



LAWS OF MALAYSIA

Act 363

**CONTROL OF RENT ACT  
1966**

(Revised—1988)

Revised up to ... .. 30th November 1988

Date of publication in  
*Gazette* of this revised version 22nd December 1988

Date appointed for coming  
into force of this revised  
version *pursuant to section 6  
(1) (xxiii) of the Revision of  
Laws Act 1968 (Act 1)* ..... 31st December 1988



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**Act 363**

**CONTROL OF RENT ACT 1966**

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LAWS OF MALAYSIA

Act 363

CONTROL OF RENT ACT 1966

(Revised—1988)

An Act relating to the control of rent and matters incidental thereto.

[1st January 1967]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Control of Rent Act 1966 and shall apply to the States of West Malaysia only. Short title and application.

(2) This Act shall have effect, subject to this section, within the areas of all local authorities including the areas of the City of Kuala Lumpur:

Provided that in its application to the said City all powers vested in and exercisable by the Ruler or the Yang di-Pertua Negeri shall be vested in and exercisable by the Minister charged with responsibility for local government and reference to the State Consolidated Fund in section 27 shall be construed as reference to the Federal Consolidated Fund.

2. (1) In this Act, unless the context otherwise requires— Interpretation.

“business premises” includes all premises other than domestic premises;

“Chairman” means the Chairman of the Tribunal;

“court” means any court in Malaysia of competent jurisdiction;

“development” means rebuilding of new premises and includes rebuilding on demolition of a major portion of the existing premises.

“domestic premises” means any premises, or any part of any premises, used for human habitation and let or sublet separately, and includes premises used partly for human habitation and partly for business, trade or professional purposes:

Provided that a building shall not be deemed to be used partly for human habitation by reason only that it is occupied by one or more persons as caretakers;

“joint-tenancy” means a tenancy held by each of the several tenants to whom the landlord has let his controlled premises and with whom the landlord is brought by virtue of such letting into a direct relationship of landlord and tenant, and includes any subtenancy which has become a joint-tenancy by virtue of a notification by the landlord under section 20 (2); and the expression “joint-tenant” means every one of such tenants or such subtenants whose subtenancy has become a joint-tenancy by virtue of a notification by the landlord under section 20 (2);

“landlord” means the landlord of premises in respect of which a tenancy exists and includes in the case of a subtenancy, a tenant who sublets the premises or any part thereof;

“local authority” means any City Council, Municipal Council or District Council, as the case may be, and in relation to the Federal Territory means the Commissioner of the City of Kuala Lumpur appointed under section 3 of the Federal Capital Act 1960, and any reference to “the local authority” shall be construed as a reference to the local authority in whose area the premises in question are situated;

## CONTROL OF RENT

“member of family” means—

- (i) the husband or widower; or
- (ii) the wife or widow; or
- (iii) the father or mother; or
- (iv) a son or daughter;

“premises” means any dwelling-house, flat, factory, warehouse, office, counting house, shop, school and any other building in which persons are employed or work and any part of any premises let or sublet separately and includes any land, outbuildings and appurtenances occupied therewith;

“rent” includes any sum paid as rent for hire for the use of furniture where premises are let furnished or where premises are let and the furniture therein is hired by the landlord to the tenant;

“tenancy” means any lease, demise, letting or holding of premises, whether in writing or otherwise, by virtue whereof the relationship of landlord and tenant is created, howsoever such relationship may be described but does not include the letting or hiring of furnished rooms with board;

“tenant” means the tenant of premises in respect of which a tenancy exists and, in the case of a subtenancy, a subtenant to whom the controlled premises or any part thereof is sublet, and in the case of a joint-tenancy, a joint tenant who holds the controlled premises or any part thereof and includes the widow of a tenant who was residing with him at the time of his death, or where a tenant leaves no widow or is a woman, any member of the tenant’s family over eighteen years of age so residing as aforesaid, or where there is more than one widow or member of the tenant’s family over eighteen years of age so residing as aforesaid, any one of such persons as may be decided in default of agreement by the court;

“Tribunal” means the Rent Tribunal established under section 12 for the area in which any premises in question are situated.

