

LAWS OF MALAYSIA

ACT 209 FEES ACT 1951 (REVISED-1978)

First enacted : 1951 (Ordinance No. 22 of 1951.)
Date of coming into operation : West Malaysia (including the Federal Territory)- 23 August 1951;
Sabah and Sarawak- 3 November 1966 [P.U. (A) 405/66]
Revised up to : 1978 (Act 209 w.e.f. 15 November 1978)

ARRANGEMENT OF SECTIONS

Section 1. Short title.

This Act may be cited as the **Fees Act 1951**.

Section 2. Interpretation.

In this Act, "Federal List" means the First List set out in the Ninth Schedule to the Federal Constitution, being the list enumerating the matters with respect to which Parliament may make laws.

Section 3. Yang di-Pertuan Agong may charge and prescribe fees and payments to be leviable in courts and public offices.

Except where expressly provided otherwise by any other written law, the Yang di-Pertuan Agong may by order-

- (a) charge and prescribe fees and payments for licences, permits and other acts, matters or things, leviable or to be leviable in the subordinate courts of civil and criminal jurisdiction and in all public offices and departments of any Government in Malaysia; and
- (b) specify the persons by whom such fees shall be paid and payments made, and may at any time revoke or vary any such order:

Provided that the fee or payment so charged or prescribed is in respect of any matter included in the Federal List.

Section 4. Orders to be laid before the Dewan Rakyat.

Every order made under section 3 shall be laid as soon as conveniently possible on the table of the Dewan Rakyat, and shall be published in the *Gazette*, and shall have effect from the date of such publication:

Provided that such order may be revoked or amended in whole or in part by resolution of the Dewan Rakyat passed within three months of the date on which such order was laid upon the table thereof, and shall thereupon cease to have effect or have effect as so amended but without prejudice to the validity of anything previously done thereunder.

Section 5. Officers may decline to act till payment.

The officer of any court, public office or department required to do anything for which a fee or payment is chargeable or prescribed under this Act or under any other written law relating to any matter included in the Federal List may decline to do that thing till the fee is paid or the payment is made.

Section 6. Fees, etc., recoverable as fines before a Magistrates' Court.

(1) All fees and payments charged or prescribed under this Act shall be recoverable, when not otherwise provided for, by summary procedure before a Magistrates' Court in the manner provided by the Criminal Procedure Code [Act 593] for the recovery of fines and penalties before a Magistrates' Court, on complaint by or on behalf of the officer to whom the fee ought to have been paid or the payment ought to have been made.

(2) A certificate by such officer that the fee has not been paid, or that the payment has not been made, shall be held to be prima facie proof of such non-payment.

Section 7. Yang di-Pertuan Agong may declare fees or payments to be payable in stamps.

The Yang di-Pertuan Agong may by order declare that all or any fees or payments charged or prescribed under this Act, shall be payable by means of stamps under the laws in force for the collection of stamp duties in Malaysia.

Section 8. Yang di-Pertuan Agong may declare fees and payments to be payable in money.

The Yang di-Pertuan Agong may by order declare that all or any fees or payments in any of the public offices and departments of any Government in Malaysia now or by any order made under section 7 made payable by means of stamps shall be paid in money, any written law to the contrary notwithstanding:

Provided that such fees or payments are in respect of any matter included in the Federal List.

Section 9. Fees, etc., prescribed by written law.

Nothing in this Act shall be held to affect the amount of any such fees or payments leviable or chargeable or to be leviable or chargeable under any written law when express provision is made as to the amount of such fees or payments in such written law.

Section 10. Remission of fees.

Notwithstanding section 9, it shall be lawful for the Yang di-Pertuan Agong to remit wholly or in part, and either generally or in any particular case or class of cases, any fee or other payment prescribed under this Act or under any other written law relating to any matter included in the Federal List, and the Yang di-Pertuan Agong may by order provide for the remission of any such fee or other payment and may specify therein the person by whom such remissions shall be granted.

Section 11. Cessation of effect of certain laws.

The Fees Ordinance of the Straits Settlements, Enactment No. 37 (Fees) of the State of Kedah and the Fees Enactment, 1940 of the State of Johore shall from and after the 23rd of August, 1951, cease to have effect in respect of any matter included in the Federal List:

Provided that all tables of fees and other payments framed under the provisions of such Ordinance or Enactments shall until revoked by order of the Yang di-Pertuan Agong continue in full force and effect as if this Act had not been passed.

LIST OF AMENDMENTS

Particulars under section 7(ii) and (iii) of the Revision of Laws Act 1968 (Act 1)

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinance and Proclamations) Order, 1958	13-11-1958
P.U. 405/1966	Modification of Laws (Fees) (Extension to Borneo States) Order, 1966	3-11-1966

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
22 of 1951	Fees Ordinance, 1951
P.U. 405/1966	Schedule to the Modification of Laws (Fees) (Extension to Borneo States) Order, 1966.

