980.

(2) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(3) This Act shall apply throughout Malaysia.

Interpretation

2. In this Act unless the context otherwise requires—

“Authority” means the Highway Authority Malaysia established under section 3;

“Chairman” means the Chairman of the Authority and includes any person exercising the functions of chairman temporarily;

“Fund” means the Highway Authority Malaysia Fund established under section 12;

“highway” includes all traffic lanes, acceleration lanes, deceleration lanes, shoulders, median strips, bridges, overpasses, underpasses, interchanges, approaches, entrance and exit ramps, toll plazas, service areas, maintenance areas, highway furniture, signs and other structures and fixtures and any other areas adjacent thereto, under the control and management of the Authority;

“toll” includes any levy, due, or compensation to be paid to the Authority for using the highway or any portion thereof, by vehicular or other traffic;

“user” means any person who drives or operates any vehicle on the highway;

“vehicle” has the meaning assigned to it in the *Road Transport Act 1987 [*Act 333*].

PART II

ESTABLISHMENT, DUTIES AND POWERS OF THE AUTHORITY

Establishment of the Authority

3. (1) There shall be established a body corporate by the name of “Highway Authority Malaysia” which shall have perpetual succession and a common seal and which may sue and be sued in its corporate name and, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold movable and immovable property of every description and may convey, assign, surrender, charge, mortgage, demise, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Authority upon such terms as it deems fit.

(2) The Schedule shall apply to the Authority.

Composition of the Authority

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

(a) a Chairman;

*NOTE—Road Transport Act 1987 [*Act 333*] have replaced the Road Traffic Ordinance 1958 [*Ord. 49 of 1958*].

- (b) a representative of the Ministry responsible for public works;
- (c) the Secretary General of the Ministry responsible for finance or his representative;
- (d) the Director General of the Economic Planning Unit or his representative;
- (e) the Director General, Public Works Department, Peninsular Malaysia or his representative; and
- (f) the Director General of the Authority.

(2) The Minister may, in addition to the persons mentioned in subsection (1), appoint to be members of the Authority not more than four other persons to represent special interests in highways for a term not exceeding two years.

(3) Any member appointed under subsection (2), who ceases to be a member of the Authority shall be eligible for reappointment.

Alternate members

5. (1) The Minister may, in respect of each member of the Authority other than the Chairman appoint, on the nomination of the member, one person to be an alternate member to attend, in place of the member, meetings of the Authority that the member is for any reason unable to attend.

(2) When attending meetings of the Authority, an alternate member shall for all purposes be deemed to be a member of the Authority.

(3) An alternate member shall, unless he sooner resigns his membership or his appointment is sooner revoked, cease to be an alternate member when the member for whom he is an alternate member ceases to be a member.

Temporary exercise of functions of Chairman

6. (1) The Minister may appoint any member of the Authority to exercise the functions of the Chairman during any period in which the Chairman is for any reason unable to exercise his functions or during any period of vacancy in the office of Chairman and such member shall, during the period in which he is exercising the functions of Chairman, be deemed to be the Chairman.

(2) Until an appointment is made under subsection (1) or in default of such appointment, the member appointed under paragraph 4(1)(b) shall exercise all the functions of and be deemed to be the Chairman.

Quorum, voting and vacancies

7. (1) The quorum at all meetings of the Authority shall be four members present in addition to the Chairman.

(2) In the event of the votes on any question being equal the person presiding shall have a casting vote in addition to his deliberative vote.

(3) The Authority may act notwithstanding any vacancy in its membership.

Appointment of officers and servants

8. (1) The Authority may appoint a Director General who shall be the chief executive officer of the Authority and such number of other officers or servants as it considers necessary for the purposes of this Act.

(2) The appointment of the Director General shall be with the prior approval of the Minister.

(3) The Authority shall, before establishing or modifying any scheme of service for its officers or servants, including the terms and conditions of service, the salaries, allowances, and other remunerations payable, and other benefits, obtain the approval of the Minister and the concurrence of the Minister of Finance.

Duties of Director General

9. The Director General shall—

- (a) be responsible for implementing the policy decisions of the Authority and for the general administration of its affairs;
- (b) exercise supervision and control over all officers or servants, employed by the Authority; and
- (c) perform such other duties as the Authority may from time to time determine.