(2) Where a tenant has the exclusive occupation of any accommodation (in this subsection referred to as "the separate accommodation") and the terms on which he holds such accommodation include the use of other accommodation which is shared in common with any other person including the landlord, then such separate accommodation shall be deemed to be let or sublet separately, and the separate and shared accommodation shall both be deemed for the purposes of this Act to be premises comprised in the tenancy.

Appoint-  
ment of  
Rent  
Officers.

3. (1) For the purpose of carrying into effect the provisions of this Act, the Ruler or the Yang di-Pertua Negeri may appoint as many officers (in this Act referred to as "Rent Officers") as may be deemed necessary for such area or areas in the State as the Ruler or the Yang di-Pertua may specify in such appointment.

(2) Every such appointment shall be published in the *Gazette* and every Rent Officer appointed under this section shall be deemed to be a public servant within the meaning of the Penal Code.

F.M.S.  
Cap. 45.

## PART II

### CONTROLLED PREMISES AND FAIR RENT

Controlled  
premises.

4. (1) Except for the premises mentioned in subsection (2) all premises shall be subject to the operation of this Act and any such premises shall for the purposes of this Act be called "controlled premises".

(2) The following premises shall be free from the operation of this Act, namely—

- (a) buildings completed after 31st January 1948;
- (b) premises which are the property of the Government of Malaysia or of the Government of any State;

- (c) premises which are vested in or acquired by or on behalf of any Municipality for the purposes of the Municipal Ordinance of the Straits Settlements in force in the States of Malacca and Penang and as extended to apply to the other States by virtue of the Municipal Ordinance (Extended Application) Ordinance 1948; S.S. Cap. 133.  
3 of 1948.
- (d) furnished premises let at a rental which includes board; and
- (e) premises which cease to be controlled premises by virtue of section 24.

5. (1) The rent of every controlled premises shall for the purpose of this Act be known as "the fair rent" and shall be determined in a manner provided in section 7— Fair rent.

- (a) by an agreement in writing between the landlord and the tenant of such premises; or
- (b) in the absence of such agreement, by a decision of a Rent Officer for the area in which such premises is situated provided that such decision is accepted by both parties; or
- (c) if such decision is not accepted by either party, by an order of the Tribunal.

(2) The amount of the fair rent of any controlled premises shall be, in the case where it is determined by an agreement between the landlord and the tenant, such sum as may be agreed upon between them; and in the case where it is determined by the decision of a Rent Officer such amount as may be fixed by him provided that the same is accepted by both parties; and in the case where it is determined by the order of the Tribunal, such sum as the Tribunal may consider reasonable.

Provided that the amount of the fair rent per mensem of any controlled premises shall not in any case exceed—

- (a) one-twelfth of the annual value of the controlled premises; or

- (b) the amount of the rent per mensem of the controlled premises immediately before the commencement of this Act together with an increase of 100 per centum thereof,

whichever is the lesser.

In this subsection "annual value" has the meaning assigned to it in the written laws in force with respect to local authorities.

(3) In the case of any controlled premises or part thereof which has been sublet by the tenant, subject to section 20 (4) and (5), the fair rent of any part to sublet or (in the case of such subtenancy having become joint-tenancy by virtue of notification under section 20 (2)) the part held by a joint-tenant shall be such amount as bears the same proportion to the fair rent of the whole premises as the area of such part bears to the area of the whole premises; and in determining the fair rent of such part, the parties, the Rent Officer or the Tribunal, as the case may be, shall have regard to the accessibility and amenities of such part to the extent to which the use of any accommodation is shared by the tenant with any other person, including the landlord, and to any other circumstances which may be considered material towards determining the fair rent of such part.

In this subsection the expression "parties" shall in the case of subtenancy mean the tenant and his subtenants and in the case of joint-tenancy the landlord and his joint tenants.

