

MALAYSIAN SPACE BOARD BILL 2020

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A BILL

i n t i t u l e d

An Act to establish the Malaysian Space Board to regulate certain space related activities for the purposes of safety, to regulate the registration of space object and to provide for certain space related offences and related matters.

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ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Malaysian Space Board Act 2020.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Interpretation

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

“space” means a void extending from one hundred kilometres above mean sea level;

“incident” means any occurrence associated with a space object or launch facility which affects or likely to affect the safety of a space object or launch facility or involving circumstances where an accident nearly happened;

“accident” means any occurrence associated with a space object or launch facility which causes damage, including fall or collapse, or collision or explosion, of a space object or launch facility;

“launch facility” means any launch pad, space port, sea platform or other structures or any ship, aircraft or other conveyances, from which a space object may be launched into space, including any equipment or installation at the launch pad, space port, sea platform or other structures or on the ship, aircraft or other conveyances, which are necessary to launch a space object into space;

“damage” means loss of life, any injury or impairment of health to any person, or loss of or damage to any property;

“Board” means the Malaysian Space Board established under section 5;

“licence” means a licence granted under Part IV;

“Minister” means the Minister charged with the responsibility for science and technology;

“space object” means a spacecraft and launch vehicle, including the component parts of the spacecraft and launch vehicle;

“authorized officer” means any police officer not below the rank of Inspector as provided for in the Police Act 1967 [Act 344] and any public officer authorized under section 47;

“Launch Safety Officer” means an officer appointed under section 35;

“permanent resident” has the meaning assigned to it in the Courts of Judicature Act 1964 [Act 91];

“Chairman” means the Chairman of the Board;

“Space Regulator” means the public officer appointed under section 14;

“launch service provider” means any person who provides services for the launching of a space object into space;

“investigator” means an investigator appointed under section 44;

“launch certificate” means a launch certificate granted under Part IV;

“launch permit” means a launch permit granted under Part IV;

“body corporate” means a company, limited liability partnership, firm, society or other body of persons;

“weapons of mass destruction” has the meaning assigned to it in the Strategic Trade Act 2010 [Act 708].

Territorial scope of offences under this Act

3. (1) If any offence under section 15 is committed by any person, whatever his nationality or citizenship, at any place outside Malaysia, he may be dealt with in respect of such offence as if the offence was committed at any place within Malaysia.

(2) For the purposes of subsection (1), this Act shall apply if the offences are committed against—

(a) any citizen of Malaysia; or

(b) any property located outside Malaysia belonging to, or operated or controlled by, in whole or in part, the Government or the Government of any State in Malaysia, including diplomatic or consular premises of Malaysia, any citizen of Malaysia, or any body corporate incorporated, established or registered in Malaysia.

(3) This Act shall apply to any offence under sections 24, 25, 27, 30, 36, 37 and 43 committed by any citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia, at any place outside Malaysia and such citizen, permanent resident or body corporate may be dealt with in respect of such offence as if the offence was committed at any place within Malaysia.

Act to be read together with other laws

4. (1) This Act shall be read together with any other written laws relating to space related activities, including written laws relating to civil aviation, communications and multimedia and strategic trade and the provisions of this Act shall be in addition to, and not in derogation of, the provisions of such other written laws.

(2) Where such other written laws referred to in subsection (1) contain any provision relating to space related activities regulated under this Act, the provisions of this Act shall prevail and the provisions of such other written laws shall be deemed to be superseded.

PART II**MALAYSIAN SPACE BOARD****Establishment of the Board**

5. (1) A board by the name of “Malaysian Space Board” is established.

(2) The Board shall consist of—

- (a) the Secretary General of the Ministry charged with the responsibility for science and technology who shall be the Chairman;
- (b) the Deputy Secretary General of the Ministry charged with the responsibility for science and technology who shall be the Deputy Chairman;
- (c) one representative from the Ministry charged with the responsibility for defence;
- (d) one representative from the Ministry charged with the responsibility for communications and multimedia;
- (e) one representative from the Ministry charged with the responsibility for home affairs;

- (f) one representative from the Ministry charged with the responsibility for transport;
- (g) one representative from the Ministry charged with the responsibility for international trade and industry; and
- (h) one representative from the National Security Council.

(3) The members referred to in paragraphs (2)(c) to (h) shall be appointed in writing by the Minister and the Minister may, in respect of each of the member, appoint an alternate member to attend meetings of the Board when the member is for any reason unable to attend.

Functions of the Board

6. (1) The Board shall have the following functions:

- (a) to advise the Government on matters relating to the implementation of this Act;
- (b) to ensure the effective implementation of this Act;
- (c) to perform or provide for the performance of the obligations arising from agreements, conventions or treaties to which Malaysia is a party where such agreements, conventions or treaties relate to the purposes of this Act;
- (d) to issue guidelines and directives for the purposes of this Act; and
- (e) to do such other things arising out of or consequential to the functions of the Board under this Act consistent with the purposes of this Act.

(2) The Board shall have all such powers as may be necessary for, or in connection with, or reasonably incidental to, the performance of its functions under this Act.

Temporary exercise of functions of Chairman

7. (1) The Deputy Chairman shall act as the Chairman for the period when—

- (a) the office of the Chairman is vacant; or
- (b) the Chairman is, for any reason, unable to carry out his functions.

(2) The Deputy Chairman shall, during the period in which he is carrying out the functions of the Chairman under this section, be deemed to be the Chairman.

Executive Secretary to the Board

8. (1) The Space Regulator shall be the Executive Secretary to the Board.

(2) The Executive Secretary shall be responsible for—

- (a) the day-to-day management of the affairs of the Board;
- (b) the implementation of the decisions of the Board; and
- (c) the carrying out of any other duties as directed by the Board.

(3) The Executive Secretary shall, in carrying out his duties, act under the direction of the Board.

Meetings of the Board

9. (1) The Board shall convene its meeting at least once a year and the meeting shall be held at the time and place specified in written notice by the Chairman.

(2) The Chairman shall preside at the meeting of the Board.

(3) If the Chairman is absent from any meeting of the Board, the Deputy Chairman shall replace him as the chairman of the meeting.

(4) Five members, including the chairman of the meeting, shall constitute the quorum of the Board.

(5) The Chairman may authorize the use of a live video link, live television link or any other electronic means of communication for the purposes of any meeting of the Board.

(6) Where there is an equality of votes, the Chairman or the Deputy Chairman replacing the Chairman pursuant to subsection (3) shall have the casting vote.

