



LAWS OF MALAYSIA

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Act 358

DELEGATION OF POWERS ACT 1956

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DELEGATION OF POWERS ACT 1956

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ARRANGEMENT OF SECTIONS

PART I

INTRODUCTORY

Section

1. Short title and application
2. Interpretation

PART II

DELEGATION

3. Power of Yang di-Pertuan Agong to delegate powers and duties
4. *(Omitted)*
5. Power of Minister to delegate powers and duties by notification in the *Gazette*
6. Exercise of powers by subordinates of Ministers or Chief Ministers
7. Ratification of acts, orders and directions done by subordinates in the name and on behalf of a Minister or Chief Minister
8. Power of Ruler and Ruler in Council or Yang di-Pertua Negeri in Council to delegate powers and duties
9. Power of Chief Minister to delegate powers and duties by notification in the *Gazette*
10. *(Omitted)*
11. No delegation of power to make regulations

Section

12. Exercise of powers notwithstanding delegation

PART III

SIGNIFICATION OF ACTS

13. Signification of discretionary acts of the Yang di-Pertuan Agong
14. Signification of orders, etc., of, and signing of documents by, the Yang di-Pertuan Agong
15. Signification of orders, etc., of, Ruler in Council or Yang di-Pertua Negeri in Council
16. Signification of orders, etc., of, and signing of documents by, a Ruler or Yang di-Pertua Negeri
17. Signification of orders, etc., of, and signing of documents by, a Minister or Chief Minister
18. Signification of orders, etc., and signing of documents by other persons
19. Proclamation and warrant to be under hand of Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri
- 19A. Existing delegations

PART IV

REPEAL AND VALIDATION

20. Repeal and validations

SCHEDULE

LAWS OF MALAYSIA

Act 358

DELEGATION OF POWERS ACT 1956

An Act relating to the delegation of certain statutory powers and duties and the signing of certain documents.

*[Peninsular Malaysia—20 December 1956, L.N. 359/1956;
Sabah and Sarawak—22 October 1964, L.N. 360/1964]*

PART I

INTRODUCTORY

Short title and application

1. This Act may be cited as the Delegation of Powers Act 1956, and shall have effect throughout Malaysia.

Interpretation

2. (1) For the purposes of Part II the expression “written law” does not include the Federal Constitution.

(2) In this Act “Deputy Minister” means a person who has been appointed to be a Deputy Minister under Article 43A of the Federal Constitution.

PART II

DELEGATION

Power of Yang di-Pertuan Agong to delegate powers and duties

3. Where by any written law the Yang di-Pertuan Agong is empowered to exercise any powers or perform any duties, he may, subject to section 11, by notification in the *Gazette*, delegate subject to such conditions and restrictions as may be prescribed in such notification the exercise of such powers or the performance of such duties to any person described by name or office.

4. (*Omitted*).

Power of Minister to delegate powers and duties by notification in the *Gazette*

5. Where by any written law a Minister is empowered to exercise any powers or perform any duties, he may, subject to section 11, by notification in the *Gazette* delegate subject to such conditions and restrictions as may be prescribed in such notification the exercise of such powers or the performance of such duties to any person described by name or office.

Exercise of powers by subordinates of Ministers or Chief Ministers

6. (1) Subject to section 11 and of any written law expressly to the contrary all acts, orders or directions which could lawfully be done or given, in the exercise of any power or in the performance of any duty conferred or imposed by any written law, by a Minister or the Chief Minister of a State may, subject to any directions given by him be validly and effectually done or given on his behalf and in his name by any officer under his administrative control and expressly or impliedly authorized by him generally or specially thereto or in the case of a Minister be done or given on his behalf and in his name by a Deputy Minister.

(2) A certificate in writing purporting to be under the hand of a Minister or Chief Minister personally that any person was at the material date an officer under his administrative control or that any such officer was expressly or impliedly authorized by him to do or give a certain act, order or direction shall be conclusive evidence of the facts stated in such certificate.

Ratification of acts, orders and directions done by subordinates in the name and on behalf of a Minister or Chief Minister

7. Where any act, order or direction has been done or given by any officer in good faith and purporting to act in the name and on behalf of a Minister or the Chief Minister of a State but without being authorized thereto and such act, order or direction could have lawfully been done or given by such officer by virtue of section 6 if he had been so authorized, the Minister or Chief Minister, as the case may be, may ratify the doing or giving of such act, order or direction and thereupon the same shall have effect as if at the date on which such act, order or direction was so done or given such officer had been duly authorized thereto:

Provided that such ratification shall not have effect to expose any person to any claim for damages or to any penalty, forfeiture or punishment to which he would not have been otherwise exposed in respect of any matter which occurred before the date on which such ratification was brought to his notice or on which written notice of such ratification was first published in the *Gazette*, whichever was the earlier.

