

A BILL

i n t i t u l e d

An Act to amend the Competition Act 2010.

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ENACTED by the Parliament of Malaysia as follows:

Short title

1. This Act may be cited as the Competition (Amendment) Act 2015.

Amendment of section 51

2. The Competition Act 2010 [*Act 712*], which is referred to as the “principal Act” in this Act, is amended in subsection 51(3) by substituting for the word “advocate” wherever appearing the words “advocate and solicitor”.

New section 57A

3. The principal Act is amended by inserting after section 57 the following section:

“Power to prescribe fees

57A. The Minister may, on the recommendation of the Competition Appeal Tribunal, by order published in the *Gazette*, prescribe fees for the purposes of the Competition Appeal Tribunal and the manner for collecting and disbursing such fees.”.

New section 58A

4. The principal Act is amended by inserting after section 58 the following section:

“Provision relating to costs and expenses

58A. The Competition Appeal Tribunal shall only make an award as to costs and expenses and shall have full power to determine by whom and to what extent the costs and expenses are to be paid—

- (a) against the appellant, if the Competition Appeal Tribunal is satisfied that the appellant had conducted his case in a frivolous or vexatious manner; and
- (b) against any party to the appeal, if the Competition Appeal Tribunal is satisfied that in all circumstances of the case it would be unjust and inequitable not to do so.”.

Transitional provision

5. (1) Where fees are prescribed under section 57A of the principal Act, as introduced in section 3 of this Act, such prescribed fees, where applicable, shall be imposed on any application made on or after the date of coming into operation of the prescribed fees relating to an appeal to the Competition Appeal Tribunal which has been filed before or on the date of coming into operation of this Act and which has not been commenced or which is pending.

(2) Section 58A of the principal Act as introduced in section 4 of this Act shall apply to any appeal to the Competition Appeal Tribunal which has been filed before or on the date of coming into operation of this Act and which has not been commenced or which is pending.

EXPLANATORY STATEMENT

This Bill seeks to amend the Competition Act 2010 (“Act 712”).

2. *Clause 1* contains the short title of the proposed Act.
3. *Clause 2* seeks to amend subsection 51(3) of Act 712 by substituting for the word “advocate” the words “advocate and solicitor” for purposes of consistency with the provisions of sections 22, 23 and 38 of Act 712.
4. *Clause 3* seeks to introduce a new section 57A into Act 712. The new section 57A seeks to empower the Minister to prescribe fees for the purposes of the Competition Appeal Tribunal and the manner for collecting and disbursing such fees. Similar powers are provided amongst others to the Consumer Claims Tribunal under the Consumer Protection Act 1999 [*Act 599*] and the Goods and Services Tax Appeal Tribunal under the Goods and Services Tax Act 2014 [*Act 762*].
5. *Clause 4* seeks to introduce a new section 58A into Act 712. The new section 58A seeks to empower the Competition Appeal Tribunal to award costs and expenses. Similar powers are provided amongst others to the Consumer Claims Tribunal under the Consumer Protection Act 1999 and the Goods and Services Tax Appeal Tribunal under the Goods and Services Tax Act 2014.
6. *Clause 5* seeks to provide for transitional provision relating to the application of the new sections 57A and 58A.

FINANCIAL IMPLICATIONS

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

[PN(U2)2951]