(4) Where any controlled premises are let furnished, unless otherwise determined by the Tribunal, the fair rent of such controlled premises and furniture shall be a sum not exceeding the combined amount of the fair rent of such controlled premises unfurnished and—

- (a) fifty per centum of such fair rent; or  
(b) a monthly rental to be assessed at one-sixtieth of the true value of the furniture at the date of the commencement of the tenancy,

whichever shall be the less.

## CONTROL OF RENT

6. For the purpose of determining the fair rent of any controlled premises under this Act, in addition to the factors referred to in section 5 (3), the following factors shall be taken into consideration; namely—

Principle to determine fair rent.

- (a) the location of the controlled premises in question;
- (b) the age and character of the controlled premises;
- (c) the state of repair of the controlled premises;
- (d) the type of the controlled premises, that is, whether the premises is business or domestic premises; and
- (e) any improvements made to the controlled premises by the tenant where such improvement was made with the written consent of the landlord:

Provided that nothing in this section shall entitle a tenant to ask to be taken into consideration any goodwill attached to the controlled premises by reason of any business carried on thereat by the tenant or his predecessors in title of such business.

7. (1) The landlord of any controlled premises may negotiate with his tenant with a view to determining the fair rent thereof.

Procedure to be followed in determining fair rent.

(2) Where such landlord and tenant at the conclusion of such negotiation come into an agreement, the fair rent so agreed upon by them shall be reduced into writing and shall be binding upon both of them.

(3) Where such landlord and tenant cannot come into an agreement within one month from the date when such negotiation began, either party may request a Rent Officer of the area where the controlled premises in question is situated to determine the fair rent thereof, and the said Rent Officer shall within one month of the date of such request determine the fair rent so requested.

(4) The function of a Rent Officer shall be advisory only and the fair rent determined by him shall not be binding upon either party, unless accepted by both parties within one month from the date when it was determined; and every such acceptance shall be reduced into writing.

(5) Where the fair rent determined by a Rent Officer under this section is not accepted by either party within one month of the date on which it was determined or where a Rent Officer is for any reason unable to determine the fair rent within one month of the date on which the request to determine the fair rent was made to him, he shall forthwith issue to both parties a certificate (in this Act referred to as "a certificate of dispute") stating that there exists in respect of the controlled premises in question a dispute between the landlord and the tenant as to the amount of fair rent thereof.

(6) Upon receipt of a certificate of dispute, either party may apply for the determination thereof to the Tribunal for the area where the controlled premises in question is situated; and the fair rent so determined by the Tribunal shall, unless reversed on an appeal made under section 15, be binding upon both parties and such fair rent shall take effect on the first day of the month following the date when application to settle the dispute was made to the Tribunal.

Rent not to  
be increased  
in excess  
of fair rent.

8. (1) Save as otherwise provided in this Act, it shall be unlawful for any landlord to increase or attempt to increase or to receive or recover in respect of any tenancy of any controlled premises a rent in excess of the fair rent of such controlled premises as determined in accordance with this Act, or in excess of any increased rental permitted by this Act.

(2) Where, as a result of any transfer to a tenant, other than a transfer effected by any written law, of any burden or liability previously borne by the landlord under the terms of the tenancy, the terms on which controlled premises are held are on the whole less

favourable to the tenant than the terms held by him before such transfer, the rent shall be deemed to be increased whether or not the sum periodically payable by way of rent is increased.

(3) A tenant who has paid his landlord a sum in excess of the fair rent or the rent which may lawfully be received under this Act may recover such sum from the landlord.

(4) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit.

9. (1) In either of the following cases, namely—

(a) where, after the fair rent of any controlled premises has been determined in accordance with this Act, the rate payable by the landlord in respect of such controlled premises has been increased; or

(b) where since the date by reference to which the fair rent of any controlled premises is determined the landlord has, in connection with the restoration, the improvement or the making of structural alteration of the premises, incurred expenditure (not including expenditure on decoration or ordinary repairs),

Cases where increase of rent is permitted.

subject to the following subsections, the fair rent of any controlled premises may be increased in the case mentioned in paragraph (a) to the extent which shall not exceed the amount of the increase of rates payable in respect of such controlled premises, and in the case mentioned in paragraph (b) to the extent which shall not exceed such sum as will allow the landlord a reasonable return in respect of such expenditure.

