



LAWS OF MALAYSIA

ONLINE VERSION
OF UPDATED TEXT OF REPRINT

Act 388

INTERPRETATION ACTS 1948 AND 1967

As at 1 May 2015

INTERPRETATION ACTS

1948 AND 1967

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LAWS OF MALAYSIA**Act 388****INTERPRETATION ACTS 1948 AND 1967**

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FIRST SCHEDULE

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LAWS OF MALAYSIA**Act 388****INTERPRETATION ACTS 1948 AND 1967**

An Act to provide for the commencement, application, construction, interpretation and operation of written laws; to provide for matters in relation to the exercise of statutory powers and duties; and for matters connected therewith.

*[PART I—18 May 1967, P.U. (A) 204/1967
PART II—31 January 1948;
PART III—30 September 1967]*

Short title

1. This Act may be cited as the Interpretation Acts 1948 and 1967.

PART I

[Sections 3–65 of this revised Act correspond to sections 3–65 of the Interpretation Act 1967 [Act No. 23 of 1967]]

Application

2. (1) Subject to this section, Part I of this Act shall apply for the interpretation of and otherwise in relation to—

(a) this Act and all Acts of Parliament enacted after 18 May 1967;

- (b) all laws, whether enacted before or after the commencement of this Act, revised under the Revision of Laws Act 1968 [*Act I*];
 - (c) all subsidiary legislation made under this Act and under Acts of Parliament enacted after the commencement of this Act;
 - (d) all subsidiary legislation, whether made before or after the commencement of this Act, revised under the Revision of Laws Act 1968;
 - (e) all subsidiary legislation made after the 31 December 1968, under the laws revised under the Revision of Laws Act 1968.
- (2) PART I shall not apply for the interpretation of or otherwise in relation to any written law not enumerated in subsection (1).
- (3) PART I shall not apply where there is—
- (a) express provision to the contrary; or
 - (b) something in the subject or context inconsistent with or repugnant to its application.

DIVISION ONE

Meaning of Certain Expressions and References

Definitions

3. The following words and expressions have the meanings hereby respectively assigned to them, that is to say—

“Act” or “Act of Parliament” used with reference to legislation, means a law made by Parliament;

“act” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions;

“advocate” means a person entitled to practise as an advocate or as an advocate and solicitor under the law in force in any part of Malaysia;

“affidavit” includes statutory declaration;

“aircraft” includes every description of craft used in aerial navigation;

“amend” includes repeal, add to and vary;

“armed forces” means the armed forces of Malaysia;

“Attorney General” means the Attorney General of Malaysia;

“Cabinet” means the Jemaah Menteri (Cabinet of Ministers) appointed under Article 43 of the Federal Constitution;

“calendar year” means a year beginning on 1 January;

“Chief Justice” means the Chief Justice of the Federal Court;

“Chief Minister” or “Menteri Besar” means the president, by whatever name called, of the Executive Council of a State;

“citizen” means a citizen of Malaysia;

“commencement”, used with reference to a written law, means the date when the law comes into operation;

“common law” means the common law of England;

“Commonwealth country” and “part of the Commonwealth” have the meaning assigned by Article 160(2) of the Federal Constitution;

“Conference of Rulers” means the Majlis Raja-Raja (Conference of Rulers) established by Article 38 of the Federal Constitution;

“Consolidated Fund” means the Federal Consolidated Fund established by the Federal Constitution;

“Constitution” means the Federal Constitution and includes the Constitutions of the States;

“consular officer” means a person exercising consular functions, by whatever name called;

“contravene” includes fail to comply with;

“court” means a court of competent jurisdiction;

“diplomatic officer” means a person exercising diplomatic functions, by whatever name called;

“district” means one of the districts into which a State is divided for administrative purposes;

“district officer” means the officer for the time being in administrative charge of a district, by whatever name called;

“division” in relation to Sarawak, means one of the divisions into which Sarawak is divided for administrative purposes;

“document” means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used or which may be used for the purpose of recording that matter;

“East Malaysia” means the States of Sabah and Sarawak;

“Enactment” means a law made by the Legislature of a State other than Sarawak;

“Executive Council” has the meaning assigned by Article 160(2) of the Federal Constitution;

“export” means export from Malaysia;

“Federal Constitution” means the Constitution of Malaysia and does not include the Constitution of the States;

“Federal Government” means the Government of Malaysia;

“federal law” means an Act of Parliament, and any other law in force in Malaysia or any part thereof which relates to a matter with respect to which Parliament has power to make laws;

“federal public office” means an office in the public service mentioned in Article 132(1)(c) of the Federal Constitution, that is to say, the general public service of the Federation;

“federal public officer” means a person lawfully holding, acting in or exercising the functions of a federal public office;

“Federation” means Malaysia;

“financial year” means a year beginning on 1 January;

“forfeited” means forfeited to the Government of Malaysia or, in a case where forfeitures are assigned to a State by the Federal Constitution as items of revenue, forfeited to the Government of the State in question;

“function” includes power and duty;

“*Gazette*” includes the official *Gazette* of the Federation published in electronic or other form by order of the Government and shall, to the extent specified in subsection 18(3), include the official *Gazette* of any State;

“Government analyst” includes any assistant or other analyst employed by the Government;

“Government” means the Government of Malaysia;

“Government Printer” includes any printer authorized, either generally or in a particular case or class of cases, to print Acts, Enactments, Ordinances or any other written laws;

“House of Representatives” or “Dewan Rakyat” means the Dewan Rakyat (House of Representatives) established by Article 44 of the Federal Constitution;

“Houses of Parliament” means the Senate and House of Representatives;

“immovable property” means land and any interest in, right over or benefit arising or to arise out of land;

“import” means import into Malaysia;

“imprisonment” means imprisonment in accordance with any written law for the time being in force for the regulation of prisons and imprisonment;

“infant” has the same meaning as minor;

“Keeper of the Rulers’ Seal” or “Penyimpan Mohor Besar Raja-Raja” means the Penyimpan Mohor Besar Raja-Raja (Keeper of the Rulers’ Seal) whose office is provided for by sections 3 and 4 of the Fifth Schedule to the Federal Constitution;

“land” includes—

- (a) the surface of the earth and all substances forming that surface;
- (b) the earth below the surface and all substances therein;
- (c) all vegetation and other natural products, whether or not requiring the periodical application of labour to their production, and whether on or below the surface;

(d) all things attached to the earth or permanently fastened to any thing attached to the earth, whether on or below the surface; and

(e) land covered by water;

“law” has the meaning assigned by Article 160(2) of the Federal Constitution;

“Legislative Assembly” means the representative assembly, by whatever name called, in the Legislature of a State (and in particular includes the Council Negeri in Sarawak);

“Legislature” has the meaning assigned by Article 160(2) of the Federal Constitution;

“local authority” means any municipal council, town council, town board, local council, rural board, sanitary board or similar local authority established by a written law;

“magistrate” means a magistrate appointed under any written law providing for the appointment of magistrates;

“Malay” has the meaning assigned by Article 160(2) of the Federal Constitution;

“master”, used with reference to a ship, means any person (except a pilot or harbour master) having for the time being control or charge of the ship;

“Merdeka Day” means 31 August 1957;

“Minister” means, subject to subsection 8(2), a Minister of the Government of Malaysia (including the Prime Minister and a Deputy Minister);

“minor” means a person who has not attained the age of majority prescribed by the law applicable to him;

“monogamous marriage” means a marriage which is recognized by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage;

“month” means a month reckoned according to the Gregorian calendar;

“movable property” means all property other than immovable property;

“mukim”, in relation to Kelantan, means daerah;

“National Language” means the national language provided for by Article 152 of the Federal Constitution;

“oath” includes affirmation;

“Ordinance” means a law made by the Legislature of Sarawak;

“Parliament” means the Parliament of Malaysia;

“penghulu”, in relation to Kelantan, means penggawa;

“Peninsular Malaysia” means the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Terengganu and the Federal Territories of Kuala Lumpur and Putrajaya;

“person” includes a body of persons, corporate or unincorporate;

“police officer” means an officer of the Royal Malaysia Police;

“President of the Senate” or “Yang di-Pertua Dewan Negara” means the Yang di-Pertua Dewan Negara (President of the Senate) whose office is provided for by Article 56(1) of the Federal Constitution;

“Prime Minister” means the Prime Minister of Malaysia;

“public holiday” means a public holiday established by law in Malaysia or any part of Malaysia;

“public office” means an office in any of the public services;

“public officer” means a person lawfully holding, acting in or exercising the functions of a public office;

“public place” includes every public highway, street, road, bridge, square, court, alley, lane, bridle way, footway, parade, wharf, jetty, quay, public garden or open space, and every theatre, place of public entertainment of any kind or other place of general resort to which admission is obtained by payment or to which the public have access;

“Public Prosecutor” means the Attorney General, and includes (within the scope of his authority) a Deputy Public Prosecutor appointed under any written law relating to criminal procedure and a person authorized by any such law to act as or exercise all or any of the powers of the Public Prosecutor or a Deputy Public Prosecutor;

“Public Seal” means the Public Seal of Malaysia;

“public services” means the public services mentioned in Article 132(1) of the Federal Constitution;

“registered”, used with reference to a document, means registered under the law for the time being applicable to the registration of the document;

“repeal” includes rescind, revoke, cancel and replace;

“residency”, in relation to Sabah, means one of the residencies into which Sabah is divided for administrative purposes;

“ringgit” means a ringgit in the currency of Malaysia;

“Rules Committee” means the body for the time being authorized by law to make rules of court for the Federal Court, the Court of Appeal and the High Courts established by the Federal Constitution;

“rules of court” means rules or other subsidiary legislation regulating the practice and procedure of a court or courts;

“Ruling Chiefs” means the Undang of Sungei Ujong, the Undang of Jelebu, the Undang of Johol, the Undang of Rembau and the Tunku Besar of Tampin;

“seaman” includes every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

“sell” includes exchange, barter, offer for sale and expose for sale;

“sen” means a sen in the currency of Malaysia;

“Senate” or “Dewan Negara” means the Dewan Negara (Senate) established by Article 44 of the Federal Constitution;

“Senator” means a member of the Senate;

“ship” includes every description of vessel used in the navigation of water, other than vessels exclusively propelled by oars, paddles or poles;

“sign” includes the making of a mark or the affixing of a thumbprint;

“Speaker” means the Speaker of the House of Representatives;

“State” means a State of Malaysia;

“State Authority” means the Ruler or Yang di-Pertua Negeri of a State and includes, in Negeri Sembilan, the Yang di-Pertuan Besar acting on behalf of himself and the Ruling Chiefs;

“State Consolidated Fund” means the Consolidated Fund of a State;

“State *Gazette*” means the official *Gazette* of a State (including any supplement or special *Gazette*);

“State Government” means the Government of a State;

“State law” means a law made by the Legislature of a State, and any other law in force in a State which relates to a matter with respect to which the Legislature of the State has power to make laws;

“State Pardons Board” means the Pardons Board constituted for a State by Article 42(5) of the Federal Constitution;

“State Seal” means the State Seal or Public Seal of a State;

“statutory declaration” means a statutory declaration made in pursuance of any written law providing for the making of statutory declarations or, if made in a place outside Malaysia—

(a) a declaration made before a Malaysian diplomatic or consular officer; or

(b) a declaration made under any law in force in that place providing for the making of declarations which are substantially similar in nature and effect to the statutory declarations provided for by any such written law;

“subsidiary legislation” means any proclamation, rule, regulation, order, notification, by-law or other instrument made under any Act, Enactment, Ordinance or other lawful authority and having legislative effect;

“swear” includes affirm;

“under”, in relation to a written law or any provision thereof, includes “in accordance with”, “pursuant to” and “by virtue of”;

“vessel” includes floating and submarine craft of every description;

“weekly holiday” means Sunday or, in a State where Friday is observed as the weekly holiday, Friday;

“will” means a testamentary document of any description, including a codicil;

“words” includes figures and symbols;

“writing” or “written” includes typewriting, printing, lithography, photography, electronic storage or transmission or any other method of recording information or fixing information in a form capable of being preserved;

“written law” means—

- (a) the Federal Constitution and the Constitutions of the States and subsidiary legislation made thereunder;
- (b) Acts of Parliament and subsidiary legislation made thereunder;
- (c) Ordinances and Enactments (including any federal or State law styling itself an Ordinance or Enactment) and subsidiary legislation made thereunder; and
- (d) any other legislative enactments or legislative instruments (including Acts of Parliament of the United Kingdom of Great Britain and Northern Ireland and Orders in Council and other subsidiary legislation made thereunder) which are in force in Malaysia or any part thereof;

“year” means a year reckoned according to the Gregorian calendar.