(7) The Board may determine its own procedure.

Board may invite others to meetings

10. The Board may invite any other person to attend any meeting of the Board to advise the Board on any matter under discussion, but the person so attending is not entitled to vote at the meeting.

Board may establish committees

11. (1) The Board may establish any committee as the Board considers necessary or expedient to assist the Board in the performance of its functions.

(2) The Board may appoint any person to be a member of any committee established under subsection (1).

(3) The Board may appoint any of its members or any other person to be the chairman of the committee established under subsection (1).

(4) The committee shall be subject to and act in accordance with any direction given by the Board.

(5) The committee shall meet as often as may be necessary at the time and place as the chairman of the committee may determine.

(6) The committee may determine its own procedure.

(7) The committee may invite any person to attend any meeting of the committee to advise the committee on any matter under discussion.

Delegation of functions of the Board

12. (1) The Board may, subject to the conditions or restrictions as the Board thinks fit to impose, delegate any of its functions, except the power of delegation, to the Space Regulator.

(2) The Space Regulator delegated with such functions under subsection (1) shall be bound to observe and have regard to all conditions and restrictions imposed by the Board and all the requirements, procedures and matters specified by the Board.

(3) Any function delegated under this section shall be performed and exercised in the name and on behalf of the Board.

(4) The delegation under this section shall not preclude the Board itself from performing or exercising at any time any of the delegated functions.

Directions by Minister

13. The Minister may give the Board directions consistent with the provisions of this Act and the Board shall give effect to such directions.

Appointment of Space Regulator

14. (1) The Minister shall, on the advice of the Chairman, appoint from amongst the public officers, a Space Regulator for the purposes of this Act.

(2) The Space Regulator shall perform the functions and duties imposed and exercise the powers conferred upon him under this Act.

PART III
PROHIBITION

Prohibition

15. (1) Space shall be used for peaceful purposes and for this reason no person shall—

- (a) place, install, launch or operate any weapon of mass destruction in space;
- (b) carry out any testing of weapons of mass destruction in space;
- (c) establish a military base, installation and fortification, carry out the testing of any type of weapons and conduct any military manoeuvres, in space;
- (d) conduct any activity which affects the security and safety of any other activity lawfully carried out in space; or
- (e) conduct any activity which may cause harmful contamination to space or adverse changes to the environment of the Earth resulting from the introduction of extraterrestrial matter.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable—

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

PART IV
LICENSING, ETC.

Licence requirement

16. (1) Any person who intends to—

- (a) build or manufacture any space object;

(b) own or operate any facility for the integration or testing of any space object; or

(c) own or operate any launch facility,

shall apply for a licence.

(2) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable—

(a) where such person is an individual, to a fine not exceeding fifteen million ringgit or to imprisonment for a term not exceeding ten years or to both; or

(b) where such person is a body corporate, to a fine not exceeding thirty million ringgit.

Launch permit requirement

17. (1) Any launch service provider who intends to launch a space object into space from any launch facility in Malaysia shall apply for a launch permit.

(2) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable—

(a) where such person is an individual, to a fine not exceeding thirty million ringgit or to imprisonment for a term not exceeding ten years or to both; or

(b) where such person is a body corporate, to a fine not exceeding sixty million ringgit.

Launch certificate requirement

18. (1) Any citizen of Malaysia or permanent resident who, or any body corporate incorporated, established or registered in Malaysia which, is an owner of a space object and intends to launch the space object into space from any launch facility in or outside Malaysia shall apply for a launch certificate.

(2) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable—

(a) where such person is an individual, to a fine not exceeding thirty million ringgit or to imprisonment for a term not exceeding ten years or to both; or

(b) where such person is a body corporate, to a fine not exceeding sixty million ringgit.

Application for licence, etc.

19. (1) A person may apply for a licence, launch permit or launch certificate to be granted to him by submitting to the Board an application in such manner as may be prescribed.

(2) The application under subsection (1) shall be accompanied by payment of the prescribed fee.

(3) An application under this section may be withdrawn at any time, in writing, before it is approved or refused.

Additional document or information

20. (1) The Board may, at any time after the receipt of an application under section 19, request the applicant to give to the Board, within the period specified in the request, any additional document or information on the application.

(2) If the additional document or information required under subsection (1) is not given by the applicant within the period specified in the request or within any extension of time granted by the Board, the application shall be deemed to be withdrawn and shall not be further proceeded with, but without affecting the right of the applicant to make a fresh application.

Grant of licence

21. (1) Upon receipt of an application and payment of fee under section 19 and any additional document or information given under section 20, the Board may consider the application for a licence having regard to such requirements as may be prescribed.

(2) Where the Board is satisfied that all the requirements prescribed for an application for a licence have been fulfilled, the Board may grant a licence.

Grant of launch permit

22. (1) Upon receipt of an application and payment of fee under section 19 and any additional document or information given under section 20, the Board may consider the application for a launch permit having regard to such requirements as may be prescribed.

(2) Where the Board is satisfied that all the requirements prescribed for an application for a launch permit have been fulfilled, the Board may, by written notice, communicate to the applicant the Board's intention to grant the launch permit subject to the applicant fulfilling the requirement for insurance under subsection (3).

(3) The applicant for a launch permit shall cause to be insured in respect of any liability for any damage to a third party resulting from the launch of the space object into space to which the launch permit relates to in such manner as may be prescribed.

(4) Where the Board is satisfied that the requirement for insurance under subsection (3) has been fulfilled, the Board may grant a launch permit.

Grant of launch certificate

23. (1) Upon receipt of an application and payment of fee under section 19 and any additional document or information given under section 20, the Board may consider the application for a launch certificate having regard to such requirements as may be prescribed.

(2) Where the Board is satisfied that all the requirements prescribed for an application for a launch certificate have been fulfilled, the Board may grant a launch certificate.

Conditions of licence, etc.

24. (1) A licence, launch permit or launch certificate may be granted subject to such conditions as the Board thinks fit to impose.

(2) The Board may at any time vary or revoke the conditions imposed on a licence, launch permit or launch certificate.

(3) For the purposes of a launch permit and launch certificate, the conditions imposed by the Board under subsection (1) may include conditions relating to re-entry of the space object.

(4) Any person who contravenes any conditions of a licence, launch permit or launch certificate imposed by the Board under subsection (1) commits an offence and shall, on conviction, be liable—

(a) where such person is an individual, to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding five years or to both; or

(b) where such person is a body corporate, to a fine not exceeding three million ringgit.