Public servants

10. All members, alternate members, officers and servants of the Authority shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Functions and powers of the Authority

11. (1) The functions of the Authority are—

- (a) to supervise and execute the design, construction and maintenance of highways as determined by the Federal Government;
- (b) to supervise and execute the design, construction and maintenance of rest and service areas and other facilities that may be deemed necessary along highways as determined by the Federal Government;
- (c) to collect toll from the users of highways and other dues from facilities along highways;
- (d) to plan and carry out research to ensure efficient utilization of highways and other facilities along highways; and
- (e) generally to do everything for the betterment and proper use of highways and other facilities along highways.

(2) The Authority may, with the approval of the Minister, make such regulations as are reasonably necessary for, or expedient or incidental to, the discharge of its functions under subsection (1), and in particular, but without prejudice to the generality of the foregoing, such regulations may—

- (a) provide for the construction, operation, management, care, regulation or protection of the Authority's property or any highways constructed or reconstructed;
- (b) provide for the types of vehicles permitted to use highways or parts thereof and the classification of such vehicles;
- (c) provide for the regulation and control of traffic on highways; and
- (d) regulate any activities which falls within the scope of the functions of the Authority.

(3) The Authority shall have power to do all things reasonably necessary for, or expedient or incidental to, the discharge of its functions, and in particular, but without prejudice to the generality of the foregoing—

- (a) to establish a Highway Servicing and Surveillance Unit;
- (b) to control ingress and egress along the highways; and
- (c) to set up committee to study and report on any matter the Authority may specify and to determine their terms of reference and the allowance of their members.

PART III

FINANCE, REPORT AND MINISTERIAL SUPERVISION

Highway Authority Malaysia Fund

12. (1) The Authority shall establish and administer a fund called the “Highway Authority Malaysia Fund”.

(2) There shall be paid into the Fund—

- (a) any grant made to the Authority from the Federal Consolidated Fund;
- (b) all moneys collected or paid under subsection 15(1);
- (c) all moneys borrowed by the Authority under section 16;
- (d) all moneys earned or arising from any investment under section 17 or from any property, mortgages, charges or debentures, acquired by or vested in the Authority; and
- (e) all other moneys that may in any manner become payable to or vested in the Authority.

Expenses to be charged on the Fund

13. The Fund shall be expended for the purpose of—

- (a) defraying such expenditure as the Authority may properly incur in carrying out its functions and exercising its powers;
- (b) repaying any moneys borrowed by the Authority under section 16 and the interest due thereon;

- (c) lending to employees of the Authority for the purpose of purchasing or building dwelling houses or purchasing conveyances on such terms and conditions as may be prescribed; and
- (d) generally, paying any expenses for carrying into effect the provisions of this Act.

Reserve fund

14. (1) The Authority shall establish and manage a reserve fund.

(2) The payment into and out of the reserve fund shall be determined by the Authority:

Provided that no part of the reserve fund shall be applied otherwise than for the purposes of the Authority.

Toll on vehicles using highways

15. (1) The Authority may, with the approval of the Minister and with the concurrence of the Minister of Finance, make orders for the imposition, variation, revision or abolition of toll on vehicles using highways and the orders may specify the nature, amount, rate and the manner of payment, of toll.

(2) Orders made under this section may prescribe different amounts and rates of toll for different types and categories of vehicles.

Power to borrow

16. The Authority may, from time to time, borrow in such forms 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 the Minister of Finance may approve, any sum required by the Authority for meeting any of its obligations or discharging any of its duties.

Power to invest

17. The Authority may, from time to time, with the approval of the Minister of Finance, invest the Fund or any part thereof, not

being immediately required for meeting the Authority's obligations or carrying out its functions—

- (a) in any investment or securities authorized for the investment of trust funds by any written law for the time being in force; or
- (b) in such other investment or securities as the Authority may deem fit.

Financial year and annual estimate

18. (1) The financial year of the Authority shall commence on 1st January and end on 31st December of each year.

(2) The Chairman shall, not later than one month before the commencement of each financial year, lay before the Authority an estimate of the revenue and expenditure, including capital expenditure, of the Authority for the ensuing financial year in such detail and form as the Authority may determine.

(3) The Chairman shall cause to be sent to every member of the Authority a copy of the estimate not later than fourteen days prior to the date of the meeting at which the estimate is to be laid.

Accounts and audit

19. (1) The Authority shall keep or cause to be kept proper accounts and other records in respect of its operation and shall prepare statements of account in respect of each financial year.

(2) The Authority shall, not later than three months after the end of its financial year, cause its accounts to be audited by the Auditor General or any other auditor to be approved by the Auditor General.