Grammatical variations, gender and number

4. (1) Where any word or expression is defined in a written law, the definition shall extend to all grammatical variations and cognate expressions of the word or expression so defined.

(2) Words and expressions importing the masculine gender include females.

(3) Words and expressions in the singular include the plural, and words and expressions in the plural include the singular.

References to offices, etc., established by Constitution

5. Where by the Federal Constitution or the Constitution of a State there is established an office, a court, a council or a commission, a reference thereto by the name, style or title under which it is established shall be sufficient to identify it.

References to public officers

6. (1) A reference to a public officer by the usual or common title of his office (and in particular without prejudice to the generality of the foregoing, by its title in estimates of expenditure laid before the House of Representatives or a Legislative Assembly) shall be sufficient to identify him.

(2) This section shall apply to a reference to a public officer in a warrant, process or other instrument issued in pursuance of a written law as it applies to a reference to a public officer in a written law.

Reference to office-holder includes acting holding, etc.

7. A reference to the holder of any public or other office (including a reference in an appointment made pursuant to section 50) is a reference to the person for the time being lawfully holding, acting in or exercising the functions of that office.

References to “the High Court”, “the Minister” and “the Treasury”

8. (1) A reference to “the High Court” is a reference, in relation to any particular case, to whichever of the High Courts established by the Federal Constitution has jurisdiction in that case.

(2) A reference to “the Minister” is a reference to the Minister for the time being responsible for the matter in connection with which the reference is made.

(3) A reference to “the Treasury” is a reference to the Minister for the time being responsible for finance and includes any public officer under the administrative control or direction of that Minister to whom that Minister has delegated or who, in accordance with section 6 or 7 of the Delegation of Powers Act 1956 [Act 358], is authorized to exercise functions under the Financial Procedure Act 1957 [Act 61].

References to States

9. A reference to the name of a State is a reference to the State of that name, whether or not the name is preceded by the words “the State of”.

10. (*Deleted by Act 261*).

References to distance

11. A reference to distance is a reference to distance measured in a straight line on a horizontal plane.

Service by post

12. Where a written law authorizes or requires a document to be served by post, then, until the contrary is proved, service—

(a) shall be presumed to be effected by properly addressing, prepaying and posting by registered post a letter containing the document; and

(b) shall be presumed to have been effected at the time when the letter would have been delivered in the ordinary course of the post.

DIVISION TWO

Provisions Affecting Written Laws Generally

Acts to be public Acts

13. Every Act shall be a public Act unless the contrary is expressly provided therein.

Division into sections

14. Every Act shall be divided into sections, each of which shall have effect as a substantive enactment without any introductory words.

Long title, preamble and schedules

15. The long title and preamble and every schedule (together with any note or table annexed to the schedules) to an Act or to any subsidiary legislation shall be construed and have effect as part of the Act or subsidiary legislation.

Notice to be taken of division into parts, chapters, etc.

16. Where an Act or subsidiary legislation is divided into parts or chapters or otherwise, the fact and particulars of the division shall, without express mention thereof in the Act or subsidiary legislation, be taken notice of in all courts and for all purposes whatsoever.

Citation

17. Where an Act or subsidiary legislation provides for the manner of its own citation, the use of that manner of citation (with or without a reference to its number and the year in which it was made or, where it is included in a current revised or reprinted edition of written laws,

its chapter number or other number in that edition) shall be sufficient to identify it.

Regard to be had to the purpose of Act

17A. In the interpretation of a provision of an Act, a construction that would promote the purpose or object underlying the Act (whether that purpose or object is expressly stated in the Act or not) shall be preferred to a construction that would not promote that purpose or object.

Gazette

18. (1) The *Gazette* shall be published in parts as follows:

- (a) a part to be known as the Acts Supplement which shall be published as and when necessary and which shall contain all Acts of Parliament and all Ordinances promulgated by the Yang di-Pertuan Agong;
- (b) a part to be known as the Legislative Supplement A which shall be published as and when necessary and which shall contain all Royal Proclamations, orders, rules, regulations and by-laws;
- (c) a part to be known as the Legislative Supplement B which shall be published as and when necessary and which shall contain all subsidiary legislation other than that which is required to be published in the Legislative Supplement A;
- (d) a part to be known as the Bills Supplement which shall be published as and when necessary and which shall contain all Bills;
- (e) a part which shall contain all matter which is required to be published in the *Gazette* or which the Government deems it necessary to publish for general information

other than matter which this subsection requires to be published in the other parts.

(2) Publication in the official *Gazette* of Malaysia shall constitute sufficient notice of any matter required to be published in the *Gazette* by or under any federal law or required to be published in the Sabah Government *Gazette* or the Sarawak Government *Gazette* by or under any enactment of those States which has been declared to be a federal law.

(3) Where any matter is of local application only and is issued under the authority of a State officer or any person in the State having authority to do so under federal law it shall constitute sufficient notice thereof if the matter is published in the official *Gazette* of the State concerned.

(4) Where the *Gazette* is published in more than one form, the date of publication of the *Gazette* shall be deemed to be the date the *Gazette* is first published in any form.

Commencement

19. (1) The commencement of an Act or subsidiary legislation shall be the date provided in or under the Act or subsidiary legislation or, where no date is so provided, the date immediately following the date of its publication in pursuance of section 18.

(2) Acts and subsidiary legislation shall come into operation immediately on the expiration of the day preceding their commencement.

(3) Notwithstanding subsections 2(1) and (2) and subsection 65(2), subsections (1) and (2) shall apply—

(a) to all Acts enacted after the 31 December 1968 including Acts which amend laws enacted before the commencement of Part I of this Act; and

- (b) to all subsidiary legislation made after the 31 December 1968, whether made under a law enacted before or after the commencement of Part I of this Act whether or not that law has been revised under the Revision of Laws Act 1968.

Subsidiary legislation may be retrospective

20. Notwithstanding the absence of any express provision in any Act or other written law, where such Act or other written law empowers any person to make subsidiary legislation, such subsidiary legislation may be made to operate retrospectively to any date which is not earlier than the commencement of the Act or other written law under which it is made or, where different provisions of that law come into operation on different dates, the commencement of that law under which it is made:

Provided that no person shall be made or shall become liable to any penalty in respect of any act done before the date on which the subsidiary legislation was published.

Meaning of certain expressions in subsidiary legislation

21. (1) Terms and expressions used in subsidiary legislation have the same meaning as in the written law under which the subsidiary legislation was made.

(2) In subsidiary legislation made under an Act, “the Act” means the Act under which the subsidiary legislation was made.

Amendment, revocation, etc., of subsidiary legislation

22. Subsidiary legislation may at any time be amended, varied, added to, revoked, suspended or revived by the person or authority by which it was made or, if that person or authority has been lawfully replaced by another person or authority, by that other person or authority.

Avoidance of subsidiary legislation in case of inconsistency with Act

23. (1) Any subsidiary legislation that is inconsistent with an Act (including the Act under which the subsidiary legislation was made) shall be void to the extent of the inconsistency.

(1A) For the purposes of subsection (1), any subsidiary legislation made under an Act is not inconsistent with that Act or any other Act merely by reason of the absence in the Act under which it is made of any provision relating to the commencement, application, operation, interpretation or construction of the subsidiary legislation or to any other matter in connection with such subsidiary legislation if provisions relating to the commencement, application, operation, interpretation or construction of, or other matter in connection with, subsidiary legislation generally are contained in this Act.

(2) In this section “Act” includes a federal law styling itself an Ordinance or Enactment.

Things done under subsidiary legislation deemed to be done under authorizing law

24. Anything done under any subsidiary legislation shall be deemed to be done under the Act or other written law under which the subsidiary legislation was made.

Subsidiary legislation deemed to be made under all powers thereunto enabling

25. Subsidiary legislation shall be deemed to be made under all powers thereunto enabling, whether in the Act or other written law under which it is made or under this Act and whether or not it purports to be made in exercise of any particular power or powers.

Particular power to make subsidiary legislation without prejudice to general power

26. Where power is conferred to make subsidiary legislation for a general purpose and also for any particular purposes incidental thereto, the enumeration of the particular purposes shall not derogate from the generality of the power conferred with reference to the general purpose.

Penalties in subsidiary legislation

27. Notwithstanding the absence of any express provision in any Act or other written law, subsidiary legislation may provide that contravention of any provision of the subsidiary legislation shall constitute an offence and for persons guilty of such offence to be liable on conviction to a fine or a term of imprisonment or both, but may not provide for any such fine to exceed one thousand ringgit or any such term to exceed six months.

Subsidiary legislation unaffected by repeal of authorizing law in certain cases

28. Where a written law repeals in whole or in part any former written law and substitutes other provisions therefor, subsidiary legislation made under the repealed law shall, in so far as it is not inconsistent with the substituted provisions, remain in force until revoked or replaced by subsidiary legislation made under the repealing law, and shall be deemed for all purposes to have been made thereunder.

Repeal does not revive earlier repealed laws, etc.

29. The repeal of a written law shall not revive any written law or other thing not in force or existing immediately before the repeal took effect, and in particular (without prejudice to the generality of the foregoing) the repeal of a written law which itself repealed an earlier law shall not revive that earlier law.

Matters not affected by repeal

30. (1) The repeal of a written law in whole or in part shall not—

- (a) affect the previous operation of the repealed law or anything duly done or suffered thereunder; or
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed law; or
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed under the repealed law; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing law had not been made.

(2) Without prejudice to the generality of subsection (1)—

- (a) the repeal of a written law which adopts, extends or applies another written law shall not—
 - (i) invalidate the adoption, extension or application; or
 - (ii) prejudicially affect the continued operation of the adopted, extended or applied law; and
- (b) the repeal of a written law which amends another written law shall not—
 - (i) invalidate the amendments made by the repealed law; or

- (ii) prejudicially affect the continued operation of that other law as amended.

Repeal includes amending legislation

31. The repeal of a written law which has been amended by another written law includes the repeal of the amending law:

Provided that, where the amending law provides for matters other than the amendment of the repealed law, only those provisions of the amending law which effect the amendment shall be repealed by virtue of this section.