Additional conditions of licence, etc.

25. (1) The Board may at any time—

(a) impose any additional conditions on a licence, launch permit or launch certificate; or

(b) vary or revoke any additional conditions imposed on a licence, launch permit or launch certificate.

(2) Any person who contravenes any additional conditions of a licence, launch permit or launch certificate imposed by the Board under subsection (1) commits an offence and shall, on conviction, be liable—

(a) where such person is an individual, to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding five years or to both; or

- (b) where such person is a body corporate, to a fine not exceeding three million ringgit.

Duration of licence, etc.

26. A licence, launch permit or launch certificate shall specify the duration of the licence, launch permit or launch certificate.

Additional offences in relation to conditions of licence, etc.

27. Any person who contravenes any conditions of a licence, launch permit or launch certificate imposed by the Board under section 24 or any additional conditions of the licence, launch permit or launch certificate imposed by the Board under section 25, and by such act—

- (a) causes loss of life, commits an offence and shall, on conviction, be liable—
- (i) where such person is an individual, to a fine not exceeding fifteen million ringgit or to imprisonment for a term not exceeding twenty years or to both; or
 - (ii) where such person is a body corporate, to a fine not exceeding thirty million ringgit;
- (b) causes any injury or impairment of health to any person, commits an offence and shall, on conviction, be liable—
- (i) where such person is an individual, to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding ten years or to both; or
 - (ii) where such person is a body corporate, to a fine not exceeding ten million ringgit; and
- (c) causes loss of or damage to any property, commits an offence and shall, on conviction, be liable—
- (i) where such person is an individual, to a fine not exceeding five hundred thousand ringgit or to

imprisonment for a term not exceeding five years or to both; or

- (ii) where such person is a body corporate, to a fine not exceeding one million ringgit.

Renewal of licence

28. (1) A licence may be renewed from time to time by the licensee by submitting an application to the Board in such manner as may be prescribed.

(2) The Board may, after considering the application for the renewal of a licence made under subsection (1), approve or refuse the application.

(3) Where an application for the renewal of a licence is approved by the Board, the licence shall be renewed upon payment of the prescribed fee and the Board may impose such conditions as the Board thinks fit.

Surrender of licence

29. (1) A licensee may, by written notice, surrender his licence to the Board at any time and in accordance with the requirements specified in the licence.

(2) The surrender shall take effect on the date the Board receives the licence and the notice under subsection (1), or where a later date is specified in the notice, on that date.

(3) The surrender of a licence under subsection (1) shall be irrevocable unless the Board by written notice to the licensee allows the surrender to be withdrawn before the effective date of the surrender of the licence.

(4) The licensee shall—

- (a) take all such measures and provide all such assistance as may be required by the Board pursuant to the surrender of the licence; and

- (b) forward the licence to the Board on the effective date of the surrender of the licence.

Transfer or assignment of licence, etc.

30. (1) A licence, launch permit or launch certificate shall not be transferred or assigned to any other person.

(2) Any licensee, launch permit holder or launch certificate holder who contravenes subsection (1) commits an offence and shall, on conviction, be liable—

- (a) where such person is an individual, to a fine not exceeding one million five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both; or

- (b) where such person is a body corporate, to a fine not exceeding three million ringgit.

(3) Notwithstanding subsection (1), a licence may be transferred to any other person upon authorization by the Board—

- (a) if a written application is made to the Board by the licensee; and

- (b) if the Board is satisfied that the person to whom the licence is to be transferred has the necessary financial and technical resources to comply with the conditions or additional conditions of the licence.

Suspension or revocation of licence, etc.

31. (1) The Board may, by written notice to the licensee, launch permit holder or launch certificate holder, suspend or revoke a licence, launch permit or launch certificate in any of the following circumstances:

- (a) the licensee, launch permit holder or launch certificate holder has failed to comply with the provisions of this Act or conditions or additional conditions of the licence, launch permit or launch certificate;

- (b) the licensee, launch permit holder or launch certificate holder has been convicted of an offence under this Act;
- (c) the licensee, launch permit holder or launch certificate holder has been convicted of an offence involving corruption, fraud, dishonesty or moral turpitude, or any other offence punishable with imprisonment, whether in itself only or in addition to or in lieu of a fine, for more than two years; or
- (d) the suspension or revocation is in the interest of the public, national security or international relations.

(2) The suspension or revocation of a licence, launch permit or launch certificate shall take effect on the expiration of fourteen days from the date on which the notice of suspension or revocation is served on the licensee, launch permit holder or launch certificate holder.

Publication of suspension or revocation of licence, etc.

32. (1) Where the suspension or revocation of a licence, launch permit or launch certificate takes effect, the Board shall, as soon as practicable, cause the suspension or revocation to be published in the official website of the Board for at least three consecutive days.

(2) Any delay or failure to publish the notice of suspension or revocation shall not in any manner affect the validity of the suspension or revocation.

Appeal

33. (1) Any person aggrieved—

- (a) by the refusal of the Board to grant a licence, launch permit or launch certificate; or
- (b) by the suspension or revocation of his licence, launch permit or launch certificate,

may, within thirty days after being informed in writing of the refusal, suspension or revocation, appeal in writing against such decision to the Minister.

(2) The Minister may, after considering the appeal made under subsection (1), confirm or set aside the decision appealed against.

Review of licence

34. (1) The Space Regulator or any authorized officer may, at any time, conduct a review on a licence to determine the compliance of the licensee—

(a) with this Act or any regulations made under this Act; or

(b) with the conditions and additional conditions of the licence.

(2) The Space Regulator or the authorized officer conducting the review under subsection (1) shall have all the powers necessary to conduct such review under this section.

(3) The Space Regulator or the authorized officer conducting the review under subsection (1) shall prepare and submit a report of the review to the Board in such manner as may be determined by the Board.

Launch Safety Officer

35. (1) The Space Regulator shall appoint from amongst the authorized officer a Launch Safety Officer to determine the compliance of a launch permit holder—

(a) with this Act or any regulations made under this Act; or

(b) with the conditions and additional conditions of the launch permit.

(2) For the purposes of subsection (1), the Launch Safety Officer shall have all the powers necessary for the performance of his functions and in particular he may—

(a) inspect, with prior written notice to the launch permit holder, a space object or launch facility;

- (b) direct the launch permit holder or any employee, agent or contractor of the launch permit holder to give any information or assistance; and
- (c) give any direction to the launch permit holder regarding the launch of a space object into space or re-entry of a space object that he considers necessary to avoid any danger to public health or to any person or property, including directions to stop the launch or re-entry of, or to destroy, the space object.