(3) The Authority shall, not later than the thirtieth June of each financial year, cause a copy of the statement of accounts to be transmitted to the Minister together with a copy of the observations made by the auditor on any statement of accounts or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and observations transmitted to him under subsection (3) to be laid on the table of each House of Parliament.

Annual report

20. (1) The Authority shall, not later than the thirtieth day of June of each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report transmitted to him under subsection (1) to be laid on the table of each House of Parliament.

PART IV

TRANSFER OF HIGHWAYS TO AUTHORITY

Transfer of highways to the Authority

21. (1) The Minister may, from time to time, by notification in the *Gazette* transfer or cause to be transferred to the Authority any highway or part thereof which is a Federal road under the Federal Roads Act 1959 [Act 376] or by virtue of any other written law, and with effect from a date to be specified in the notification such highway or part thereof shall come under the control and management of the Authority.

(1A) Any highway or part thereof the cost of construction of which was or is defrayed from the Fund shall come under the control and management of the Authority.

(2) All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the commencement of this Act, affecting any of the transferred highway shall be of as full force and effect against or in favour of the Authority, and enforceable as fully and effectually as if, instead of the Federal Government, the Authority had been named therein or had been a party thereto.

(3) Following the notification in subsection (1) all land reserved to the Federal Government and where applicable with the consent of the appropriate State Government all land reserved under any written law relating to land, for the purpose of such highway or part thereof which are transferred to the Authority, shall be deemed

to be reserved for the purpose of the Authority and every such reserve shall continue subject to the written law relating to land applicable to such reserve.

Withdrawal of highways from the control and management of the Authority

21A. (1) The Minister may, from time to time, by notification in the *Gazette* declare that any highway or part thereof shall cease to be under the control and management of the Authority with effect from a date to be specified in the notification, and for so long as the notification is in force this Act shall not apply to such highway or part thereof.

(2) If such highway or part thereof is a Federal road under the Federal Roads Act 1959 or by virtue of any other written law, or if the cost of construction of such highway or part thereof was defrayed from the Fund, then, notwithstanding the notification under subsection (1), such highway or part thereof shall continue or be deemed to be a Federal road accordingly.

(3) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the date specified in the notification under subsection (1) and affecting the highway or part thereof prescribed in the notification shall be of as full force and effect against or in favour of the Federal Government, and enforceable as fully and effectually, as if, instead of the Authority, the Federal Government had been named therein or had been a party thereto.

(4) With effect from the date specified in the notification under subsection (1), all land reserved or deemed to be reserved for the purpose of the Authority by virtue of subsection 21(3) and included in the highway or part thereof prescribed in the notification shall be deemed to be reserved for the purpose of the Federal Government and every such reserve shall continue subject to the written law relating to land applicable to such reserve.

(5) Notwithstanding that a highway or part thereof has ceased to be under the control and management of the Authority by virtue of a notification under subsection (1), the Minister may in writing direct the Authority to supervise or execute the maintenance, either generally or in particular respects, of the highway or part thereof, in which event all costs and expenses incurred in carrying out such direction shall be borne by the Federal Government absolutely.

(6) Notwithstanding the notification under subsection (1), any order under section 15 relating to toll in respect of the highway or part thereof prescribed in the notification shall continue to be in force until it is revoked by the Minister with the concurrence of the Minister of Finance.

PART V

ACQUISITION OF PROPERTY

General power to acquire land

22. (1) Where any immovable property, not being State land or reserved land, is needed to be acquired for the purpose of this Act and cannot be acquired by agreement, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose for the time being in force in the State in which the property is situated and any declaration required under any such written law that the land is so needed may be made notwithstanding the compensation is to be paid out of the funds of the Authority, and the said declaration shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with the said written law.

(2) Expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Authority.

(3) Where any immovable property has been acquired under this section, the Authority shall take out the necessary document of title in respect of the property and shall pay any rent to which the property is subject.

PART VI

MISCELLANEOUS

Power to employ agents

23. The Authority may employ and pay agents and technical advisers including advocates and solicitors, bankers, stock brokers, surveyors or valuers or other persons, to transact any business or to do any act required to be transacted or done in the execution of its duties or for the better carrying into effect the purposes of this Act.

Application of Road Transport Act

24. Subject to such modification by any regulation made under this Act, the provisions of the Road Transport Act 1987 and all regulations, rules and orders made thereunder shall apply to any highway under the control and management of the Authority.