Expiry

32. Sections 28, 29, 30 and 31 shall apply on the expiry of a written law as they would have applied if that law had been repealed.

Specific transitional and saving provisions to be without prejudice to sections 28 to 32

33. Specific transitional or saving provisions included in a written law shall be without prejudice to the application of sections 28, 29, 30, 31 and 32 in respect of that law.

Construction of amended law with amending law

34. Where a written law amends another written law, the amending law shall be read and construed as one with the amended law.

References to written laws

35. (1) A reference to a particular written law—

(a) is a reference to that law as amended or extended from time to time; and

(b) includes a reference to any subsidiary legislation made thereunder.

(2) Where any written law or any provision of a written law is repealed and re-enacted (with or without modification), references in any other written law to the law or provision so repealed shall be construed as references to the re-enacted law or provision.

(3) A reference to a group of sections or other divisions (by whatever name called) of a written law includes both the first and the last section or other division referred to.

(4) A reference to the number of a line of any provision of a written law is a reference to the line of that number in the latest official printed copy of that law at the time of the making of the law containing the reference.

Internal references in written laws

36. (1) In any written law—

(a) a reference to a specified part is a reference to that part of that law;

(b) a reference to a specified schedule is a reference to that schedule to that law; and

(c) a reference to a specified chapter is a reference to that chapter of the part of that law in which the reference occurs.

(2) In an Act—

(a) a reference to a specified section is a reference to that section of that Act;

- (b) a reference to a specified subsection is a reference to that subsection of the section in which the reference occurs;
 - (c) a reference to a specified paragraph is a reference to that paragraph of the section, subsection or schedule in which the reference occurs; and
 - (d) a reference to a specified subparagraph is a reference to that subparagraph of the paragraph in which the reference occurs.
- (3) In subsidiary legislation—
- (a) a reference in rules or regulations to a specified rule or regulation is a reference to that rule or regulation of the rules or regulations in which the reference occurs;
 - (b) a reference to a specified paragraph in a rule, regulation or schedule or in an order which is divided into paragraphs is a reference to that paragraph of the rule, regulation, schedule or order in which the reference occurs; and
 - (c) a reference to a specified subparagraph is a reference to that subparagraph of the paragraph in which the reference occurs.

DIVISION THREE

Powers and Appointments

Time for exercise of power

37. Where a written law confers any power or imposes any duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Power of majority

38. Where by or under a written law any act or thing may or is required to be done by more than two persons, a majority of them may do it.

Law officers

39. (1) A written law conferring powers or imposing duties on the Attorney General shall be construed as conferring those powers or imposing those duties on both the Attorney General and the Solicitor General.

(2) A delegation of functions to the Attorney General pursuant to a written law shall be deemed to be a delegation to both the Attorney General and the Solicitor General.

Implied powers

40. (1) Where a written law confers a power on any person to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

(2) Without prejudice to the generality of subsection (1)—

- (a) power to make subsidiary legislation to control or regulate any matter includes power to provide for the same by licensing and power to prohibit acts whereby the control or regulation might be evaded;
- (b) power to grant a licence, permit, authority, approval or exemption includes power to impose conditions subject to which the licence, permit, authority, approval or exemption is granted; and

- (c) where a power is conferred on any person to direct, order or require any act or thing to be done, there shall be deemed to be imposed on any person to whom a direction, order or requisition is given in pursuance of the power a duty to comply therewith.

Powers of certain bodies not affected by vacancy, etc.

41. A board, commission, committee or similar body (whether corporate or unincorporate) established by or under a written law may act notwithstanding any vacancy in its membership; and its proceedings shall not be invalidated by—

- (a) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member; or
- (b) any minor irregularity in the convening or conduct of a meeting; or
- (c) the presence or participation of a person not entitled to be present or participate.

Exercise of power between publication and commencement of Act

42. Where by an Act which is not to come into operation until a date subsequent to its publication there is conferred a power to make subsidiary legislation, to make appointments or to do any other thing for the purposes of the Act, the power may be exercised on or at any time after the date of publication of the Act but (except to such extent as may be necessary to bring the Act or any provision thereof into operation) shall not have effect until the commencement of the Act or, where different provisions of the Act come into operation on different dates, the commencement of the provision conferring the power.

Construction of power to appoint commencement

43. A power to appoint a date on which a written law shall come into operation does not include power to appoint—

(a) a date prior to the date on which the instrument of appointment is published; or

(b) different dates for different provisions of that law,

unless express provision is made in that behalf.

Implied powers in respect of fees and charges

44. A power to make subsidiary legislation prescribing fees or charges includes power to provide for—

(a) the imposition (either generally or under specified conditions or in specified circumstances) of—

(i) specific fees or charges;

(ii) maximum or minimum (or maximum and minimum) fees or charges; and

(iii) no fee or charge; and

(b) the partial or total reduction, waiver or refund of the fees or charges in accordance with specified conditions, in the discretion of a specified person or on the happening of a specified event.

Construction of power to extend time

45. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend that time, the power may be exercised by the court

or authority although the application for its exercise is not made until after the expiration of the time prescribed.

Power to delegate hearing of appeals

46. (1) The Yang di-Pertuan Agong or a Minister, where an appeal is made to him in pursuance of any written law, may appoint a committee (which shall not include the person from whose decision the appeal is made) for the purpose of hearing the appeal and tendering advice as to the decision which should be made thereon.

(2) The Yang di-Pertuan Agong or a Minister shall not be bound to accept advice tendered under subsection (1).

Power to appoint includes power to remove, etc.

47. Where a power to make an appointment is conferred by any written law, the appointing authority shall also have power (subject to any limitations or qualifications which affect the power of appointment) to remove, suspend, reappoint or re-instate any person appointed in the exercise of the power.

Power to appoint member of board, etc., temporarily

48. Where a power is conferred by a written law to appoint any person to be a member of any board, commission, committee or similar body, the appointing authority may, if during any period owing to absence or inability to act from illness or any other cause any member so appointed is unable to act as such, appoint some other person to act temporarily for that member during the period of absence or inability.

Power to appoint chairman, etc.

49. Where a power is conferred by any written law to appoint the members of any board, commission, committee or similar body, the

appointing authority may appoint a chairman, deputy chairman and secretary of the board, commission, committee or body.

Appointment may be made by office and with retrospective effect

50. Where under any written law the Yang di-Pertuan Agong, a State Authority, a Minister or any other authority is empowered to appoint a person to exercise any function, to be a member of any board, commission or similar body or to be or do any other thing, he may—

- (a) instead of appointing a person by name, appoint the holder of an office by the term designating the office; and
- (b) if he thinks fit, make the appointment with retrospective effect to a date not earlier than the commencement of the law under which it is made.

Temporary exercise of ministerial functions

51. (1) Where a Minister is temporarily prevented from exercising his functions by sickness, absence or any other cause, the Yang di-Pertuan Agong may direct, subject to such conditions, exceptions or qualifications (if any) as he thinks fit, that those functions shall be exercisable by another Minister; and, while the direction is in force, those functions shall be exercisable by that other Minister accordingly.

(2) A direction given under subsection (1) may be retrospective and may be revoked or varied by the Yang di-Pertuan Agong at any time.

Appointment, etc., in the public services

52. (1) A written law providing for an appointment to be made by the Yang di-Pertuan Agong or a State Authority shall, if it relates to a public office, be construed as providing for the appointment to be

made in accordance with the law for the time being regulating appointments to the public services.

(2) The authority responsible for making appointments to any public office may appoint a person to act in that office during any period when the holder of the office is prevented from exercising his functions by sickness, absence or any other cause.

(3) When the substantive holder of a public office is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed to be the substantive holder of the office.

(4) Nothing in this section or in the other provisions of this Division shall be construed as empowering any authority—

(a) to make an appointment to a public office; or

(b) to remove or suspend a public officer from office, otherwise than in accordance with the law for the time being regulating the public services.

DIVISION FOUR

Miscellaneous

Computation of years of age

53. In computing years of age for the purposes of any written law, a person shall be regarded as having completed a year of age on the expiration of the day preceding the anniversary of his birth, reckoned according to the Gregorian calendar:

Provided that for the purposes of this section the anniversary of the birth of a person born on 29 February shall, in a year which is not a leap year, be taken as 1 March.

Computation of time

54. (1) In computing time for the purposes of any written law—

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
- (b) if the last day of the period is a weekly holiday or a public holiday (referred to in this subsection as excluded days) the period shall include the next following day which is not an excluded day;
- (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next following day which is not an excluded day; and
- (d) where any act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

(2) Where no time is prescribed within which anything shall be done, that thing shall be done with all convenient speed and as often as the prescribed occasion arises.

Evidence of signature on *fiat*, etc.

55. Any written law providing that the *fiat*, consent or authority of any person is necessary before any prosecution or other legal proceedings are begun, or for any other purpose in connection with any legal proceedings, shall be deemed also to provide that any document purporting to be or to bear the signed *fiat*, consent or authority of that person shall be received as *prima facie* evidence in

any proceedings without proof being given that the signature is what it purports to be.

***Ex officio* proceedings not to abate on death, etc.**

56. Any written law providing for legal proceedings to be taken by or against any person in virtue of his office shall be deemed also to provide that any proceedings so taken shall not be discontinued or abated by that person's death, resignation, absence or removal from office, but may be carried on by or against, as the case may be, any person lawfully appointed to hold, act in or exercise the functions of the office.

Making of declarations, etc., in particular languages

57. (1) Where by or under any written law a person is required to subscribe any oath of office or secrecy, any declaration of allegiance or acceptance of office or any similar instrument which under that law is to be in any particular language, it may be tendered to him in any other language with which he is conversant if it is certified in writing by a person who—

(a) is present at the subscription; and

(b) is conversant both with that particular language and that other language, that the terms of the oath, declaration or instrument, as subscribed, correspond with the terms thereof as prescribed by that law.

(2) A declaration contained in a certificate under subsection (1), and made by the person certifying, that that person satisfies the requirements of paragraphs (a) and (b) of that subsection shall be evidence, until the contrary is proved, that he satisfies those requirements.

Imposition of penalty no bar to civil action

58. The imposition of a penalty by any written law shall not relieve any person from liability to answer for damages to a person injured.

Offences under two or more laws

59. Where any act or omission constitutes an offence under two or more written laws, or under a written law and at common law, the offender shall be liable to be prosecuted and punished under either or any of those laws or at common law, but shall not be liable to be punished twice for the same offence.

Penalties prescribed to be deemed maximum penalties

60. A written law which prescribes a penalty for an offence shall be construed as providing that the offence shall be punishable on conviction by a penalty not exceeding the penalty prescribed.

Gazettes to be evidence

61. All printed copies of the *Gazette* or a *State Gazette* purporting to be published by authority and printed by the Government Printer shall be admitted in evidence in legal proceedings, without proof being given that the copies were so published and printed, as *prima facie* evidence of—

(a) the terms of any written law published therein; and

(b) any appointment notified or other matter or thing stated therein.

Deviation from forms

62. Any written law prescribing a form shall be deemed to provide that an instrument or other document purporting to be in that form

shall not be invalidated by reason of any deviation from the form if the deviation has no substantial effect and is not calculated to mislead.

Use of electronic means or medium

62A. Where under any written law any information is permitted or required to be given or kept or maintained, and no means or medium is specified, such information may be given or kept or maintained by electronic means and on electronic medium if the identity of the person giving the information or the source of any information given by such means is capable of being determined or verified, and if sufficient precautionary measures have been applied to prevent unauthorized access to any information recorded or fixed by such means or on such medium.