PART V

REGISTRATION OF SPACE OBJECT

Registration of space object

36. (1) Any citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia, whose space object has been launched into the earth orbit or beyond from a launch facility in or outside Malaysia shall register the space object with the Space Regulator in such manner as may be prescribed.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable—

- (a) where such person is an individual, to a fine not exceeding twenty-five thousand ringgit; or
- (b) where such person is a body corporate, to a fine not exceeding fifty thousand ringgit.

Notification of changes in relation to space object

37. (1) Any owner whose space object has been registered under section 36 shall notify the Space Regulator if—

- (a) the space object has ceased to be in operation;
- (b) the space object is physically destroyed; or

- (c) there is any change in the particulars given on the space object for the purposes of registration.
- (2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable—
- (a) where such person is an individual, to a fine not exceeding twenty-five thousand ringgit; or
- (b) where such person is a body corporate, to a fine not exceeding fifty thousand ringgit.

Register of space objects

38. (1) The Space Regulator shall keep and maintain a register of space objects registered under subsection 36(1) in such manner as may be prescribed.

(2) The Space Regulator may, upon notification given under section 37 or on his own accord, remove the name and the particulars of the space object from the register or amend the particulars of the space object in the register.

(3) The register may be made available to the public for inspection in such manner as may be determined by the Space Regulator.

PART VI

LIABILITY

Absolute liability

39. (1) A launch service provider shall be absolutely liable for any damage resulting from the launch of a space object from a launch facility in Malaysia.

(2) A citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia who is an owner of a space object shall be absolutely liable for any damage resulting from the launch of his or its space object from a launch facility outside Malaysia.

(3) A citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia who is an owner of a space object shall be absolutely liable for any damage resulting from the operation of his or its space object which has been launched into the earth orbit or beyond.

Obligation to indemnify Government

40. (1) A launch service provider shall indemnify the Government against any claims and proceedings brought against the Government in respect of any damage resulting from the launch of a space object from a launch facility in Malaysia.

(2) Any citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia who is an owner of a space object shall indemnify the Government against any claims and proceedings brought against the Government in respect of any damage resulting from the launch of his or its space object from a launch facility outside Malaysia.

(3) Any citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia who is an owner of a space object shall indemnify the Government against any claims and proceedings brought against the Government in respect of any damage resulting from the operation of his or its space object which has been launched into the earth orbit or beyond.

(4) Any indemnification due and payable under subsections (1), (2) and (3) may be recovered as a civil debt due to the Government.

PART VII

OTHER OFFENCES

Discovery of space object, etc., and personnel, etc., of spacecraft

41. (1) Any person who discovers any object which he has reason to believe to be a space object or object which originated from space or any person whom he has reason to believe to be a personnel or passenger of a spacecraft shall notify the Space Regulator or any authorized officer of his discovery.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable—

- (a) where such person is an individual, to a fine not exceeding five thousand ringgit; or
- (b) where such person is a body corporate, to a fine not exceeding ten thousand ringgit.

Tampering, etc., with space object, etc.

42. (1) Any person who discovers any object which he has reason to believe to be a space object or an object which originated from space shall not tamper with, remove, damage or destroy the object except where it is necessary to do so to prevent immediate danger to the safety of life or property.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable—

- (a) where such person is an individual, to a fine not exceeding ten thousand ringgit; or
- (b) where such person is a body corporate, to a fine not exceeding twenty thousand ringgit.

PART VIII

INCIDENT AND ACCIDENT

Notification of incident and accident

43. (1) A licensee, launch permit holder or launch certificate holder shall immediately notify the Space Regulator of any incident or accident in respect of a space object or launch facility to which the licence, launch permit or launch certificate granted relates.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable—

- (a) where such person is an individual, to a fine not exceeding twenty-five thousand ringgit; or
- (b) where such person is a body corporate, to a fine not exceeding fifty thousand ringgit.

Appointment of investigator

44. (1) For the purposes of this Part, the Minister shall appoint in writing such number of investigators to conduct an investigation into any incident or accident in such manner as may be prescribed.

(2) The investigator shall have all the powers necessary to conduct an investigation under this Part.

(3) An authorized officer may be appointed as an investigator subject to such conditions imposed by the Minister.

(4) The investigator appointed under subsection (1), other than an investigator appointed from amongst the authorized officer under subsection (3), shall be deemed as a public servant within the meaning of the Penal Code [*Act 574*].

(5) The investigation conducted under this Part shall be for the purposes of preventing an incident or accident in the future and not for the purposes of apportioning blame or liability.

Safe custody of space object, etc.

45. (1) The Space Regulator shall, as soon as an information of an incident or accident comes to his knowledge, take all reasonable measures to maintain safe custody of the space object or launch facility, being the subject matter of the incident or accident, or any other evidence relating to the incident or accident until an investigator is appointed to conduct an investigation into the incident or accident under section 44.

(2) Upon the appointment of an investigator under section 44, it shall be the duty of the investigator to maintain safe custody of the space object or launch facility, being the subject matter of the incident or accident, or such other evidence relating to the incident or accident.

(3) When the investigator determines that the space object, launch facility or such other evidence is no longer necessary for the purposes of the investigation, the investigator shall release the space object, launch facility or such other evidence to the owner or any person authorized in writing by the owner to take custody of the space object, launch facility or such other evidence.

(4) Any person who tampers with, removes, damages or destroys any space object, launch facility or such other evidence in the custody of the Space Regulator or an investigator commits an offence and shall, on conviction, be liable—

(a) where such person is an individual, to a fine not exceeding ten thousand ringgit; or

(b) where such person is a body corporate, to a fine not exceeding twenty thousand ringgit.

Licence, etc., deemed suspended in the event of accident

46. (1) In the event of an accident, a licence, launch permit or launch certificate granted in respect of a space object or launch facility, being the subject matter of the accident, shall be deemed suspended for a period from the date of the accident until the date the Board revokes the suspension.

(2) Where a licence, launch permit or launch certificate is deemed suspended under subsection (1), the licence, launch permit or launch certificate shall have no effect during the period of the suspension.

(3) The suspension of a licence, launch permit or launch certificate under subsection (1) shall not affect the date of the expiry of the licence, launch permit or launch certificate as specified in the licence, launch permit or launch certificate.

(4) The Board may revoke or vary the conditions of the licence, launch permit or launch certificate suspended under subsection (1).

