

A BILL

i n t i t u l e d

An Act to validate the imposition, levy and collection of the windfall profit levy and to indemnify the Government of Malaysia and certain officers thereof in respect of the windfall profit levy imposed, levied and collected throughout Malaysia during the period from 1 January 1999 to 31 January 2023.

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ENACTED by the Parliament of Malaysia as follows:

Short title

1. This Act may be cited as the Windfall Profit Levy (Validation) Act 2023.

Validation and indemnity

2. (1) Notwithstanding the provisions of the Windfall Profit Levy Act 1998 [*Act 592*], the windfall profit levy imposed, levied and collected throughout Malaysia during the period from 1 January 1999 to 31 January 2023 and purporting to have been imposed, levied and collected under the authority of the Windfall Profit Levy (Crude Palm Oil and Crude Palm Kernel Oil) Order 1998 [*P.U. (A) 494/1998*], the Windfall Profit Levy (Crude Palm Oil and Crude Palm Kernel Oil) Order 2008 [*P.U. (A) 217/2008*], the Windfall Profit Levy (Oil Palm Fruit) Order 2008

[*P.U. (A) 250/2008*] and the Windfall Profit Levy (Electricity) Order 2008 [*P.U. (A) 234/2008*], as amended from time to time, shall be deemed to have been validly imposed, levied and collected.

(2) No action or legal proceedings shall be brought, instituted or maintained against the Government of Malaysia or any officer of the Government of Malaysia or any person acting under them in respect of any windfall profit levy imposed, levied and collected where such windfall profit levy were purported to be imposed, levied and collected by virtue of the Windfall Profit Levy (Crude Palm Oil and Crude Palm Kernel Oil) Order 1998 [*P.U. (A) 494/1998*], the Windfall Profit Levy (Crude Palm Oil and Crude Palm Kernel Oil) Order 2008 [*P.U. (A) 217/2008*], the Windfall Profit Levy (Oil Palm Fruit) Order 2008 [*P.U. (A) 250/2008*] and the Windfall Profit Levy (Electricity) Order 2008 [*P.U. (A) 234/2008*], as amended from time to time, and if any such action or legal proceedings has been brought, instituted or maintained, it shall be discharged and made void and no refund in respect of the windfall profit levy imposed, levied and collected as stated in this Act shall be made.

EXPLANATORY STATEMENT

This Bill seeks to validate the imposition, levy and collection of the windfall profit levy imposed, levied and collected during the period from 1 January 1999 to 31 January 2023, where the windfall profit levy orders mentioned in *clause 2* of this Bill were not laid on the table of the Dewan Rakyat in accordance with subsection 7(1) of the Windfall Profit Levy Act 1998 (“Act 592”) which should have been done, and no resolution was passed by the Dewan Rakyat under subsection 7(2) of Act 592 to confirm the windfall profit levy orders.

FINANCIAL IMPLICATIONS

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

[PN(U2)3319]