Saving of rights of Yang di-Pertuan Agong and Government

63. No written law shall in any manner whatsoever affect the rights of the Yang di-Pertuan Agong or the Government unless it is expressly provided or it appears by necessary implication that the Yang di-Pertuan Agong or the Government, as the case may be, is to be bound thereby.

PART I binds Yang di-Pertuan Agong and Government

64. PART I of this Act shall be binding on the Yang di-Pertuan Agong and on the Government.

Repeal and saving

65. (1) PART II of this Act [*Interpretation and General Clauses Ordinance 1948*] is repealed with effect from 18 May 1967 in so far as it is a federal law.

(2) Notwithstanding subsection (1), PART II of this Act thereby repealed shall continue to apply to any written law to which it applied immediately before 18 May 1967 and to subsidiary legislation made after that date under such a written law.

PART II

[Sections 66–129 of this revised Act refer to sections 2–57 in the Interpretation and General Clauses Ordinance 1948 [M.U. Ordinance No. 7 of 1948] as indicated within square brackets at the end of sections. Part II of this revised Act was repealed by the Interpretation Act 1967 with effect from 18 May 1967—see section 65 of this revised Act.]

DIVISION FIVE

Definitions

Definitions

66. In PART II of this Act, and in every written law as hereinafter defined, and in all public documents enacted, made or issued before or after 31 January 1948 the following words and expressions shall, as from that date and without prejudice to anything done prior thereto, have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided—

“abet” with its grammatical variations and cognate expressions has the same meaning as in the Penal Code [*Act 574*];

“Accountant General” means the chief accounting officer of the receipts and payments of the Federation;

“act” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions;

“Act” or “Act of Parliament” means a law made by Parliament;

“advocate” and “advocate and solicitor” mean an advocate and solicitor of the High Court;

“appropriate Service Commission” in relation to any public officer means such Service Commission as under the Constitution has jurisdiction over such officer or in the case of a public officer in the employment of the Government of a State who is not under the jurisdiction of any of such Commission means the public Service Commission of such State having jurisdiction over such officer or if there is no such Commission means the Menteri Besar of such State;

“Armed Forces” or “Armed Forces of the Federation” includes any regular or volunteer, military, naval or air forces established or maintained under or in accordance with any written law of the Federation;

“Armed Forces Council” means the Armed Forces Council established by Article 137 of the Constitution;

“Attorney General” means the Attorney General of the Federation;

“Auditor General” means the Auditor General of the Federation;

“British possession” means any part of Her Britannic Majesty’s dominions exclusive of the United Kingdom;

“Cabinet” or “Jemaah Menteri” means the Cabinet of Ministers appointed under Article 43 of the Constitution;

“Chapter”, “Part”, “section”, and “Schedule” indicate respectively a Chapter, Part and section of, and Schedule to, the written law in which the word occurs; and “subsection” indicates a subsection of the section of the written law in which the word occurs;

“Chief Justice” means the Chief Justice of the High Court in Malaya or of the High Court in Borneo, as the case may require;

“Chief Minister” includes Menteri Besar;

“citizen” means a citizen of the Federation;

“Civil List” means the provision made for the maintenance of the Yang di-Pertuan Agong, his Consort, a Ruler or Yang di-Pertua Negeri out of public funds;

“commencement” used with reference to an Act of Parliament, Ordinance or Enactment means the time at which the Act of Parliament, Ordinance or Enactment comes into operation;

“common law” means the common law of England;

“the Commonwealth” means collectively the Commonwealth countries, any part of Her Britannic Majesty’s dominions not being a Commonwealth country, any territory under the protection of a Commonwealth country and any territory administered by the government of a Commonwealth country under the trusteeship system of the United Nations;

“Commonwealth country” has the meaning assigned to it in the Constitution;

“Concurrent List” means the Third List set out in the Ninth Schedule to the Constitution, being the list enumerating the matters with respect to which both Parliament and a State Legislature may make laws;

“Conference of Rulers” means the Majlis Raja-Raja (Conference of Rulers) established by Article 38 of the Constitution;

“Consolidated Fund” or “Federal Consolidated Fund” means the Federal Consolidated Fund established by Article 97 of the Constitution;

“Constitution” or “Federal Constitution” means the Constitution of the Federation;

“consular officer” means a consul-general, consul, vice-consul or consular agent representing a foreign sovereign power to whom an *exequatur* or provisional or other authorization to perform consular

functions has been granted by the Government of the Federation, and includes an officer of any Commonwealth country who is for the time being recognized by the Government of the Federation as an officer of that country performing in the Federation functions substantially corresponding to those which in the case of a foreign sovereign power would be performed by a consular officer;

“court” means any court of the Federation of competent jurisdiction;

“Council of State” means the Majlis Mesyuarat Negeri or Council of State of a State;

“Crown Agents” means the persons for the time being acting as Crown Agents for Oversea Government and Administrations in England, or any of them;

“daily fine” means a fine for each day on which an offence is continued after conviction therefor;

“Deputy Speaker” means the Deputy Speaker of the House of Representatives;

“Deputy Supreme Head” or “Timbalan Yang di-Pertuan Agong” means the Deputy Supreme Head of the Federation;

“District Officer” means the officer in administrative Charge of the district, and, in districts where there is no District Officer, means the Land Administrator or such other officer as the Ruler in Council or Yang di-Pertua Negeri in Council may be notification on the “*Gazette*” appoint to perform the duties imposed and exercise the powers conferred upon the District Officer by any written law;

“Election Commission” means the Election Commission established by Article 113 of the Constitution;

“elector” means a person who is entitled to vote in an election to the House of Representatives or the Legislative Assembly of a State;

“Enactment” includes Enactments of the Legislatures of the States whether enacted before or after Merdeka Day, and Enactments of the legislature of the Federated Malay States;

“export” means to take or cause to be taken out of the Federation or any part thereof by land, sea or air;

“Federal Government” means the Government of the Federation;

“Federal law” means—

(a) any law in operation in the Federation or any part thereof immediately before Merdeka Day, being a law relating to a matter with respect to which Parliament has power to make laws;

(b) any Ordinance of the Legislative Council enacted on or after Merdeka Day; and

(c) any Act of Parliament;

“Federal List” means the First List set out in the Ninth Schedule to the Constitution, being the list enumerating the matters with respect to which Parliament may make laws;

“Federal ordinance” means—

(a) any law made under Part V of the Federation of Malaya Agreement 1948;

(b) any law made by the Legislative Council under the Constitution;

“Federal public office” means an office of emolument under the Federal Government; and “Federal public officer” or “Federal officer” means the holder of any such office;

“federal purposes” includes the purposes of the Federation in connection with matters enumerated in the Concurrent List and with

any other matters with respect to which Parliament has power to make laws otherwise than by virtue of Article 76 of the Constitution;

“Federation” means the Federation established in accordance with the Federation of Malaya Agreement 1957;

“financial year” means the period from the first day of January to the thirty-first day of December;

“Foreign country” does not include any part of the Commonwealth or the Republic of Ireland;

“*Gazette*” means the official *Gazette* of the Federation and of the States, and includes supplements thereto and any Extraordinary *Gazette*;

“Government” or “Federal Government” means the government of the Federation;

“Government analyst” includes any assistant or other analyst employed by the Government;

“Government Printer” includes any printer authorized, either generally or in a particular case or class of cases, to print Acts of Parliament, Ordinances or other documents of the Government;

“Houses of Parliament” means the Senate and the House of Representatives;

“House of Representatives” or “Dewan Rakyat” means the House of Representatives established by Article 44 of the Constitution; and until the dissolution of the Legislative Council continued under Article 164 of the Constitution means that Council;

“Hukum Syarak” means the body of law known in English as Islamic Law;

“immovable property” includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

“Imperial Parliament” means the Parliament of the United Kingdom;

“import” means to bring or cause to be brought into the Federation or any part thereof by land, sea or air;

“imprisonment” means imprisonment in accordance with the provisions of the *Prisons Ordinance 1952 [*Ord. 81 of 1952*];

“judge” includes any person appointed to exercise the powers of a judge;

“Keeper of the Rulers’ Seal” or “Penyimpan Mohor Besar Raja-Raja” means the person appointed to act as Secretary to the Conference of Rulers under section 3 of the Fifth Schedule to the Constitution;

“law” includes written law, the common law in so far as it is in operation in the Federation or any part thereof, and any custom or usage having the force of law in the Federation or in any part thereof;

“law officers” means the persons for the time being holding the offices of Attorney General and Solicitor General respectively;

“Legislative Assembly” includes a Council of State;

“Legislature” in relation to a State, or “State Legislature”, means the authority for the time being having power under the Constitution of that State to make laws for the State;

“Legislative Council” means the Legislative Council continued under Article 164 of the Constitution;

“Local authority” means the Municipal Councillors of any Municipality, a Town Council, Town Board, Rural Board or other similar local authority constituted by or under any written law for the time being in force;

* *NOTE*—The Prisons Ordinance 1952 [*Ord. 81 of 1952*] has since been repealed by the Prison Act 1995 [*Act 537*]*—see* section 68 of Act 537.

“Malay” means a person who profess the Islamic religion, habitually speaks the Malay language, conforms to Malay custom and—

(a) was before Merdeka Day born in the Federation or born of parents one of whom was born in the Federation, or is on that day domiciled in the Federation; or

(b) is the issue of such a person;

“Malaya” means the States of the Federation and Singapore;

“magistrate” means a magistrate appointed under any law for the time being in force for the establishment of civil or criminal courts;

“master” used with reference to a ship means any person, except a pilot or harbour master, having for the time being control or charge of the ship;

“mental disorder” means insanity or idiocy; and “mentally disordered person” means a person of unsound mind or an idiot;

“Menteri Besar” means the chief minister and senior executive officer in a Malay State;

“Merdeka day” means the thirty-first day of August 1957;

“Minister” means a Minister appointed by the Yang di-Pertuan Agong under Article 43 of the Constitution; and any reference in any provision of any written law to a Minister means the Minister for the time being charged with the responsibility for the matters to which such provisions relates;

“monogamous marriage” means a marriage which is recognized by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage;

“month” means calendar month according to the Gregorian calendar;

“movable property” means property of every description except immovable property as defined in Part II of this Act;

“mukim” shall mean, in the State of Kelantan, daerah;

“National Finance Council” means the National Finance Council established by Article 108 of the Constitution;

“National Land Council” means the National Land Council established by Article 91 of the Constitution;

“oath” and “affidavit” in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and “swear” in the like case includes affirm and declare;

“officer” and “public officer” mean a person in the permanent or temporary employment of any Government in the Federation, and any person employed or deemed to be employed by the Railway Administration under the provisions of the *Railway Ordinance 1948;

“Ordinance” includes PART II of this Act and—

- (a) any Federal Ordinance;
- (b) any Ordinance of the Malayan Union;
- (c) any Proclamation issued by, or under the authority of, the Supreme Allied Commander, South East Asia;
- (d) any Ordinance of the legislature of the Colony of the Straits Settlements;
- (e) any Enactment of the legislature of the Federated Malay States; and
- (f) any State Enactment enacted before the first day of April 1946; having the force of law in the Federation or any part thereof;

* *NOTE*—The Railway Ordinance 1948 [*Ord. 8 of 1948*] has since been repealed by the Railways Act 1991 [*Act 463*]*—see* section 105 of Act 463.