(5) Notwithstanding section 31, the Board may revoke the licence, launch permit and launch certificate suspended under subsection (1).

PART IX

ENFORCEMENT

Authorization of public officer

47. The Minister may, in writing, authorize any public officer to exercise the powers of enforcement under this Act.

Authority card

48. (1) There shall be issued to each authorized officer an authority card to be signed by the Minister.

(2) Whenever such authorized officer exercises any of the powers under this Act, he shall, on demand, produce to the person against whom the power is being exercised the authority card issued to him under subsection (1).

Power of investigation

49. (1) An authorized officer shall have all the powers necessary to carry out an investigation under this Act.

(2) In any case relating to the commission of an offence under this Act, any authorized officer carrying out an investigation may exercise all or any of the special powers in relation to police investigation in seizable cases given by the Criminal Procedure Code [Act 593].

Search and seizure with warrant

50. (1) Where it appears to a Magistrate, upon written information on oath from an authorized officer and after such inquiry as the Magistrate considers necessary, that there is reasonable cause to believe that—

(a) any site, premises or conveyance has been used in; or

(b) there is in any site, premises or conveyance evidence necessary to the conduct of an investigation into,

the commission of an offence under this Act or any regulations made under this Act, the Magistrate may issue a warrant authorizing the authorized officer named in the warrant, at any reasonable time by day or by night and with or without assistance, to enter the site, premises or conveyance and if need be by force.

(2) Without affecting the generality of subsection (1), the warrant issued by the Magistrate may authorize the search and seizure of—

- (a) copies of any books, accounts or other documents, including computerized data, which contain or are reasonably suspected to contain information as to any offence so suspected to have been committed;
- (b) any signboard, card, letter, pamphlet, leaflet or notice representing or implying that the person has a licence, launch permit or launch certificate granted under this Act;
- (c) any space object or launch facility; or
- (d) any other document, facility, apparatus, vehicle, equipment, device or matter that is reasonably believed to furnish evidence of the commission of the offence.

(3) An authorized officer conducting a search under subsection (1) may, for the purposes of investigating into the offence, search any person who is in or on the site, premises or conveyance.

(4) An authorized officer making a search of a person under subsection (3) may seize, or take possession of, and place in safe custody all things, other than the necessary clothing, found upon the person, and other things, for which there is a reason to believe that they are the instruments or other evidence of the crime, and they may be detained until the discharge or acquittal of the person.

(5) No person shall be searched except by another person of the same gender, and such search shall be conducted with strict regard to decency.

(6) If, by reason of its nature, size and amount, it is not practicable to remove any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter seized under this section, the seizing officer shall, by any means, seal such space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter in or on the site, premises or conveyance in which it is found.

(7) Any person who, without lawful authority, breaks, tampers with or damages the seals referred to in subsection (6) or removes any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter under seals or attempts to do so commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Search and seizure without warrant

51. Where an authorized officer in any of the circumstances referred to in section 50 has reasonable cause to believe that by reason of delay in obtaining a search warrant under that section the investigation would be adversely affected or evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, the authorized officer may enter the site, premises or conveyance and exercise in, upon and in respect of the site, premises or conveyance all the powers referred to in section 50 in as full and ample manner as if he were authorized to do so by a warrant issued under that section.

List of seized space object, etc.

52. (1) Where any seizure is made under this Act, an authorized officer making the seizure shall prepare a list of the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter seized and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered immediately to the owner or person in control or in charge of the site, premises or conveyance which has been searched, or to such owner's or person's agent or employee, at that site, premises or conveyance.

Cost of holding seized space object, etc.

53. Where any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter seized under this Act is held in the custody of the Government pending completion of any proceedings in respect of an offence under this Act, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Government, by such person and shall be recoverable accordingly.

Release of seized space object, etc.

54. (1) Where any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter has been seized under this Act, any authorized officer, may at any time, after referring to the Space Regulator, release the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter to the person as he determines to be lawfully entitled to the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter if he is satisfied that the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter is not liable to forfeiture under this Act and is not otherwise required for the purposes of any proceedings under this Act, or for the purposes of any prosecution under any other law, and in such event neither the authorized officer effecting the seizure, nor the Government or any person acting on behalf

of the Government, shall be liable to any proceedings by any person if the seizure and the release of the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter had been effected in good faith.

(2) A record in writing shall be made by the authorized officer effecting the release of the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter under subsection (1) specifying in detail the circumstances of, and the reason for, the release, and he shall send a copy of the record to the Space Regulator as soon as practicable.

Forfeiture of seized space object, etc.

55. (1) Any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter seized in exercise of any power conferred under this Act shall be liable to forfeiture.

(2) An order for the forfeiture of any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter was the subject matter of or was used in the commission of the offence, even though no person has been convicted of such offence.

(3) Where there is no prosecution with regard to any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter seized under this Act, such space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device,

thing or matter shall be taken and deemed to be forfeited at the expiration of a period of one calendar month from the date of service of a notice to the last known address of the person from whom the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter was seized indicating that there is no prosecution in respect of such space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter unless before the expiration of that period a claim thereto is made in the manner set out in subsections (4), (5), (6) and (7).

(4) Any person asserting that he is the owner of the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the authorized officer in whose possession such space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter is held that he claims the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter.

(5) On receipt of the notice referred to in subsection (4), the authorized officer shall refer the claim to a Magistrate for his decision.

(6) The Magistrate to whom a matter is referred under subsection (5) shall issue a summons requiring the person asserting that he is the owner of the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter and the person from whom it was seized to appear before him, and when they appear or they fail to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.

(7) If it is proved that an offence under this Act or any regulations made under this Act has been committed and that the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter referred to in subsection (6) was the subject matter of or was used in the commission of such offence, the Magistrate shall order the space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter to be forfeited, and shall, in the absence of such proof, order its release.

(8) Any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter forfeited or deemed to be forfeited shall be delivered to the Space Regulator and shall be disposed of in such manner as the Space Regulator thinks fit.

Property in forfeited space object, etc.

56. Any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter forfeited or deemed to be forfeited under this Act shall be the property of the Government.

Access to computerized data

57. (1) Any authorized officer conducting a search under this Act shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purposes of this section, an authorized officer shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of the computerized data.