Power of Ruler and Ruler in Council or Yang di-Pertua Negeri in Council to delegate powers and duties

8. Where by any written law the Ruler or Ruler in Council or Yang di-Pertua Negeri in Council of any State is empowered to exercise any powers or perform any duties, he may, subject to section 11, by notification in the *Gazette* delegate subject to such conditions and

restrictions as may be prescribed in such notification the exercise of such powers or the performance of such duties to any person described by name or office.

Power of Chief Minister to delegate powers and duties by notification in the *Gazette*

9. Where by any written law the Chief Minister of any State is empowered to exercise any powers or perform any duties, he may subject to section 11, with the approval of the Ruler or Yang di-Pertua Negeri of such State by notification in the *Gazette*, delegate subject to such conditions and restrictions as may be prescribed in such notification the exercise of such powers or the performance of such duties to any person described by name or office.

10. (*Omitted*).

No delegation of power to make regulations

11. Nothing in this Part shall apply to any power to make regulations conferred upon any person by any written law.

Exercise of powers notwithstanding delegation

12. No delegation under this Act of any power or duty shall affect the exercise of such power or the performance of such duty by the Yang di-Pertuan Agong, the Ruler, the Ruler in Council, the Yang di-Pertua Negeri, the Yang di-Pertua Negeri in Council, a Minister or Chief Minister, as the case may be.

PART III

SIGNIFICATION OF ACTS

Signification of discretionary acts of the Yang di-Pertuan Agong

13. Where by any written law power is given to the Yang di-Pertuan Agong to act in his discretion, then it shall be sufficient, unless it is otherwise expressed, for such act to be signified under the hand of the Private Secretary to His Majesty, the Keeper of the Rulers' Seal or of such other person as may by notification in the *Gazette* be designated in that behalf either generally or specially by the Yang di-Pertuan Agong.

Signification of orders, etc., of, and signing of documents by, the Yang di-Pertuan Agong

14. Where by any written law other than the written law referred to in section 13 power is given to the Yang di-Pertuan Agong to make any regulation or order or give any direction, approval, permission or consent, or where any document is required to be under the hand of, or signed or countersigned by, the Yang di-Pertuan Agong, it shall be sufficient, unless it is otherwise expressed, for such regulation, order, direction, approval, permission, consent or document to be signified under the hand of, or signed or countersigned by, a Minister or the Secretary to the Cabinet or such other officer as may by notification in the *Gazette* be designated in that behalf, either generally or specially, by the Yang di-Pertuan Agong.

Signification of orders, etc., of, Ruler in Council or Yang di-Pertua Negeri in Council

15. Where by any written law power is given to the Ruler in Council or Yang di-Pertua Negeri in Council of any State to make any regulation or order or give any direction, approval, permission or consent it shall be sufficient, unless it is otherwise expressed, for such

regulation, direction, approval, permission or consent to be signified under the hand of the Clerk of the State Executive Council or such other person as may by notification in the *Gazette* be designated in that behalf either generally or specially by the Ruler in Council or Yang di-Pertua Negeri in Council of such State.

Signification of orders, etc., of, and signing of documents by, a Ruler or Yang di-Pertua Negeri

16. Where by any written law any power is given to the Ruler or Yang di-Pertua Negeri of any State to make any regulation or order or give any direction, approval, permission or consent or where any document is required by any such law to be under the hand of, or signed or countersigned by, the Ruler or Yang di-Pertua Negeri of any State, it shall be sufficient, unless it is otherwise expressed, for such regulation, order, direction, approval, permission, consent or document to be signified under the hand of, or signed or countersigned by, the Chief Minister of such State.

Signification of orders, etc., of, and signing of documents by, a Minister or Chief Minister

17. (1) Where by any written law power is given to a Minister or the Chief Minister of a State to make any regulation or order or give any direction, approval, permission or consent, or where any document is required to be under the hand of, or signed or countersigned by, such Minister or Chief Minister it shall be sufficient, unless it is otherwise expressed, for such regulation, order, direction, approval, permission, consent or document to be signified under the hand of, or signed or countersigned by, any officer under the administrative control or direction of such Minister or Chief Minister as the case may be and expressly or impliedly authorized by him by name or office in that behalf or in the case of a Minister under the hand of or signed or countersigned by a Deputy Minister.