“penghulu” shall mean in the State of Kelantan, *penggawa*;

“Parliament” means the Yang di-Pertuan Agong and the Houses of Parliament; and until the dissolution of the Legislative Council continued under Article 164 of the Constitution means the Yang di-Pertuan Agong acting with the advice and consent of that Council;

“person” and “party” includes any body of persons, corporate or unincorporate;

“police officer” means any member of the police force of the Federation;

“Police Force Commission” means the Police Force Commission established by Article 140 of the Constitution;

“Prime Minister” or “Perdana Menteri” means the person appointed as Prime Minister by the Yang di-Pertuan Agong under Article 43 of the Constitution;

“prescribed” means prescribed by or under the Act of Parliament, Ordinance or Enactment in which the word occurs;

“President of the Senate” or “Yang di-Pertua Dewan Negara” includes the Deputy President of the Senate or such other member of the Senate as may be determined by the rules of procedure of the Senate, whenever the Deputy President or such other member is acting as President of the Senate;

“Proclamation” includes a Proclamation made by, or under the authority of, the Supreme Allied Commander, South East Asia, during the period between the fifteenth day of August 1945, and the first day of April 1946;

“public holiday” means any day which is declared to be or proclaimed as a public holiday or which, under any written law, is to be observed as a public holiday in the Federation or any part thereof;

“public place” includes every public highway, street, road, bridge, square, court, alley, lane, bridleway, footway, parade, wharf, jetty,

quay, public garden or open space, and every theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have access;

“Public Seal” means the Public Seal of the Federation;

“Public Services Commission” means the Public Services Commission established by Article 139 of the Constitution;

“Railway Service Commission” means the Railway Service Commission established by Article 141 of the Constitution;

“registered” used with reference to a document, means registered under the provisions of the law for the time being applicable to the registration of such document;

“regulations” includes rules, rules of court and by-laws;

“Rule Committee” means the Rule Committee or other authority having power under written law to make rules or orders regulating the practice and procedure of the High Court;

“Ruler”—

(a) in the case of Negeri Sembilan, means the Yang di-Pertuan Besar and the Ruling Chiefs; and

(b) in the case of any State, includes any person who in accordance with the Constitution of that State exercises the functions of Ruler;

“Ruler in Council” means a Ruler acting after consultation with the State Executive Council but (except when he is required by the State Constitution or by any law to act in accordance with the advice of such Council) not necessarily acting in accordance with the advice of such Council;

“rules of court” means, when used in relation to any court, rules made by the Rule Committee;

“the Ruling Chiefs” means the persons who are for the time being the Undang of Sungei Ujong, the Undang of Jelebu, the Undang of Johol, the Undang of Rembau and the Tunku Besar of Tampin;

“seaman” includes every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

“Secretary of State” means one of Her Britannic Majesty’s Principal Secretaries of State;

“sell” and “sale” include exchange, barter and offering or exposing for sale;

“Senate” or “Dewan Negara” means the Senate established by Article 44 of the Constitution;

“Senator” means a member of the Senate;

“service by post”: where an Act of Parliament or Ordinance authorizes or requires any document to be served by post, whether the expression “serve” or the expression “give” or “send” or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post;

“Service Commission” means a Commission to which Part X of the Constitution applies;

“ship” includes every description of vessel used in navigation not exclusively propelled by oars or paddles;

“sign” with reference to a person who is unable to write his name, includes “mark”;

“Speaker” or “Yang di-Pertua Dewan Rakyat” means the Speaker of the House of Representatives and includes the Deputy Speaker or such other member of the House of Representatives as may be

determined by the rules of procedure of that House, whenever the Deputy Speaker or such other member is acting as Speaker;

“State” or “State of the Federation” means such one of the States of the Federation as the circumstances may require;

“State of Singapore” or “Singapore” means the State of Singapore established under the State of Singapore Act 1958, of the United Kingdom;

“State Enactment” means any enactment of the Legislature of any State having the force of law in that State, whether enacted before or after Merdeka Day, but does not include an enactment of the Legislature of the Federated Malay State;

“State Executive Council” means the Executive Council established for a State pursuant to the Constitution of that State;

“State law” means—

(a) any law in operation in a State or any part thereof immediately before Merdeka Day, being a law relating to a matter with respect to which the Legislature of the State has power to make laws; and

(b) a law made by the Legislature of a State;

“State List” means the Second List set out in the Ninth Schedule to the Constitution, being the list enumerating the matters with respect to which a State Legislature may make laws;

“State purposes” includes, in relation to any State, the purposes of the State in connection with matters enumerated in the Concurrent List and with any other matters with respect to which the Legislature of the State has power to make laws;

“State Pardons Board” means the Pardons Board established for a State by Article 42 of the Constitution;

“State Reserve Fund” means the State Reserve Fund established by Article 109 of the Constitution;

“States of the Federation” means the States of Johore, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor, Terengganu, Malacca and Penang, and all dependencies, islands and places which on Merdeka Day were administered as part thereof, and the territorial waters adjacent thereto;

“statutory declaration” if made—

- (a) in the Federation, means a declaration made by virtue of the provisions of any written law providing for such declarations;
- (b) in the United Kingdom or any British possession means a declaration made before a justice of the peace, notary public or other person having authority therein under any law for the time being in force to take or receive a declaration;
- (c) in any other place means a declaration made before a consular officer of the Federation or before any person having authority under any Ordinance or Act of Parliament for the time being in force to take or receive a declaration;

“subsidiary legislation” means any Order in Council, proclamation, rule, regulation, order, notification, by-law or other instrument made under any Act of Parliament, Ordinance, Enactment or other lawful authority and having legislative effect;

“Supreme Court” means the Supreme Court of the Federation constituted by Part IX of the Constitution;

“territorial waters” means in relation to any territory the inland waters of such territory and such part of the sea adjacent to the coast thereof as is deemed by international law to constitute the territorial waters of such territory;

“the Treasury” means the Minister charged with responsibility for finance and includes any officer under the administrative control or direction of such Minister to whom such Minister has delegated or who, in accordance with section 6 or section 7 of the Delegation of Powers Act 1956, is authorized to exercise powers under the Financial Procedure Act 1957;

“United Kingdom” means Great Britain and Northern Ireland;

“vessel” includes floating craft of every description;

“weekly holiday” means Sunday or, in States where Friday is observed as the weekly holiday, Friday;

“will” includes a codicil; words importing the masculine gender include females; words in the singular include the plural, and words in the plural include the singular;

“writing” and expressions referring to writing include printing, lithography, typewriting, photography, and other modes of representing or reproducing words or figures in visible form;

“written law” means all Acts of Parliament, Ordinances and Enactments in force in the Federation or any part thereof and all subsidiary legislation made thereunder, and includes the Federal Constitution;

“Yang di-Pertuan Agong” or “Supreme Head” or “Supreme Head of the Federation” means the person who is for the time being holding the office of Yang di-Pertuan Agong in accordance with the provisions of the Constitution, and includes the Deputy Supreme Head or a Ruler whenever he is lawfully exercising the functions of the Yang di-Pertuan Agong;

“Yang di-Pertuan Negara” means the Representative of Her Britannic Majesty in and for Singapore and includes any person for the time being lawfully exercising the functions of such Representative;

“Yang di-Pertua Negeri” means the Yang di-Pertua Negeri of the State of Malacca or Penang, as the circumstances may require, and

includes any person for the time being lawfully exercising the functions of such Yang di-Pertua Negeri;

“Yang di-Pertua Negeri in Council” means a Yang di-Pertua Negeri acting in accordance with the advice of the State Executive Council or of a member thereof acting under the general authority of such Council;

“year” means a year reckoned according to the Gregorian calendar.

(2) Where any word or expression is defined in this or any other written laws such definition shall be deemed to extend *mutatis mutandis* to the grammatical variations and cognate expressions of such word or expression. [s. 2]

DIVISION SIX

General Provisions Regarding Acts of Parliament, Ordinances and Enactments

Acts of Parliament, Ordinances and Enactments to be public Acts of Parliament, Ordinances and Enactments

67. Every Act of Parliament, Ordinance and Enactment shall be a public Act of Parliament, Ordinance or Enactment, as the case may be, and shall be judicially noticed as such unless the contrary is expressly provided by the Act of Parliament, Ordinance or Enactment. [s. 3]

Sections to be substantive Enactment

68. Every section of an Act of Parliament, Ordinance or Enactment shall have effect as a substantive enactment without introductory words. [s. 4]

Schedules

69. Every Schedule to an Act of Parliament, Ordinance or Enactment shall, together with any note thereto, be construed and have effect as part of the Act of Parliament, Ordinance or Enactment. [s. 5]

Sub-divisions of Acts of Parliament, Ordinances and Enactments

70. When an Act of Parliament, Ordinance or Enactment is divided into parts, chapters, titles or other sub-divisions, the fact and particulars of such division shall, with or without express mention thereof in the Act of Parliament, Ordinance or Enactment, be taken notice of in all courts and for all purposes whatsoever. [s. 6]

Forms

71. Save as is otherwise expressly provided, whenever forms are prescribed slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them. [s. 7]

Mode of citing Acts of Parliament, Ordinances and Enactments

72. (1) When any Act of Parliament, Ordinance or Enactment is referred to, it shall be sufficient for all purposes to cite such Act of Parliament, Ordinance or Enactment either by the short title, if any, by which it is made citable, or by the year in which it was made and its number among the Acts of Parliament, Ordinances or Enactments of that year or, in the case of a revised edition of the Acts of Parliament, Ordinances or Enactments issued under any written law providing for the issue of a revised edition, by its short title or its chapter number; and the reference may in all cases be made according to the copies of Acts of Parliament, Ordinances or Enactments printed by the Government Printer.

(2) Any reference in an Act of Parliament, Ordinance or Enactment, or in any subsidiary legislation, to any other written law shall, unless

the contrary intention appears, be construed as a reference to that other law as for the time being in force. [s. 8]

DIVISION SEVEN

Repeal, Re-Enactment and Amending Legislation

Repeal of repealing laws

73. Where any written law repealing in whole or in part any former written law is itself repealed, such last repeal shall not revive the written law or provisions before repealed, unless words be added reviving such written law or provisions. [s. 9]

Repeal of amended law to include amendments

74. Where any written law which has been amended by any other written law is itself repealed, such repeal shall be deemed to include the repeal of all written laws or parts of written laws by which such first mentioned written law has been amended. [s. 10]

Repeal and substitution

75. (1) Where a written law repeals wholly or in part any former written law and substitutes other provision therefore, the repealed written law shall remain in force until the substituted provision comes into operation.