No cost or damage arising from seizure to be recoverable

58. No person shall, in any proceedings before any court in respect of any space object, launch facility, book, accounts, document, computerized data, signboard, card, letter, pamphlet, leaflet, notice, facility, apparatus, vehicle, equipment, device, thing or matter seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Power to require attendance of persons acquainted with case

59. (1) An authorized officer making an investigation under this Part may, by order in writing, require the attendance before himself of any person who appears to him to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

(2) If any such person refuses or fails to attend as required by an order made under subsection (1), the authorized officer may report his refusal or failure to a Magistrate who shall issue a warrant to secure the attendance of such person as may be required by the order.

Examination of persons acquainted with case

60. (1) An authorized officer making an investigation under this Act may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to the case put to him by the authorized officer, but he may refuse to answer any question the answer which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) The authorized officer examining a person under subsection (1) shall first inform that person of the provision of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be—

(a) after it has been read to him in the language in which he made it; and

(b) after he has been given an opportunity to make any correction he may wish.

Admissibility of statement in evidence

61. (1) Except as provided in this section, no statement made by any person to an authorized officer in the course of an investigation made under this Act shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by that witness to an authorized officer in the course of an investigation under this Act and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [*Act 56*].

(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within section 27 or paragraphs 32(1)(a), (i) and (j) of the Evidence Act 1950.

(5) When any person is charged with any offence in relation to the making or the contents of any statement made by him to an authorized officer in the course of an investigation made under this Act, that statement may be used as evidence in the prosecution's case.

Additional powers

62. (1) An authorized officer shall, for the purposes of the execution of this Act, have the power to do all or any of the following:

- (a) to require the production of any computer, book, record, computerized data, document or other article and to inspect, examine and make copy of any of them;
- (b) to require the production of any identification document from any person in relation to any act or offence under this Act; and
- (c) to make such inquiries as may be necessary to ascertain whether the provisions of this Act have been complied with.

(2) Any person who fails to comply with a request made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Obstruction

63. Any person who assaults, impedes, obstructs or interferes with, or refuses access to any site, premises, conveyance or computerized data to, the Space Regulator, authorized officer, Launch Safety Officer or investigator in the performance of his duties under this Act or any regulations made under this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

PART X

GENERAL

Protection against suits and legal proceedings

64. No action, suit, prosecution or other proceeding shall be brought, instituted or maintained in any court against—

- (a) a member of the Board, member of a committee, the Space Regulator, an authorized officer, the Launch Safety Officer and an investigator for or on account of or in respect of any act ordered or done for the purpose of carrying into effect of this Act; and
- (b) any other person for or an account of or in respect of any act done or purported to be done by him under the order, direction or instruction of a member of the Board, member of a committee, the Space Regulator, an authorized officer, the Launch Safety Officer and an investigator or officer duly authorized under this Act,

if the act was done in good faith and in a reasonable belief that it was necessary for the purposes intended to be served by it.

Prosecution

65. No prosecution for or in relation to any offence under this Act or any regulations made under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

Service of documents

66. (1) Service of documents on any person shall be effected—

- (a) by delivering the document to that person or by delivering the document at the last-known place of residence of that person to an adult member of his family;
- (b) by leaving the document at the usual or last-known place of residence or business of that person in a cover addressed to that person; or

- (c) by forwarding the document by registered post addressed to that person at his usual or last-known place of residence or business.
- (2) A document required to be served on the owner or occupier of any premises—
 - (a) shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of such premises; and
 - (b) may be served—
 - (i) by delivering the document to an adult person on the premises; or
 - (ii) if there is no such person on the premises to whom the document can with reasonable diligence be delivered, by advertisement at least in one local newspaper.

Attempts and abetments

67. Whoever attempts to commit any offence punishable under this Act or any regulations made under this Act or abets the commission of such offence, shall be punished with the punishment provided for such offence.

Liability of director, etc., of body corporate

68. Where any person who commits an offence under this Act or any regulations made under this Act is a body corporate, a person who at the time of the commission of the offence was a director, compliance officer, partner, manager, secretary or other similar officer of the body corporate or was purporting to act in the capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in its management—

- (a) may be charged severally or jointly in the same proceedings with the body corporate; and

- (b) if the body corporate is found guilty of the offence, shall be deemed to be guilty of that offence and shall be liable to the same punishment or penalty as an individual unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—
- (i) that the offence was committed without his knowledge; and
 - (ii) that the offence was committed without his consent or connivance and that he had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

Liability of person for act etc., of employee etc.

69. Where any person would be liable to any punishment or penalty under this Act or any regulations made under this Act for any act, omission, neglect or default committed—

- (a) by that person's employee in the course of his employment;
- (b) by that person's agent when acting on behalf of that person; or
- (c) by the employee of that person's agent when acting in the course of his employment by that person's agent or otherwise on behalf of that person's agent acting on behalf of that person,

that person shall be liable to the same punishment or penalty for every such act, omission, neglect or default of that person's employee or agent, or of the employee of that person's agent.

Compounding of offences

70. (1) The Minister may, with the approval of the Public Prosecutor, make regulations prescribing—

- (a) any offence under this Act and any regulations made under this Act that may be compounded;

(b) the criteria for compounding such offence; and

(c) the method and procedure for compounding such offence.

(2) The Chairman may, with the consent in writing of the Public Prosecutor, compound any offence committed by any person under this Act and any regulations made under this Act prescribed to be a compoundable offence by making a written offer to the person suspected to have committed the offence to compound the offence upon payment to the Chairman of an amount of money not exceeding fifty per centum of the amount of maximum fine for that offence within such time as may be specified in his written offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted.

(4) If the amount specified in the offer is not paid within the time specified in the offer or such extended time as the Chairman may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(5) Where an offence has been compounded under subsection (2), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and any thing seized in connection with the offence may be forfeited or released by the Chairman, subject to such terms and conditions as the Chairman thinks fit.

Exemption

71. The Minister may, by order in the *Gazette*, subject to such conditions or restrictions as he may consider necessary or expedient to impose, exempt any person or class of persons from any or all of the provisions of this Act.

Regulations

72. (1) The Minister may make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made for the following purposes:

- (a) to prescribe for the manner for application of licence, launch permit and launch certificate;
- (b) to prescribe for the requirements for the issuance of licence, launch permit and launch certificate including requirements relating to financial and technical resources;
- (c) to prescribe for fees payable under this Act;
- (d) to prescribe for the manner of application for renewal of licence;
- (e) to prescribe for the manner of registration of space object;
- (f) to prescribe for the manner the liability for any damage resulting from the launch of a space object is insured;
- (g) to prescribe for the manner in which the investigation into any accident or incident shall be conducted.