Offences

25. (1) Any person who deposits trash, glass, weeds, garbage or any other offensive matter within the right-of-way limits of the highways shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

(2) Any person who—

(a) uses any spurious or counterfeit tickets or coupons in payment of any toll required to be paid to the Authority under this Act or attempts to use the highway without payment of toll prescribed by the Authority; or

(b) wilfully, maliciously and forcibly, breaks, damages or destroys any property of the Authority including any mechanical or electronic toll collection devices of the Authority or any appurtenances thereto,

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

General penalty

26. Any person who is guilty of an offence under this Act or any regulation made thereunder, for which no penalty is specifically provided, is liable on conviction to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Secrecy

27. Except for the purposes of this Act or any criminal proceedings under this Act, no member, officer or servant of the Authority shall disclose any information that has been obtained by him in the course of his duties.

Power of Minister to issue directive

28. (1) The Authority shall be responsible to the Minister who may, from time to time, issue to the Authority written directive on any aspect of the functions of the Authority, and every such direction shall be binding on the Authority.

(2) The Authority shall furnish the Minister with such returns, accounts and other information with respect to its property and activities, as the Minister may from time to time require.

Power of Minister to make regulations

29. The Minister shall have power to make regulations for the better carrying out of the provisions of this Act and such regulations may prescribe the compounding of any offence committed under this Act or any regulation made thereunder and the method thereof.

Validation of acts done in anticipation of Act

30. (1) All acts and things done by any person in preparation for or in anticipation of this Act and any expenditure incurred in relation thereto, which are consistent with the general intention and purposes of this Act, shall be deemed to have been authorized under this Act, and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall be deemed to be the rights and obligations of the Authority.

(2) For the avoidance of doubt it is declared that subsection (1) does not authorize the appointment of members, officers or servant of the Authority except in so far as to authorize the temporary appointment of such persons until proper appointments are made under this Act.

Indemnity for the Authority

31. The Federal Government shall indemnify the Authority against any expenses, losses or damages incurred or suffered by the Authority arising out of any claim in whatever form by any person in consequence of the Authority ceasing to have control and management of a highway or part thereof by reason of a notification under section 21A.

Transfer of land from the Authority to the Federal Government

32. Where any land vested in the Authority is included in any highway or part thereof prescribed in a notification under section 21A, the Federal Government and the Authority shall come to an arrangement for the transfer of such land to the Federal Government.

SCHEDULE

[Section 3]

1. (1) A member of the Authority who—

- (a) at three consecutive meetings of the Authority, without reasonable cause or the permission in writing of the Chairman, has neither been present nor represented by the alternate member, if any, appointed in respect of that member;
- (b) has been found or declared to be of unsound mind;
- (c) has become bankrupt or made an arrangement with his creditors; or
- (d) has been convicted of any offence involving fraud, dishonesty, or moral turpitude, or any offence under this Act or any regulation made thereunder,

shall cease to hold office.

(2) Subparagraph (1), other than item (a), shall apply *mutatis mutandis* to an alternate member.

(3) The terms and conditions of the appointment of the members of the Authority and their remunerations, shall be determined by the Minister.

(4) There shall be paid such allowance to such members or alternate members of the Authority for attending meetings of the Authority as the Minister may determine.

(5) The appointment of every member and alternate member of the Authority shall be published in the *Gazette*.

(6) No member of the Authority shall incur personal liability for any loss or damage caused by any act or omission in administering the affairs of the Authority unless the loss or damage was occasioned intentionally or through recklessness or gross negligence.

2. (1) The Minister shall summon the first meeting of the Authority.

(2) The Authority shall meet with such frequency that there is no lapse of more than three months between meetings.

(3) If at any meeting of the Authority neither the Chairman nor the member who for the time being is exercising the function of the Chairman is present, the members present shall elect one of their number to preside at the meeting.

(4) Subject to this paragraph, the Authority may determine its own procedure.

(5) The seal of the Authority shall be authenticated by the Chairman and one member of the Authority and any document that purports to be sealed with the seal of the Authority and is so authenticated shall, until the contrary is shown, be deemed to have been validly sealed.

LAWS OF MALAYSIA**Act 231****HIGHWAY AUTHORITY MALAYSIA
(INCORPORATION) ACT 1980**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A678	Highway Authority Malaysia (Incorporation) (Amendment) Act 1987	01-11-1987

LAWS OF MALAYSIA**Act 231****HIGHWAY AUTHORITY MALAYSIA
(INCORPORATION) ACT 1980****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
11	Act A678	01-11-1987
21	Act A678	01-11-1987
21A	Act A678	01-11-1987
28	Act A678	01-11-1987
31	Act A678	01-11-1987
32	Act A678	01-11-1987