(2) Where a written law repeals in whole or in part any former written law and substitutes other provisions therefore, any subsidiary legislation made under the former written law shall, so far as it is not inconsistent with such substituted provisions, remain in force until revoked or replaced by subsidiary legislation made under the repealing written law, and shall be deemed for all purposes to have been made thereunder. [s. 11]

Reference to re-enacted provisions

76. Where any written law repeals and re-enacts, with or without modification, any provision of a former written law, references in any other written law to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted. [s. 12]

Effect of repeal

77. Where a written law repeals in whole or in part any other written law, then, unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any written law so repealed or anything duly done or suffered under any written law so repealed; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any written law so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any written law so repealed; or
- (e) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing law had not been passed. [s. 13]

Construction of amending Act of Parliament, Ordinance or Enactment

78. Where an Act of Parliament, Ordinance or Enactment amends or adds to any Act of Parliament, Ordinance or Enactment, the amending Act of Parliament, Ordinance or Enactment shall, so far as is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended Act of Parliament, Ordinance or Enactment and as part thereof. [s. 14]

Effect of expiration of written law

79. The expiration of a written law shall not affect any civil or criminal proceeding previously commenced under such written law, but every such proceeding may be continued and everything in relation thereto may be done in all respects as if the written law continued in force. [s. 15]

Ordinance or Act of Parliament may be altered or repealed in same session

80. Any Ordinance or Act of Parliament may be altered, amended or repealed in the session of the Legislative Assembly or Parliament in which it was passed. [s. 16]

DIVISION EIGHT

*Imperial Acts***Citation of Imperial Statutes**

81. Any Act passed by the Parliament of the United Kingdom may be referred to by the term “Imperial Act” and may be cited by its short title, if any, or by reference to the regnal year in which it was passed and its chapter. [s. 17]

Imperial Acts to be read with necessary modification

82. Whenever by any Imperial Act, Order of the King in Council or written law any Imperial Act is extended or applied to the Federation or any part thereof, such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances. [s. 18]

Reference in written law to provision of Imperial Act

83. Where in any written law reference is made to any provision of an Imperial Act and that provision is subsequently repealed and re-enacted without substantial modification, the reference in such written law to the provision of the Imperial Act so repealed shall, if the context so requires and unless the contrary intention appears, be construed as a reference to the provision so re-enacted. [s. 19]

DIVISION NINE

Subsidiary Legislation

Use of defined terms in subsidiary legislation

84. Where an Act of Parliament, Ordinance or Enactment confers power to make any subsidiary legislation, expressions used in the subsidiary legislation shall, unless the contrary intention appears, have the same respective meaning as in the Act of Parliament, Ordinance or Enactment conferring the power and any reference in such subsidiary legislation to “the Act” or “the Ordinance” or “the Enactment” shall be read as meaning the Act of Parliament, Ordinance or Enactment conferring the power to make such subsidiary legislation. [s. 20]

Exercise of statutory powers between enactment and commencement of Act of Parliament, Ordinance or Enactment

85. When an Act of Parliament, Ordinance or Enactment which is not to come into operation immediately on the passing thereof confers power to make any appointment or to make subsidiary legislation, or to issue notifications, or to prescribe forms or to do any other thing for the purposes of the Act of Parliament, Ordinance or Enactment, such power may, unless the contrary intention appears, be exercised at any time after the passing of the Act of Parliament, Ordinance or Enactment, subject to the restriction that any appointment, instrument, notification or thing made, granted, issued, given or done under such power shall not, unless the contrary intention appears in the Act of Parliament, Ordinance or Enactment, or the appointment, instrument, notification or thing is necessary for bringing the Act of Parliament, Ordinance or Enactment into operation, have any effect until the Act of Parliament, Ordinance or Enactment comes into operation. [s. 21]

Commencement of subsidiary legislation

86. (1) Subsidiary legislation made under any Act of Parliament, Ordinance, Enactment or other lawful authority shall, unless it be otherwise expressly provided in any Act of Parliament, Ordinance, be published in the *Gazette* and, unless it be otherwise provided in such subsidiary legislation, shall take effect and come into operation as law on the date of such publication.

(2) Any such subsidiary legislation may be made to operate retrospectively to any date not being a date earlier than the commencement of the Act of Parliament, Ordinance or Enactment under which such subsidiary legislation is made. [s. 22]

General provisions with respect to power given to any authority to make subsidiary legislation

87. When an Act of Parliament, Ordinance or Enactment confers power on any authority to make subsidiary legislation, the following

provisions shall, unless the contrary intention appears, have effect with reference to the making and operation of such subsidiary legislation:

- (a) subsidiary legislation may at any time be amended, varied, rescinded or revoked by the same authority and in the same manner by and in which it was made:

Provided that where such authority has been replaced wholly or partially by another authority, the power conferred herein upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority;

- (b) there may be annexed to the breach of any subsidiary legislation such penalty not exceeding one thousand ringgit, or such term of imprisonment not exceeding six months, or both, as the authority making the subsidiary legislation may think fit;
- (c) when any Act of Parliament, Ordinance or Enactment confers power on any authority to make subsidiary legislation for any general purpose, and also for any special purpose incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (d) no subsidiary legislation made under an Act of Parliament or Ordinance shall be inconsistent with any Act of Parliament or Ordinance, and no subsidiary legislation made under a State Enactment shall be inconsistent with any Act of Parliament or Ordinance or Enactment.

[s. 23]

Construction of powers under which subsidiary legislation is made

88. Where any subsidiary legislation is expressed to be made or issued in exercise of a particular power or powers, it shall be deemed also to be made or issued in exercise of all other powers thereunto enabling. [s. 23A]

Judicial notice of proclamations, orders and regulations

89. Judicial notice shall be taken of every proclamation, order or regulation by the Yang di-Pertuan Agong or by a Ruler or Ruler in Council or Yang di-Pertua Negeri or Yang di-Pertua Negeri in Council made or purporting to be made in pursuance of any Act of Parliament, Ordinance or Enactment. [s. 24]

Construction of amending regulations

90. Where regulations amend other regulations, the amending regulations shall, so far as is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended regulations. [s. 25]

Acts done under subsidiary legislation to be deemed done under Act of Parliament, Ordinance or Enactment

91. An act shall be deemed to be done under any Act of Parliament, Ordinance or Enactment, or by virtue of the powers conferred by any Act of Parliament, Ordinance or Enactment, or in pursuance or execution of the powers of, or under the authority of any Act of Parliament, Ordinance or Enactment, if it is done under, or by virtue of, or in pursuance of, subsidiary legislation made under any power contained in such Act of Parliament, Ordinance or Enactment. [s. 26]

Subsidiary legislation made by Yang di-Pertuan Agong to override other subsidiary legislation

92. Subject to any express provision in any Act of Parliament or Ordinance, where power is conferred on the Yang di-Pertuan Agong to make subsidiary legislation, any such subsidiary legislation shall take precedence over any subsidiary legislation made by any other authority in which is also vested subsidiary legislative powers in respect of the same matters, and, where any such subsidiary legislation conflicts, the subsidiary legislation made by the Yang di-Pertuan Agong shall prevail. [s. 27]

DIVISION TEN

Powers and Appointments

Construction of provisions as to exercise of powers and duties

93. (1) Where a written law confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where a written law confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.

(3) (*Deleted by Ord. No. 41 of 1953*). [s. 28]

Power to appoint includes power to dismiss

94. Where a written law confers upon any person or authority a power to make appointments to any office or place, the power shall, unless the contrary intention appears, be construed as including a power to dismiss or suspend any person appointed and to appoint

another person temporarily in the place of any person so suspended or in place of any sick or absent holder of such office or place:

Provided that where the power of such person or authority to make such appointment is only exercisable upon the recommendation or subject to the approval or consent of some other person or authority, such power of dismissal shall, unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval or consent of such other person or authority.

[s. 29]

Construction of enabling words

95. (1) Where a written law confers power on any person to do or enforce the doing of any act or thing, all such powers shall be understood to be also conferred as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

(2) Without prejudice to the generality of the foregoing—

(a) power to control or to regulate any matter includes power to provide for the same by the licensing thereof and power to prohibit acts whereby the control or regulation might be evaded;

(b) power to grant a licence, permit, authority, approval or exemption includes power to impose conditions subject to which the licence, permit, authority, approval or exemption is granted.

[s. 30]

Appointment of officers by name or office

96. (1) Where by or under any written law the Yang di-Pertuan Agong or a Ruler or Governor or any public officer or body is empowered to appoint or name a person to have and exercise any powers or perform any duties, the Yang di-Pertuan Agong or such Ruler or Yang di-Pertua Negeri, public officer or body may either appoint a person by name, or direct the person for the time being holding the office designated by the Yang di-Pertuan Agong or by

such Ruler or Yang di-Pertua Negeri, public officer or body to have and exercise such powers and perform such duties; and thereupon, or from the date specified by the Yang di-Pertuan Agong or by such Ruler or Yang di-Pertua Negeri, public officer or body, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers or perform such duties accordingly.

(2) Any such appointment may be made with retrospective effect to any date not being a date earlier than the commencement of the written law under which the appointment is made. [s. 31]

Construction of powers of appointment

97. Where provision is made in any written law for an appointment to any public office by the Yang di-Pertuan Agong or a Ruler or Yang di-Pertua Negeri, then—

- (a) in any case where but for the provisions of such law such appointment would under the provisions of Part X of the Constitution be made by a Service Commission, such law shall have effect as if it provided that such appointment, in lieu of being made by the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri, as the case may be, shall be made by such Commission or by an officer or board of officers to whom such Commission has lawfully delegated its powers;
- (b) in any case where but for the provisions of such law such appointment would be made in accordance with Clauses (3) or (4) and Clause (5) of Article 144 of the Constitution such law shall have effect as if it provided that such appointment, in lieu of being made by the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri, as the case may be, shall be made in accordance with the provisions of those Clauses; and
- (c) in any case where but for the provisions of such law such appointment would constitute a transfer without change of rank within a department of Government such law shall have

effect as if it provided that such appointment, in lieu of being made by the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri, as the case may be, shall be made by the head of the department of Government concerned. [s. 31A]

Official designation to include officer executing duties

98. When reference is made in any written law, instrument, warrant or process of any kind made or issued by the Yang di-Pertuan Agong, or a Ruler or Yang di-Pertua Negeri or any body or person having authority under any written law to make or to issue the same to any public officer by the term designating his office, such officer shall include the officer for the time being executing the duties of such office or any portion of such duties. [s. 32]

Power of Yang di-Pertuan Agong to provide for execution of duties of public officer during temporary absence or inability

99. (1) Where by or under any written law any powers are conferred or any duties are imposed upon a public officer, the Yang di-Pertuan Agong or, in the case of a public officer borne on the establishment of a State, the Ruler or Yang di-Pertua Negeri of that State, may direct that if, during any period, owing to absence or inability to act from illness or any other cause, such public officer is unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such place by a person namely by, or by a public officer holding the office designated by the Yang di-Pertuan Agong or Ruler or Yang di-Pertua Negeri, as the case may be; and thereupon such person or public officer, during any period as aforesaid, shall have and may exercise the powers and shall perform the duties aforesaid subject to such conditions, exceptions and qualifications as the Yang di-Pertuan Agong or Ruler or Yang di-Pertua Negeri may direct.

(2) Without prejudice to subsection (1), when a substantive holder of any office is on leave of absence pending relinquishment of his

office, it shall be lawful for another person to be appointed substantively in his place. [s. 33]

Power of Yang di-Pertuan Agong or Minister to delegate hearing of appeals, *etc.*, to Committees

100. (1) Where under any written law an appeal against the decision of any person lies to the Yang di-Pertuan Agong or a Minister it shall be lawful for the Yang di-Pertuan Agong or the Minister, unless the contrary intention appears in such written law, when such appeal is made to him to appoint a Committee for the purpose of hearing such appeal and advising him as to the decision that should be made thereon:

Provided that no person from whose decision the appeal is made shall be appointed a member of such Committee.