(3) Any regulations made under this Act may prescribe an act or omission in contravention of the regulations to be an offence and may prescribe penalties—

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

Transitional provisions

73. (1) Any person who, on the date of the coming into operation of this Act, is undertaking an activity to which the requirement for a licence under this Act applies shall, within six months from the date of the coming into operation of this Act, apply for a licence under this Act.

(2) Pending the determination of such application, such person may continue to undertake the activity.

(3) Any citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia, whose space object has been launched into the earth orbit or beyond from a launch facility in or outside Malaysia before the coming into operation of this Act shall, within six months from the coming into operation of this Act, register the space object with the Space Regulator in accordance with this Act.

EXPLANATORY STATEMENT

This Bill (“the proposed Act”) seeks to establish the Malaysian Space Board (“Board”) to regulate certain space related activities for the purposes of safety, to regulate the registration of space object and to provide for certain space related offences and related matters.

PART I

2. Part I of the proposed Act deals with the preliminary matters.
3. *Clause 1* contains the short title of the proposed Act and seeks to empower the Minister to appoint a date for the commencement of the proposed Act.
4. *Clause 2* contains the definitions of certain words and expressions used in the proposed Act.
5. *Clause 3* seeks to provide for the territorial scope of offences under the proposed Act.
6. *Clause 4* seeks to provide that the proposed Act is to be read together with other written laws and that the proposed Act shall be in addition to, and not in derogation of, other written laws. Currently, there are space related activities which are governed under other written laws such as the Communications and Multimedia Act 1998 [Act 588] namely licensing of network facilities, including satellite hubs and network services and space services. Under the Communications And Multimedia (Licensing) Regulations 2000 [P.U.(A) 129/2000], “space services” is defined as a radiocommunications service using a space station or any other stations located beyond, or intended to go beyond, or which has been beyond, the major portion of the earth's atmosphere. This *clause* also provides where other written laws contain any provision relating to space related activities regulated under the proposed Act, the provisions of the proposed Act shall prevail and the provisions of such other written law shall be deemed to be superseded.

PART II

7. Part II of the proposed Act deals with the establishment of the Board.
8. *Clause 5* seeks to provide for the establishment and the membership of the Board.
9. *Clause 6* seeks to provide for the functions of the Board.
10. *Clause 7* seeks to provide for the temporary exercise of the functions of the Chairman of the Board (“Chairman”) by the Deputy Chairman of the Board.
11. *Clause 8* seeks to provide that the Space Regulator shall be the Executive Secretary of the Board.
12. *Clause 9* seeks to provide for the provision relating to meetings of the Board. This *clause* also provides that the Board may determine its own procedure.
13. *Clause 10* seeks to empower the Board to invite any person to attend any meeting of the Board for the purpose of advising the Board on any matter under discussion.
14. *Clause 11* seeks to empower the Board to appoint committees to assist the Board in the performance of its functions.
15. *Clause 12* seeks to provide that the Board may delegate any of its functions except the power to delegate, to the Space Regulator subject to such conditions and restrictions imposed by the Board.
16. *Clause 13* seeks to empower the Minister to give directions to the Board and the Board shall give effect to such directions.
17. *Clause 14* seeks to provide for the appointment of the Space Regulator.

PART III

18. Part III of the proposed Act contains a provision on prohibited activities.
19. *Clause 15* seeks to provide for the space related activities which are prohibited activities pursuant to international treaties governing activities in space to ensure that space is used for peaceful purposes. These prohibited activities include activities involving the use of weapons of mass destruction and the establishment of military base, installation and fortification, the testing of any type of weapon and conducting any military manoeuvres in space. As space shall only be used for peaceful purposes, any activity involving the use of military personnel for scientific research or for any other peaceful purposes shall not be an offence.

PART IV

20. Part IV of the proposed Act deals with the provisions relating to licence, launch permit and launch certificate.

21. *Clause 16* seeks to provide for space related activities requiring licence to be granted under the proposed Act. As certain space related activities are currently regulated under other written laws, if an activity requires a licence under the proposed Act, the person undertaking such activity shall ensure that the requirements under the proposed Act and such other written laws are complied with. For example, any person who intends to own or operate any launch facility shall apply for a licence under the proposed Act and a licence under the Communications and Multimedia Act 1998 in relation to any network facility at the launch facility.

22. *Clause 17* seeks to require any person who intends to launch a space object into space from any launch facility in Malaysia to apply for a launch permit.

23. *Clause 18* seeks to require any citizen of Malaysia or permanent resident or body corporate incorporated, established or registered in Malaysia which intends to launch his or its space object into space from any launch facility in or outside Malaysia to apply for a launch certificate.

24. *Clause 19* seeks to provide for the application for a licence, launch permit and launch certificate which shall be made to the Board.

25. *Clause 20* seeks to provide that the Board may request additional documents or information relating to the application for a licence, launch permit and launch certificate.

26. *Clause 21* seeks to provide for the grant of a licence by the Board.

27. *Clause 22* seeks to provide for the grant of a launch permit by the Board.

28. *Clause 23* seeks to provide for the grant of a launch certificate by the Board.

29. *Clause 24* empowers the Board to impose conditions on the licence, launch permit and launch certificate and to vary or revoke such conditions.

30. *Clause 25* empowers the Board to impose additional conditions on the licence, launch permit and launch certificate and to vary or revoke such additional conditions.

31. *Clause 26* seeks to require that the licence, launch permit and launch certificate shall specify the duration of the licence, launch permit and launch certificate.

32. *Clause 27* seeks to provide for additional offences relating to the conditions of the license, launch permit and or launch certificate.

33. *Clause 28* seeks to provide for the renewal of a licence.
34. *Clause 29* seeks to provide for the surrender of a licence.
35. *Clause 30* seeks to provide that a licence granted under the proposed Act shall not be transferred or assigned to any other person. Be that as it may, upon a written application by a licensee, the Board may authorize the transfer of a licence to any other person if the Board is satisfied that the person to whom the licence is to be transferred has the necessary financial and technical resources to comply with the conditions imposed on the licence.
36. *Clause 31* seeks to provide for the circumstances in which a licence, launch permit and launch certificate may be suspended or revoked by the Board.
37. *Clause 32* seeks to provide for the publication of a suspension or revocation of a licence, launch permit and launch certificate
38. *Clause 33* seeks to allow any person aggrieved by the decision of the Board under the proposed Act to appeal against such decision to the Minister.
39. *Clause 34* seeks to empower the Space Regulator or any authorized officer to conduct a review on a licence to determine the compliance of the licensee with the proposed Act or any regulations made under the proposed Act, or with the conditions or additional conditions of the licence.
40. *Clause 35* seeks to provide for the appointment of a Launch Safety Officer by the Space Regulator to determine the compliance of the launch permit holder with the proposed Act or any regulations made under the proposed Act, or with the conditions or additional conditions of the launch permit.

