

A BILL

i n t i t u l e d

An Act to amend the Competition Commission Act 2010.

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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 Competition Commission (Amendment) Act 2026.

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

Amendment of long title

2. The Competition Commission Act 2010 [*Act 713*], which is referred to as the “principal Act” in this Act, is amended in the long title by substituting for the words “Competition Commission” the words “Malaysia Competition Commission”.

Amendment of section 1

3. Subsection 1(1) of the principal Act is amended by substituting for the words “Competition Commission Act 2010” the words “Malaysia Competition Commission Act 2010”.

Amendment of section 2

4. Section 2 of the principal Act is amended—

(a) in the definition of “Fund”, by substituting for the words “Competition Commission Fund” the words “Malaysia Competition Commission Fund”;

(b) by substituting for the definition of “Commission officer” the following definition:

“ ‘Commission officer’ means any person appointed by the Commission under section 38;’; and

(c) in the definition of “Commission”, by substituting for the words “Competition Commission” the words “Malaysia Competition Commission”.

Amendment of Part II

5. Part II of the principal Act is amended in the heading by substituting for the words “COMPETITION COMMISSION” the word “COMMISSION”.

Amendment of section 3

6. Subsection 3(1) of the principal Act is amended by substituting for the words “Competition Commission” the words “Malaysia Competition Commission”.

Amendment of section 4

7. Subsection 4(2) of the principal Act is amended by substituting for the words “Competition Commission” the words “Malaysia Competition Commission”.

Amendment of section 16

8. Paragraph 16(a) of the principal Act is amended by inserting after the words “concerning competition” the words “including on policies, procedures and programmes relating to competition”.

Amendment of section 17

9. Subsection 17(2) of the principal Act is amended—

(a) by inserting after paragraph (b) the following paragraph:

“(ba) to impose financial penalties and late payment charges in respect of financial penalties at a rate as may be determined by the Commission for the infringement under the competition laws;”; and

(b) by substituting for paragraph (c) the following paragraph:

“(c) to impose fees, administrative charges or any other charges for services rendered by the Commission or for the purposes of the performance of the functions or the exercise of the powers of the Commission under the competition laws;”.

New section 17A

10. The principal Act is amended by inserting after section 17 the following section:

“Delegation of functions and powers of the Commission

17A. (1) The Commission may, in writing, delegate any of its functions or powers under the competition laws to—

(a) the Chairman;

(b) any committee;

(c) any Commission officer; or

(d) any employee of the Commission.

(2) The Chairman or any committee or person delegated with such function or power under subsection (1) shall be bound to observe and have regard to all conditions or restrictions imposed by the Commission and all requirements, procedures and matters specified by the Commission.

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

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

Amendment of section 27

11. Subsection 27(1) of the principal Act is amended by substituting for the words “Competition Commission Fund” the words “Malaysia Competition Commission Fund”.

Amendment of section 38

12. Section 38 of the principal Act is amended—

(a) in subsection (1), by substituting for the word “appoint” the words “, on the recommendation of the Chief Executive Officer, appoint in writing”; and

(b) in subsection (2), by substituting for the word “appoint” the words “, on the recommendation of the Chief Executive Officer, appoint in writing”.

Amendment of section 43

13. Subsection 43(1) of the principal Act is amended by substituting for the words “this Act” the words “the competition laws”.

Saving

14. (1) All references to the Competition Commission in any written law, instrument, deed, title or other document shall, on the date of coming into operation of this Act, be construed as references to the Malaysia Competition Commission.

(2) All references to the Competition Commission Act 2010 in any written law, instrument, deed, title or other document shall, on the date of coming into operation of this Act, be construed as references to the Malaysia Competition Commission Act 2010.

(3) On the date of coming into operation of this Act, the change of name of the “Competition Commission” to “Malaysia Competition Commission” shall not affect any functions, powers, rights or liabilities of the Competition Commission or render defective any legal proceedings by or against it, and any legal proceedings that could have been continued or commenced by or against it before the date of coming into operation of this Act may be continued or commenced under its new name.

(4) Any direction, guidelines, recommendation, investigation, undertaking, decision, exemption, cancellation, variation, review, or any action, act or thing given, issued, made or done by the Competition Commission before the date of coming into operation of this Act which is still in force and has effect shall, on the date of coming into operation of this Act, be deemed to have been given, issued, made or done by the Malaysia Competition Commission and shall continue to be in force and has effect until amended, revoked, cancelled or replaced by the Malaysia Competition Commission.