(2) In considering any advice tendered to him under subsection (1) the Yang di-Pertuan Agong or Minister shall not be bound to accept such advice. [s. 33A]

Powers to appoint chairman, *etc.*

101. Where by or under any written law a power is conferred on the Yang di-Pertuan Agong or any authority to appoint any board, commission, committee or similar body, the Yang di-Pertuan Agong or that authority may, unless, the contrary intention appears, appoint a chairman, a deputy chairman and a secretary of such board, commission, committee or similar body. [s. 33B]

Powers of a board, *etc.*, not affected by vacancy, *etc.*

102. Where by or under any written law any board, commission, committee or similar body, whether corporate or unincorporate, is established, then, unless the contrary intention appears, the powers and proceedings of such board, commission, committee or similar body shall not be affected by—

- (a) any vacancy in the membership thereof;
- (b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member thereof; or
- (c) any minor irregularity in the convening of any meeting thereof. [s. 33C]

DIVISION ELEVEN

Distance and Time

Measurement of distance

103. In the measurement of any distance for the purposes of any written law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane. [s. 34]

Time of commencement

104. Where any written law, or any part of a written law, or any instrument or notification made thereunder, is expressed to come into operation on a particular day, it shall, unless it be otherwise expressly provided, be construed as coming into operation immediately on the expiration of the day next preceding such day. [s. 35]

Computation of time

105. In computing time for the purposes of any written law, unless the contrary intention appears—

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;

- (b) if the last day of the period is a weekly holiday or a public holiday (which days are in this section referred to as excluded days) the period shall include the next following day not being an excluded day;
- (c) when any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day;
- (d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time. [s. 36]

Computation of age

106. In computing age for the purposes of any Act, Ordinance, Enactment or subsidiary legislation a person shall be treated as having reached a specified age at the beginning of the corresponding anniversary of his birth, reckoned according to the Gregorian calendar.

[s. 36A]

107. (*Deleted by Act 261*).

[s. 37]

Provision when no time prescribed

108. Where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed and as often as the prescribed occasion arises.

[s. 38]

Construction of power of extending time

109. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend such time, unless the contrary intention appears the power may be exercised by the court or other authority although the application for the same is not made until after the expiration of the time prescribed. [s. 39]

DIVISION TWELVE

*Miscellaneous***Evidence of signature of Yang di-Pertuan Agong or Attorney General to *fiat***

110. Whenever the *fiat* of the Yang di-Pertuan Agong or of the Attorney General, Solicitor General, Public Prosecutor or a Deputy Public Prosecutor is necessary before any prosecution or action is commenced, or for any purpose whatsoever in connection with any proceeding, any document purporting to bear the *fiat* of the Yang di-Pertuan Agong, the Attorney General, the Solicitor General, the Public Prosecutor, or a Deputy Public Prosecutor, as the case may be, shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such *fiat* is that of the Yang di-Pertuan Agong or the Attorney General or such other person as aforesaid. [s. 40]

Solicitor General to exercise powers of Attorney General

111. (1) Unless in any written law it is otherwise expressly provided, the Solicitor General may perform any of the duties and may exercise any of the powers of the Attorney General.

(2) Where the Yang di-Pertuan Agong or any other person has lawfully delegated his powers to the Attorney General such delegation shall, unless otherwise expressly provided, be deemed to

be delegation of powers to both the Attorney General and the Solicitor General. [s. 40A]

Power of majority of more than two persons

112. Save as is otherwise expressly provided by any written law, whenever any act or thing is required to be done by more than two persons, a majority of them may do it. [s. 41]

Public officers

113. A reference in any written law to any public officer by the usual or common title of his office shall, if there be such an office customarily in the Federation or any State and unless the contrary intention appears, be read and construed as referring to the person for the time being holding or carrying out the duties of that office in the Federation or State, as the case may be. [s. 42]

***Ex officio* proceedings not to abate on death, etc.**

114. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation, or absence or removal from office, but may be carried on by or against, as the case may be, the person appointed to perform the duties of the office. [s. 43]

Construction of references to laws

115. In any written law a description or citation of a portion of another written law shall, unless a contrary intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation. [s. 44]

116. (*Deleted by Ord. No. 41 of 1953*). [s. 45]

English text to prevail

117. In case of any conflict or discrepancy between the English text of a written law and any translation thereof, the English text shall prevail. [s. 46]

Use of languages other than English for oaths, declarations, etc.

118. (1) Where by any Act, Ordinance, Enactment or subsidiary legislation a person is required to subscribe any oath of office or secrecy, declaration of allegiance or acceptance of office, or other like instrument, which under those provisions is to be in the English language, it may be tendered to him in any language with which he is conversant if it is certified in writing by a person who—

(a) is present at the subscription, and

(b) is conversant both with that language and with the English language, that the terms of the oath, declaration or instrument, as subscribed, correspond with the terms thereof as prescribed by the said provisions. subsection and made by the person certifying, that that person satisfies the requirements of paragraphs (a) and (b) of that subsection, shall be evidence, until the contrary is proved, that he satisfies those requirements. [s. 46A]

Gazette to be evidence of matters therein

119. All printed copies of the *Gazette*, purporting to be published by authority and to be printed by the Government Printer, shall be admitted in evidence by all courts and in all legal proceedings whatsoever without any proof being given that such copies were so published and printed, and shall be taken and accepted as *prima facie* evidence of the proclamations, regulations, orders, appointments, notifications and other publications therein printed, and of the matters and things contained in such proclamations, regulations, orders, appointments, notifications and publications respectively. [s. 47]

DIVISION THIRTEEN

Reprint of Written Laws

Reprint of written laws

120. (1) Where any written law has been amended, the Government Printer may, with the authority of the Yang di-Pertuan Agong, print copies of the law with the necessary additions, omissions, or substitutions effected by any written law amending it; and any copy of it purporting to be so printed shall be deemed until the contrary is shown, to be the authentic text of the amended law as in force, except in so far as may be specified in the copy, on such date as may be so specified.

(2) A reference in any written law to the number of a line of any provision of any written law shall mean such line in the latest official printed copy of such written law at the time of the enactment of the written law containing such reference. [s. 48]

[NOTE—This section has ceased to have application in so far as it is a federal law with effect from the 1 January 1969, vide section 18 of the Revision of Laws Act 1968 [Act 1]]

DIVISION FOURTEEN

Penal Provision

Imposition of a penalty not a bar to civil action

121. The imposition of a penalty by any written law, in the absence of express provision to the contrary, shall not relieve any person from liability to answer for special damages to a person injured. [s. 49]

Provisions as to offences under two or more laws

122. Where any act or omission constitutes an offence under two or more written laws, or under a written law and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of such laws or at common law, but shall not be liable to be punished twice for the same offence. [s. 50]

Penalties prescribed to be deemed maximum penalties

123. Whenever in any written law a penalty is provided for an offence against such law, such provision shall be deemed to indicate that such offence shall be punishable, upon conviction, by a penalty not exceeding (except as may be otherwise expressly mentioned in such law) the penalty provided. [s. 51]

Carrying out of certain orders

124. Where in any written law power is given to any authority to impose any fine or make any order or give any directions whatever and it is stated that such fine, order or directions shall be imposed, be recoverable or in any manner have effect as if the same were a fine, order or direction, imposed, made or given by a court or by a judicial or other officer, any such court or judicial or other officer having jurisdiction in the place where such fine, order or direction was imposed, made or given, or where the person who was ordered to pay the fine or who is required to obey the order or direction resides or may happen to be, may take the necessary steps to enforce the payment of the fine or the carrying out of the order or direction, as the case may be, in all respects as if the fine, order or direction had in fact been imposed, made or given by such court or judicial or other officer. [s. 52]

Application of fees, fines and forfeitures

125. (1) Where under any written law any person is required to pay any charge or fee for any act or thing done, or document issued, or signature or seal affixed to any document, by any public officer or department, or where any person is adjudged by any court, or other authority duly authorized by law, to pay or forfeit any sum of money, such charge or fee and such sum of money shall be paid into the Treasury, unless the contrary is otherwise provided; and if any such charge or fee, or if any commission on money received or taken possession of, realised, or otherwise dealt with, is required to be paid to any public officer or department, such officer or department receiving the same shall pay it into or account for the same in due course to the Treasury.

(2) Where under any written law any thing or any animal is adjudged by any court, or other authority duly authorized by law, to be forfeited, it shall, unless the contrary is otherwise provided, or unless it is expressed by law to be forfeited to any person, be forfeited to the Government, and the net proceeds thereof, if it is ordered by competent authority to be sold, shall be paid into the Treasury, unless the contrary is otherwise provided.

(3) Nothing in this section shall affect any provision in any written law whereby any shares of fines or forfeitures, or of proceeds of forfeitures, are expressed to be recoverable by any person, or may be granted by any authority to any person. [s. 53]

126. (*Deleted by L.N. (N.S.) 2 of 1957.*) [s. 54]

Saving of rights of the Yang di-Pertuan Agong and the Government

127. No Act of Parliament, Ordinance or Enactment shall in any manner whatsoever affect the rights of the Yang di-Pertuan Agong or of the Government unless it is therein expressly provided, or unless it appears by necessary implication, that the Yang di-Pertuan Agong or the Government, as the case may be, is bound thereby.

[s. 55]

Part II to be binding on Yang di-Pertuan Agong and the Government

128. PART II of this Act shall be binding on the Yang di-Pertuan Agong and on the Government. [s. 56]

DIVISION FIFTEEN

*Repeal***Repeal**

129. The Ordinances and Enactments set out in the First Schedule are hereby repealed to the extent specified in the third column of such Schedule. [s. 57]

[NOTE—Subject to the saving provisions under section 65, Part II of this Act shall not apply for the interpretation of any written law from 18 May 1967 in so far as it is a federal law.]

PART III

[Sections 130—132 of this revised Act refer to sections 2—4 of the Interpretation (States of West Malaysia) Act 1967 [Act No. 57 of 1967] as indicated within square brackets at the end of section]

Extent

130. PART III of this Act [*Interpretation (States of West Malaysia) Act 1967*] is enacted in pursuance of Article 76(1)(b) of the Federal Constitution for the purpose of promoting uniformity of the laws of the States of West Malaysia, shall extend only to such of those states which adopt this PART in pursuance of Article 76(3) of the Federal Constitution. [s. 2]

PART I of this Act to have effect in adopting States

131. (1) Where one of the States of West Malaysia adopts PART III of this Act in pursuance of Article 76(3) of the Federal Constitution, PART I of this Act with the modifications and additions contained in the Second Schedule, shall apply for the interpretation of and otherwise in relation to Enactments of the adopting State enacted after the date of adoption as it applies for the interpretation of and otherwise in relation to Acts of Parliament enacted after the commencement of that Act.

(2) Where by virtue of subsection (1), PART I of this Act applies for the interpretation of and otherwise in relation to an Enactment, that PART shall apply for the interpretation of and otherwise in relation to subsidiary legislation made under that Enactment. [s. 3]

Repeal and saving

132. (1) PART II of this Act [*Interpretation and General Clauses Ordinance 1948*] is repealed with effect from 30 September 1967 in so far as it is a State law of a State to which PART III of this Act extends.