PART V

41. Part V of the proposed Act deals with the registration of a space object.
42. *Clause 36* seeks to require any citizen of Malaysia, permanent resident or body corporate incorporated, established or registered in Malaysia, whose space object has been launched into the earth orbit or beyond from a launch facility in or outside Malaysia to register the space object with the Space Regulator.
43. *Clause 37* seeks to require any owner whose space object has been registered under *clause 36* to notify the Space Regulator of any change regarding the space objects. The change includes the change in ownership and orbital parameters of the space object.
44. *Clause 38* seeks to provide for the duty of the Space Regulator to keep and maintain the register of space objects under the proposed Act.

PART VI

45. Part VI of the proposed Act deals with the liability for the damage resulting from the launch and operation of a space object.

46. *Clause 39* seeks to provide that the launch service provider or owner of the space object, as the case may be, shall be absolutely liable for any damage resulting from the launch of a space object.

47. *Clause 40* seeks to provide that a launch service provider or an owner of a space object shall indemnify the Government against any claims and proceedings brought against the Government in respect of any damage resulting from the launch of the space object. This *clause* also provides that an owner of a space object shall indemnify the Government against any claims and proceedings brought against the Government in respect of the damage resulting from the operation of the space object which has been launched into the earth orbit or beyond. The Convention on International Liability for Damage Caused by Space Objects provides that the launching state, including the state which launches or procures the launching of a space object and the state from whose territory or facility a space object is launched, shall be liable for any damage caused by the launching of a space object.

PART VII

48. Part VII of the proposed Act deals with other offences.

49. *Clause 41* seeks to require any person who discovers any object or person which he has reason to believe to be a space object or an object which originated from space or a personnel or passenger of a spacecraft to notify the Space Regulator or any authorized officer of his discovery. Any person who contravenes this *clause* commits an offence.

50. *Clause 42* seeks to provide that it shall be an offence for any person who discovers any object which he has reason to believe to be a space object or an object which originated from space to tamper with, remove, damage or destroy the object except where it is necessary to do so to prevent immediate danger to the safety of life or property.

PART VIII

51. Part VIII of the proposed Act deals with matters relating to incident, and accident.

52. *Clause 43* seeks to require a licensee, launch permit holder or launch certificate holder to immediately notify the Space Regulator of any accident or incident in respect of the space object or launch facility to which the licence, launch permit or launch certificate granted relates.

53. *Clause 44* seeks to provide for the appointment of an investigator to investigate into an incident and accident. The investigation conducted by the investigator shall be for the purposes of preventing incident and accident in the future and not for the purposes of apportioning blame.

54. *Clause 45* seeks to provide for safe custody of a space object or launch facility and any other evidence during an investigation into an accident.

55. *Clause 46* seeks to provide for the suspension of a licence, launch permit or launch certificate in the event of an accident or incident.

PART IX

56. Part IX of the proposed Act deals with the provisions relating to enforcement.

57. *Clause 47* seeks to empower the Minister to authorize any public officer to exercise the powers of enforcement under the proposed Act.

58. *Clause 48* seeks to provide for the issuance of authority cards to the authorized officers.

59. *Clause 49* seeks to provide for the power of investigation of the authorized officers.

60. *Clause 50* deals with the provision relating to search and seizure with warrant.

61. *Clause 51* deals with the provision relating to search and seizure without warrant.

62. *Clause 52* seeks to require an authorized officer to prepare a list of things seized.

63. *Clause 53* seeks to provide that the cost of holding any thing seized under the proposed Act shall be a debt due to the Government and may be recoverable accordingly.

64. *Clause 54* seeks to provide for the release of any thing seized under the proposed Act.

65. *Clause 55* deals with the provision relating to the forfeiture of any thing seized under the proposed Act.

66. *Clause 56* seeks to provide that any thing forfeited or deemed to be forfeited under the proposed Act shall be the property of the Government.

67. *Clause 57* seeks to provide for the access to computerized data by the authorized officer.

68. *Clause 58* seeks to provide that no cost or damages arising from the seizure of any thing under the proposed Act to be recoverable in any proceedings before any court unless such seizure was done without reasonable cause.

69. *Clause 59* seeks to empower the authorized officer to require attendance of any person acquainted with the facts and circumstances of the case being investigated by the authorized officer.

70. *Clause 60* seeks to empower the authorized officer to examine orally any person supposed to be acquainted with the facts and circumstances of the case being investigated by the authorized officer.

71. *Clause 61* seeks to provide for the admissibility of a statement made by a person to an authorized officer in the course of an investigation made under the proposed Act to be used as evidence.

72. *Clause 62* deals with additional powers of the authorized officer for the purposes of the execution of the proposed Act.

73. *Clause 63* seeks to provide that it shall be an offence for any person who obstructs the Space Regulator, any authorized officer, the Launch Safety Officer and any investigator in the performance of their duties under the proposed Act.

PART X

74. Part X of the proposed Act deals with general provisions.

75. *Clause 64* seeks to provide for the protection of any member of the Board, member of a committee, the Space Regulator, any authorized officer, the Launch Safety Officer and any investigator against suits and legal proceedings.

76. *Clause 65* provides that no prosecution shall be instituted for any offence under the proposed Act or any regulations made under the proposed Act without the consent in writing of the Public Prosecutor.

77. *Clause 66* deals with service of documents under the proposed Act.

78. *Clause 67* deals with attempts to commit and abetments in the commission of offences under the proposed Act.

79. *Clause 68* deals with the liability of a director, compliance officer, partner, manager, secretary or other similar officer in respect of an offence by a body corporate.

80. *Clause 69* deals with the liability of a person for any act, omission, neglect or default by an employee of the person, agent of the person or employee of the person's agent under the proposed Act or any regulations made under the proposed Act.

81. *Clause 70* seeks to provide for the compounding of offences under the proposed Act and any regulations made under the proposed Act.

82. *Clause 71* seeks to empower the Minister to exempt any person or class of persons from any or all of the provisions of the proposed Act.

83. *Clause 72* seeks to empower the Minister to make regulations under the proposed Act.

84. *Clause 73* deals with transitional provisions.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3226]