



LAWS OF MALAYSIA

REPRINT

Act 306

FEDERAL ROADS (PRIVATE MANAGEMENT) ACT 1984

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**FEDERAL ROADS (PRIVATE MANAGEMENT)
ACT 1984**

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LAWS OF MALAYSIA**Act 306****FEDERAL ROADS (PRIVATE MANAGEMENT)
ACT 1984**

An Act to provide for a person to demand, collect and retain tolls in respect of a Federal road, bridge or ferry, and for matters connected therewith.

[29 June 1984]

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:

Short title

1. This Act may be cited as the Federal Roads (Private Management) Act 1984.

Order for the collection of tolls

2. (1) It shall be lawful for the Minister responsible for works by order published in the *Gazette* to authorize any person who has agreed to construct, re-construct, upgrade, repair or maintain any road, bridge or ferry which has been declared or is to be declared a Federal road, bridge or ferry under the Federal Roads Act 1959 [Act 376] or which is in any Federal Territory to demand, collect and retain tolls for such period as may be specified in the order for the use of such road, bridge or ferry by any person or class of vehicles.

(2) An order under subsection (1) shall specify—

- (a) the road, bridge or ferry in respect of which tolls may be demanded, collected and retained;
- (b) the person authorized to demand, collect and retain tolls;

- (c) the duration of the authorization under paragraph (b);
- (d) the persons or class of vehicles in respect of which tolls may be demanded, collected and retained;
- (e) the amount of tolls;
- (f) the place where tolls are to be collected; and
- (g) the persons or class of vehicles to be exempted from payment of tolls.

Erection of barrier

3. Any person authorized to demand, collect and retain tolls under section 2 may cause a barrier to be erected at any place where tolls are to be paid, and such barrier may be kept against any person or vehicle until the toll due in respect of such person or vehicle has been paid.

Account, books, records, etc., in respect of tolls

4. Any person authorized to demand, collect and retain tolls under section 2—

- (a) shall maintain such accounts, books and records in respect of the payment and collection of tolls as the Minister may require;
- (b) shall furnish to the Minister such information, returns and accounts in respect of the payment and collection of tolls as the Minister may require; and
- (c) shall permit any person authorized by the Minister to have access to, or to examine or inspect, any accounts, books, records, documents, machinery or equipment maintained or used for the payment or collection of tolls.

Duty to maintain road, bridge or ferry

5. Any person who is authorized to demand, collect and retain tolls under an order made under section 2 shall maintain in good repair and condition and in accordance with sound engineering practices the road, bridge or ferry in respect of which the order is made.

Immunity of the Government of Malaysia

6. The Government of Malaysia shall not be liable to any person in respect of any injury, damage or loss of any description whatsoever arising from the failure of the person entitled to demand, collect and retain the tolls under an order made under section 2 or by virtue of subsection 7(3) to carry out any of his duties under section 5.

Assignment of right to demand, collect and retain tolls

7. (1) The Minister, with the concurrence of the Minister of Finance, may in appropriate cases, having taken into account the interest of the person authorized to demand, collect and retain tolls under section 2, by notification in the *Gazette* authorized, subject to such terms and conditions as the Minister thinks fit, the assignment of the right of the authorized person to demand, collect and retain tolls to any person who has an interest in the financing of the construction, re-construction, upgrading, repair or maintenance of the road, bridge or ferry in question (in this section referred to as “the assignee”).

(2) The notification under subsection (1) shall specify the duration of the authorization, which shall not be longer than the duration of the authorization specified in the relevant order under section 2.

(3) For the duration of the authorization under subsection (1), the assignee shall be deemed to be the person authorized to demand, collect and retain tolls under section 2 for the use of the road, bridge or ferry in question and shall comply with sections 3, 4 and 5.

Offence

8. (1) Any person who uses or attempts to use any road, bridge or ferry in respect of which an order under section 2 has been made without payment of the tolls prescribed in the order shall be guilty of an offence and shall, on conviction, be punished with a fine of not less than two thousand ringgit and not more than five thousand ringgit.

(2) Notwithstanding subsection (1) tolls due and payable by virtue of an order made pursuant to section 2 may be recoverable by action at law by the person so authorized under the said section.

(3) Section 173A of the Criminal Procedure Code [*Act 593*] shall not apply in respect of an offence under subsection (1).

(4) In every case in which the offender is sentenced to pay the fine under this section the court passing the sentence shall direct that in default of payment of the fine the offender shall be imprisoned for a period not exceeding one year, which imprisonment shall be in excess of any other imprisonment to which he may be sentenced or to which he may be liable under a commutation of sentence.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A677	Federal Roads (Private Management) (Amendment) Act 1987	25-09-1987 s.2: 01-01-1987
Act A892	Federal Roads (Private Management) (Amendment) Act 1994	08-07-1994

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A677	01-01-1987
6	Act A677	25-09-1987
7	Act A677	25-09-1987
8	Act A892	08-07-1994