(2) Notwithstanding subsection (1), PART II of this Act thereby repealed shall continue to apply to and State law to which it applied immediately before the date of repeal and to any subsidiary legislation made under any such law (including subsidiary legislation made on or after the date of repeal). [s. 4]

FIRST SCHEDULE

[Section 129]

ORDINANCES AND ENACTMENTS REPEALED

Ordinance or Enactment	Short title	Extent of repeal
Straits Settlements Cap. 2	Interpretation Ordinance	The whole
Federated Malay States Cap. 1	Interpretation and General	The whole
Johore Enactment No. 2	Interpretation and General Clauses Enactment	The whole
Kedah Enactment No. 53	Interpretation Enactment	The whole
Terengganu Enactment No. 8 of 1356	Interpretation Enactment	The whole
Kelantan Enactment No. 12 of 1938	Interpretation and General Clauses Enactment	The whole
Malayan Union Ordinance No. 2 of 1946	Transfer of Powers and Interpretation Ordinance 1946	Sections 8, 11, 13, 14 and 15

SECOND SCHEDULE

[Subsection 131(1)]

MODIFICATIONS AND ADDITIONS

1. In this Schedule—

“the adopting State”, in relation to any particular State which adopts PART III of this Act, means that particular State;

“the applied Act” means PART I of this Act [*Interpretation Act 1967*].

2. The definition of “State” in section 3 of the applied Act shall be subject to the modification that, in relation to the adopting State, references to “the State” are to be construed as references to the adopting State.

3. In section 3 of the applied Act—

(a) the words “the State” shall be deemed to replace the words “a State” in the following definitions:

“Chief Minister” or “Menteri Besar”;

“district”;

“State Consolidated Fund”;

“State *Gazette*”;

“State Government”;

“State law”;

“State Pardons Board”; and

(b) the definition of “Enactment”, “Executive Council”, “Legislative Assembly”, “Legislature”, “Speaker” and “State Seal” shall be deemed to be replaced by the following definitions:

“‘Enactment’ means a law made by the Legislature of the State;

‘Executive Council’ means the Executive Council or, where it is so styled, the State Executive Council of the State;

‘Legislative Assembly’ means the representative assembly, however called, in the Legislature of the State;

‘Legislature’ means the authority having power under the Constitution of the State to make laws for the State;

‘Speaker’ means the Speaker of the Legislative Assembly;

‘State Seal’ means the State Seal or, where it is so styled, the Public Seal of the State.”.

4. Section 3 of the applied Act shall be deemed to include the following definitions:

“‘State Financial Officer’ means the Financial Officer or, where he is so styled, the State Financial Officer of the State;

‘State Legal Adviser’ means the Legal Adviser or, where he is so styled, the State Legal Adviser of the State;

‘State Secretary’ means the State Secretary of the State;”.

5. Where the adopting State is not Malacca, Negeri Sembilan or Penang, section 3 of the applied Act shall be deemed to include the following definition:

“‘Ruler’ means the Ruler of the State (including, in the case of Negeri Sembilan, the Yang di-Pertuan Besar acting on behalf of himself and the Ruling Chiefs).”.

6. Where the adopting State is Malacca or Penang, section 3 of the applied Act shall be deemed to include the following definition:

“‘Yang di-Pertua Negeri’ means the Yang di-Pertua Negeri of the State;”.

7. ‘Without prejudice to the generality of section 131 of this Act (and subject to paragraphs 8 to 10), references in DIVISION TWO and section 42 of the applied Act to Acts and to subsidiary legislation shall be deemed to include references to Enactment and to subsidiary legislation made under Enactments.

8. Section 18 of the applied Act shall be replaced by the following provision:

“Enactments and subsidiary legislation made thereunder shall be published in the State *Gazette*.”.

9. Subsection 21(2) of the applied Act shall be replaced by the following provision:

“In subsidiary legislation made under an Enactment, ‘the Enactment’ means the Enactment under which the subsidiary legislation was made.”.

10. Section 23 of the applied Act shall be replaced by the following provision:

“Any subsidiary legislation that is inconsistent with an Enactment (including the Enactment under which the subsidiary legislation was made) shall be void to the extent of the inconsistency.”.

11. Section 39 of the applied Act shall be without effect.

12. Section 46 of the applied Act shall have effect as if a reference to the Ruler or Yang di-Pertua Negeri of the adopting State was substituted for the reference to the Yang di-Pertuan Agong or a Minister.

13. Section 51 of the applied Act shall have effect as if for references to a Minister, to the Yang di-Pertuan Agong and to another Minister there were substituted references to the Chief Minister or Menteri Besar, to the Ruler or Yang di-Pertua Negeri and to any member of the Executive Council respectively.

14. Sections 63 and 64 of the Applied Act shall be deemed to include in references to the Yang di-Pertuan Agong and the Government references to the Ruler or Yang di-Pertua Negeri and the State Government of the adopting State.

15. The applied Act shall be deemed to contain the following provision, that is to say:

“Where any written law which is a State law has been amended by another written law, the Government Printer with the authority of the Chief Minister or Menteri Besar may print copies of the law with the necessary additions, omissions or substitutions effected by the amending law; and any such copy purporting to be so printed shall be presumed, until the contrary is shown, to be the authentic text of the amended law (except in so far as may be specified in the copy) as in force on such date as may be so specified.”.

LAWS OF MALAYSIA

Act 388

INTERPRETATION ACTS 1948 AND 1967

LIST OF AMENDMENTS

Amending law	Short title	In force from
PART I		
Act 40/1968	Interpretation (Amendment) Act 1968	01-01-1969
Act A31	Constitution (Amendment) (No 2) Act 1971	24-03-1971 except s. 4: 19-09-1966
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A354	Constitution (Amendment) Act 1976	27-08-1976
Act 261	Malaysian Standard Time Act 1981	01-01-1982
Act A996	Interpretation (Amendment) Act 1997	25-07-1997 except ss 4, 6, 8, 9, 10 and 11; 18-05-1967: ss 4, 6, 8, 9, 10 and 11; 24-06-1994: paragraphs 5(1)(a) and 5(1)(c).

Interpretation

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Amending law	Short title	In force from
PART II		
F.M. Ord. No. 56/1949	Interpretation and General Clauses (Amendment) Ordinance 1949	01-12-1949
F.M. Ord. No. 41/1953	Interpretation and General Clauses (Amendment) Ordinance 1953	22-08-1953
F.M. Ord. No. 32/1954	Crown Agents (Change of Title) Ordinance 1954	01-04-1954
L.N. (N.S.) 2/1957	Federal Constitution (Modification of Laws) (Interpretation and General Clauses Ordinance) Order 1957	31-08-1957
L.N. 334/1958	Federal Constitution (Modification of Laws) (Interpretation and General Clauses Ordinance) Order 1958	31-08-1957
F.M. Ord. 18/1959	State of Singapore Ordinance 1959	03-06-1959
Act 17/1962	Interpretation and General Clauses (Amendment) Act 1962	09-06-1962
Act 25/1963	Constitution (Amendment) Act 1963	31-08-1957: ss 2 and 5 01-01-1958: s 7 29-08-1963: remaining provisions

Amending law	Short title	In force from
*Act 7/1964	Courts of Judicature Act 1964	16-09-1963: s. 5
Act 23/1967	Interpretation Act 1967	18-05-1967
Act 91	Courts of Judicature Act 1964	16-09-1963: s. 5
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act 261	Malaysian Standard Time Act 1981	01-01-1982
PART III		
P.U. (A) 102/1999	Revision of Laws (Rectification of Interpretation Acts 1948 and 1967) Order 1999	11-03-1999
Act A1330/2008	Interpretation (Amendment) Act 2008	15-03-2010

* *NOTE*—The Courts of Judicature Act 1964 [*Act 7 of 1964*] has since been revised as Act 91 w.e.f. 1 November 1972.

LAWS OF MALAYSIA

Act 388

INTERPRETATION ACTS 1948 AND 1967

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A996	18-05-1967
2	Act 40/1968	01-01-1969
3	Act 40/1968	01-01-1969
	Act 160	29-08-1975
	Act A31	24-03-1971
	Act A354	27-08-1976
	Act A996	24-06-1994
	A1330/08	15-03-2010
10	Act 261	01-01-1982
15	Act A996	18-05-1967
17A	Act A996	25-07-1997
18	Act 40/1968	01-01-1969
	A1330/08	15-03-2010
19	Act 40/1968	01-01-1968
20	Act A996	18-05-1967
23	Act A996	18-05-1967
25	Act A996	18-05-1967
27	Act A996	18-05-1967
61	Act 40/1968	01-01-1969
62A	Act 996	23-07-1997

Section	Amending authority	In force from
66	F.M. Ord 41/1953	22-08-1953
	F.M. Ord 32/1954	01-04-1954
	L.N.(N.S.) 2/1957	31-08-1957
	Act 17/1962	09-06-1962
	Act 25/1963	31-08-1957
67	L.N.(N.S.) 2/1957	31-08-1957
68	L.N.(N.S.) 2/1957	31-08-1957
69	L.N.(N.S.) 2/1957	31-08-1957
70	L.N.(N.S.) 2/1957	31-08-1957
72	L.N.(N.S.) 2/1957	31-08-1957
	Act 17/1962	01-06-1962
75	F.M. Ord 41/1953	22-08-1953
78	L.N.(N.S.) 2/1957	31-08-1957
80	L.N.(N.S.) 2/1957	31-08-1957
82	L.N.(N.S.) 2/1957	31-08-1957
83	L.N.(N.S.) 2/1957	31-08-1957
84	F.M. Ord 41/1953	22-08-1953
	L.N.(N.S.) 2/1957	31-08-1957
85	F.M. Ord 41/1953	22-08-1957
	L.N.(N.S.) 2/1957	31-08-1957
86	L.N.(N.S.) 2/1957	31-08-1957
87	L.N.(N.S.) 2/1957	31-08-1957
88	Act 17/1962	09-06-1962
89	L.N.(N.S.) 2/1957	31-08-1957
91	L.N.(N.S.) 2/1957	31-08-1957
92	L.N.(N.S.) 2/1957	31-08-1957
93	F.M. Ord 41/1953	22-08-1953

Section	Amending authority	In force from
95	Act 17/1962	09-06-1962
96	F.M. Ord 41/1953 L.N.(N.S.) 2/1957	22-08-1953 31-08-1957
97	L.N.(N.S.) 2/1957 L.N. 334/1958	31-08-1957 31-08-1957
98	L.N.(N.S.) 2/1957	31-08-1957
99	L.N.(N.S.) 2/1957 F.M. Ord 41/1953	31-08-1957 22-08-1953
100	L.N.(N.S.) 2/1957 F.M. Ord 56/1949	31-08-1957 01-12-1949
101	F.M. Ord 41/1953 L.N.(N.S.) 2/1957 F.M. Ord 56/1949	22-08-1957 31-08-1957 01-12-1949
102	Act 17/1962 F.M. Ord 41/1953	09-06-1962 22-08-1953
105	F.M. Ord 41/1953	22-08-1953
106	Act 17/1962	09-06-1962
107	Act 261	01-01-1982
110	L.N.(N.S.) 2/1957	31-08-1957
111	F.M. Ord 41/1953 F.M. Ord 2/1957	22-08-1953 31-08-1957
113	L.N.(N.S.) 2/1957	31-08-1957
116	F.M. Ord 41/1953	22-08-1953
118	Act 17/1962	09-06-1962
120	Act 17/1962	09-06-1962
123	F.M. Ord 41/1953	22-08-1952
126	L.N.(N.S.) 2/1957	31-08-1957

Section	Amending authority	In force from
127	F.M. Ord 41/1953	22-08-1953
	F.M. Ord 2/1957	31-08-1957
	F.M. Ord 41/1953	22-08-1953
	L.N.(N.S.) 2/1957	31-08-1957
128	F.M. Ord. 41/1953	22-08-1952
