

A BILL

i n t i t u l e d

An Act to repeal the Malaysian Health Promotion Board Act 2006 [*Act 651*], to dissolve the Malaysian Health Promotion Board established under the Act, to provide for the vesting of its properties in the Government and to provide for related matters.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Malaysian Health Promotion Board (Dissolution) Act 2019.

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

Interpretation

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

“Board” means the Malaysian Health Promotion Board established under the Malaysian Health Promotion Board Act 2006;

“Minister” means the Minister charged with the responsibility for health;

“Federal Lands Commissioner” means the Federal Lands Commissioner appointed under the Federal Lands Commissioner Act 1957 [*Act 349*].

Repeal and dissolution

3. The Malaysian Health Promotion Board Act 2006 is repealed and the Board established under the Act is dissolved.

Transfer of powers, rights, etc.

4. All powers, rights, duties, liabilities and obligations which immediately before the date of commencement of this Act were the powers, rights, duties, liabilities and obligations of the Board shall, on the date of commencement of this Act, be devolved on the Government.

Transfer of Malaysian Health Promotion Fund

5. All moneys standing in, or due to be paid to, the Malaysian Health Promotion Fund, on the date of commencement of this Act, shall be transferred to the Government.

Existing contracts, etc.

6. All deeds, agreements, documents and other instruments subsisting immediately before the date of commencement of this Act and affecting any property or money transferred under this Act shall continue to remain in full force and effect, against or in favour of the Government, and enforceable as fully and effectually as if, instead of the Board, the Government had been named in the deeds, agreements, documents and other instruments and had been a party to the deeds, agreements, documents and other instruments.

Continuance of criminal and civil proceedings

7. (1) The repeal of the Malaysian Health Promotion Board Act 2006 shall not affect any person's liability to be prosecuted or punished for any offences committed under the Act before the date of commencement of this Act, or any criminal proceeding brought or sentence imposed before the date of commencement of this Act in respect of such offence.

(2) Any civil proceedings or cause of action pending or existing immediately before the date of commencement of this Act by or against the Board or any person acting on the Board behalf may be continued or instituted by or against the Government as the proceedings or the cause of action might have been continued or instituted by or against the Board as if this Act had not been passed.

(3) Any appeal brought, or any leave to appeal applied for, on or after the date of commencement of this Act, against a decision given before the date of commencement of this Act in any legal proceedings in which the Board was a party may be brought by or against the Government as the legal proceedings might have been brought by or against the Board as if this Act had not been passed.

Continuance of laws, etc.

8. (1) Subject to this Act, all written laws including subsidiary legislation in force immediately before the date of commencement of this Act shall, until amended or revoked, continue in force and be construed as if this Act had not been passed.

(2) Any reference in any written law including subsidiary legislation or document to the Board shall be construed as a reference to the Government.

Vesting of property, etc.

9. (1) Subject to this Act, the Minister may, from time to time, by order published in the *Gazette*, appoint a vesting date and on such date all properties, rights, interests, obligations and liabilities of the Board specified by the Minister in the order

shall, by virtue of this Act, be transferred to and vested in the Government without any conveyance, assignment or transfer.

(2) Every property, rights, interest, obligation and liability transferred to and vested in the Board shall be transferred to and vested in the Government for the like title, estate or interest and on the like tenure as the property, rights, interest, obligation and liability were vested or held immediately before the vesting date.

(3) Any land which immediately before the date of commencement of this Act were vested in the Board shall, on the vesting date, be vested in the Federal Lands Commissioner for the purposes of the Government.

(4) Where by virtue of subsection (1), any property is transferred to and vested in the Government, the provisions of Part Thirty of the National Land Code 1965 [*Act 56 of 1965*] shall, for the purpose of effecting the registration of such vesting, apply to the Government.

(5) Any property and asset, other than land, which immediately before the date of commencement of this Act were vested in the Board shall, on the vesting date, be vested in the Government.

(6) In the case of properties, rights, interests, obligations and liabilities arising under any loan which are vested in the Government on the vesting date, the Government may enter into agreements or arrangements over the properties, rights, interests, obligations and liabilities with any other person.

EXPLANATORY STATEMENT

The Malaysian Health Promotion Board (Dissolution) Bill 2019 (“the proposed Act”) seeks to repeal the Malaysian Health Promotion Board Act 2006 [*Act 651*], to dissolve the Malaysian Health Promotion Board (“the Board”) established under the Act, to provide for the vesting of its properties to the Government and to provide for related matters.

2. *Clause 1* contains the short title and empowers the Minister to appoint the date of coming into operation of the proposed Act.

3. *Clause 2* contains the definitions of certain words and expressions used in the proposed Act.

4. *Clause 3* provides for the repeal of the Malaysian Health Promotion Board Act 2006 and the dissolution of the Board.
5. *Clause 4* provides for the transfer of the powers, rights, duties, liabilities and obligations of the Board to the Government.
6. *Clause 5* provides that all moneys standing in or due to be paid to the Malaysian Health Promotion Fund be transferred to the Government.
7. *Clause 6* provides for the taking over by the Government of all existing deeds, agreements, documents and other instruments from the Board.
8. *Clause 7* provides for the continuance of legal proceedings by or against the Government in substitution of the Board.
9. *Clause 8* provides for the continuance in force of all written laws including subsidiary legislation until amended or revoked, and provides that any reference to the Board in any written laws including subsidiary legislation or document shall be construed as a reference to the Government.
10. *Clause 9* contains provisions relating to the vesting of all properties, rights, interests, obligations and liabilities of the Board specified by the Minister in the order published in the *Gazette* in the Government without any conveyance, assignment or transfer.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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