(2) A certificate in writing purporting to be under the hand of the Minister or Chief Minister personally that any person was at the material date an officer under his administrative control or that any

such officer was expressly or impliedly authorized by him to signify, sign or countersign a certain regulation, order, direction, approval, permission, consent or document shall be conclusive evidence of the facts stated in such certificate.

(3) Where any such regulation, order, direction, approval, permission, consent or document has been signified, signed or countersigned by any officer not authorized in that behalf the Minister or Chief Minister concerned as the case may be may ratify such signification, signature or countersignature and thereupon the same shall have effect as if at the date on which such signification, signature or countersignature was effected or affixed by such officer he had been duly authorized thereto.

Signification of orders, etc., and signing of documents by other persons

18. (1) Without prejudice to the generality of section 17, where, by any written law, power is given to any of the persons mentioned in the first column of the Schedule to make any regulation or order or give any direction, approval, permission or consent, or where any document is required to be under the hand of, or signed by such person it shall be sufficient, unless it is otherwise expressed, for such regulation, order, direction, approval, permission, consent or document to be signified under the hand of, or signed or countersigned by, the person mentioned in the second column of the said Schedule or such officer as may be designated in that behalf, either generally or specially, by the person mentioned in the first column of the said Schedule by notification in the *Gazette*.

(2) The Yang di-Pertuan Agong may, after reference to the Ruler in Council or Yang di-Pertua Negeri in Council of any State concerned, by order, delete from, vary, or add to the said Schedule.

Proclamation and warrant to be under hand of Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri

19. Nothing in this Act shall authorize the issue of any proclamation or warrant except under the hand of the Yang di-Pertuan Agong or of the Ruler or Yang di-Pertua Negeri of any State himself.

Existing delegations

19A. Any delegation made by the High Commissioner or Chief Secretary under this Act, including any delegation made by the High Commissioner or Chief Secretary and continued in force by this Act, shall have effect as if the same had been made on 31 August 1957 to the person described therein by name or office:

Provided that any delegation so made to the Chief Secretary shall have effect as if the same had been made by the Yang di-Pertuan Agong to the Minister charged with responsibility for the matters to which the delegated power relates.

PART IV**REPEAL AND VALIDATION****Repeal and validations**

20. (1) The Delegation of Powers Ordinance 1952 [*Ord. 75 of 1952*], is repealed:

Provided that any delegation made or continued in force under the Delegation of Powers Ordinance 1952, shall be deemed to have been made under this Act and shall continue in force until revoked or superseded by notification under this Act.

(2) Any regulation, order, direction, approval, permission, consent or document made by the High Commissioner in Council or the Ruler in Council of any State before the coming into force of this

Act, signified under the hand of, or signed or countersigned by, the person for the time being performing the duties of clerk of the Federal Executive Council, a State Executive Council or the Settlement Executive Council of a Settlement, as the case may be, shall be deemed to have been validly signified, signed or countersigned.

SCHEDULE

[Section 18]

(1)	(2)
Chief Secretary	Deputy Chief Secretary
Minister	Secretary to Minister
Menteri Besar	Deputy Menteri Besar State Secretary
Resident Commissioner	Settlement Secretary

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Act 358

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LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. (N.S.) 1/1957	Federal Constitution (Modification of Laws) Order 1957	31-08-1957
L.N. (N.S.) 56/1957	Corrigendum to L.N. (N.S.) 1/1957	31-10-1957
Act 5/1960	Assistant Ministers Act 1960	13-10-1959
Act A31	Constitution (Amendment) (No. 2) Act 1971	24-03-1971
Act A354	Constitution (Amendment) Act 1976	27-08-1976
Act 237	Members of Parliament (Remuneration) Act 1980	01-07-1980
P.U. (A) 253/1989	Revision of Laws (Delegation of Powers) Order 1989	01-12-1988

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Effective date	P.U. (A) 253/1989	01-12-1988
2	Act 5/1960	13-10-1959
	Act A31	24-03-1971
	Act 237	01-07-1980
6	Act A31	24-03-1971
8	Act A354	27-08-1976
9	Act A354	27-08-1976
12	Act A354	27-08-1976
15	Act A354	27-08-1976
16	Act A354	27-08-1976
17	Act A31	24-03-1971
18	Act A354	27-08-1976
19	Act A354	27-08-1976
Throughout the Act	L.N (N.S.) 1/1957	31-08-1957
	L.N (N.S.) 56/1957	31-10-1957