(5) Any application, complaint or representation made to the Competition Commission before the date of coming into operation of this Act and still pending before the Competition Commission shall, on the date of coming into operation of this Act, be deemed to have been made to the Malaysia Competition Commission and shall continue to be dealt with by the Malaysia Competition Commission.

(6) All moneys contained in or due to be paid to the Competition Commission Fund established under the principal Act under the administration and control of the Competition Commission shall, on the date of coming into operation of this Act, be deemed to be part of the Malaysia Competition Commission Fund under the administration and control of the Malaysia Competition Commission and be paid to the Malaysia Competition Commission Fund.

(7) Any asset belonging to the Competition Commission immediately before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, become the asset of the Malaysia Competition Commission.

(8) Any committee established by the Competition Commission under the principal Act immediately before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, be deemed to have been established by the Malaysia Competition Commission and subject to the terms of its establishment, continue to be established by the Malaysia Competition Commission.

(9) Any member of the Commission, member of a committee, the Chief Executive Officer, any Commission officer, any employee of the Commission or any other person appointed or employed by the Competition Commission under the principal Act immediately before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, be deemed to have been appointed or employed by the Malaysia Competition Commission and subject to the terms and conditions of his appointment or employment, continue to be appointed or employed by the Malaysia Competition Commission.

EXPLANATORY STATEMENT

This Bill seeks to amend the Competition Commission Act 2010 (“Act 713”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clauses 2 and 3* seek to amend the long title and short title of Act 713 respectively to provide for the change of name of the Competition Commission (“Commission”) to “Malaysia Competition Commission”.

4. *Clause 4* seeks to amend certain definitions used in Act 713 consequential to the change of name of the Commission to “Malaysia Competition Commission”.

5. *Clauses 5, 6 and 7* seek to amend Part II and sections 3 and 4 of Act 713 respectively consequential to the change of name of the Commission to “Malaysia Competition Commission”.

6. *Clause 8* seeks to amend section 16 of Act 713 to further clarify that the function of the Commission in advising the Minister or any other public or regulatory authority on all matters concerning competition shall include giving advice on policies, procedures and programmes relating to competition.

7. *Clause 9* seeks to amend section 17 of Act 713 on the powers of the Commission.

Subclause 9(a) seeks to introduce a new paragraph 17(2)(ba) into Act 713 to provide for the power of the Commission to impose financial penalties and late payment charges for the financial penalties for the infringement under the competition laws.

Subclause 9(b) seeks to substitute paragraph 17(2)(c) of Act 713 to provide for the power of the Commission to impose fees, administrative charges or any other charges for the services rendered by the Commission or for the purposes of the performance of the functions or exercise of the powers of the Commission under the competition laws.

8. *Clause 10* seeks to introduce a new section 17A into Act 713 to enable the Commission to delegate any of its functions or powers to the Chairman of the Commission, any committee, any Commission officer or any employee of the Commission.

9. *Clause 11* seeks to amend section 27 of Act 713 to provide for the change of name of the “Competition Commission Fund” to “Malaysia Competition Commission Fund”.

10. *Clause 12* seeks to amend section 38 of Act 713 on the appointment and power of the Commission officers.

Subclause 12(a) seeks to amend subsection 38(1) of Act 713 to provide that the appointment of the Commission officers may be made by the Commission on the recommendation of the Chief Executive Officer. This amendment seeks to further enhance transparency and accountability in the appointment of the Commission officers.

Subclause 12(b) seeks to amend subsection 38(2) of Act 713 to provide that the appointment of the Commission officers for the purposes of investigation under the competition laws may be made on the recommendation of the Chief Executive Officer.

11. *Clause 13* seeks to amend section 43 of Act 713 on the obligation of secrecy to provide that except for any of the purposes of the competition laws or for the purposes of any civil or criminal proceedings under any written law or where authorized by the Commission, no member of the Commission or any of its committees or any employee or agent of the Commission or any other relevant person shall disclose any information obtained by him in the course of his duties and which is not published in pursuance of the competition laws or disclose any information or document relating to the affairs of the Commission.

12. *Clause 14* seeks to provide for the saving provisions following the change of name of the Commission.

FINANCIAL IMPLICATIONS

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

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