(2) Nothing in this section shall be deemed to relieve a landlord from the necessity of determining the tenancy according to law prior to increasing the rent.

(3) Nothing in this section shall apply to any subtenancy arising from the subletting of any part of any premises, unless the landlord by virtue of notification under section 20 (2) treats such subtenancy as joint-tenancy.

Charging  
and giving  
of premiums  
prohibited.

10. (1) Except as provided in subsection (2), no person shall, as a condition of the grant, renewal, continuance, sale or assignment of a tenancy of any controlled premises or as a condition for subleasing or subletting any controlled premises, require or receive the payment of any premium or other like sum or the giving of any valuable consideration in addition to the rent.

(2) Nothing in subsection (1) shall prevent the landlord—

- (a) from receiving by way of deposit such sum as may be agreed between the landlord and the tenant where the fair rent has been determined by them;
- (b) from receiving in advance rent not exceeding a total of three months' rent, where the fair rent of any controlled premises has, upon application by either of them, been determined by the Tribunal;
- (c) with the permission of the Tribunal, from recovering a reasonable sum in respect of dilapidations on the renewal of a lease; and
- (d) from receiving by way of deposit a reasonable sum in respect of facilities provided on the controlled premises by the landlord at the request of the tenant.

(3) The deposit referred to in subsection (2) shall be returned to and recoverable by the tenant at the end of the tenancy or where the tenant has made default in payment of rent such deposit may be used to pay the rent due in respect of the controlled premises in question.

## CONTROL OF RENT

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(4) Where under an agreement made since the coming into force of this Act or the written laws repealed by this Act, any premium or other like sum or valuable consideration has been paid, which, or the whole of which, could not lawfully be required under this section, the amount of such premium, sum or consideration, or so much thereof as could not lawfully be required, shall be recoverable by the person by whom it has been paid.

(5) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three times the amount of the payment or consideration required or received, or to imprisonment for a term which may extend to six months or both.

11. A landlord shall, on being requested in writing by his tenant or any subtenant or any joint-tenant, supply him with a statement in writing specifying the fair rent which has been determined by an order of the Tribunal, and if without reasonable excuse he fails within fourteen days to do so, or supplies a statement which is, to his knowledge, false in any material particular, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit.

Statement  
of rent to be  
supplied by  
landlord.

## PART III

## RENT TRIBUNAL

12. (1) Except for the purpose of section 19, there shall be established for any particular area or areas in a State a Rent Tribunal (in this Act referred to as "the Tribunal") consisting of a Chairman and two members appointed in the manner provided under the following subsections.

Rent  
Tribunal.

(2) The Chairman of the Tribunal shall be appointed by the Ruler or the Yang di-Pertua Negeri, as the case may be, from any of the following persons, namely—

(a) a member of the Judicial and Legal Service in Malaysia;

- (b) a person being an advocate and solicitor who has been in legal practice for at least five years;
  - (c) a District Officer for the area or areas concerned; or
  - (d) such other person who has sufficient standing and integrity as the Ruler or the Yang di-Pertua, as the case may be, may appoint.
- (3) The two members of the Tribunal shall be drawn from a panel appointed for a particular area or areas in a State, and such panel shall consist of not more than ten persons, all of whom shall be citizens of Malaysia and shall be appointed by the Ruler or the Yang di-Pertua Negeri, as the case may be.
- (4) Whenever a need arises for the Tribunal to be convened, it shall be the duty of the Chairman to invite two members of the panel to sit therein.
- (5) Unless unanimous, the decision of the Tribunal on any matter before it shall be by a majority consisting of the concurring opinions of the Chairman and either of the two members; but where the Chairman disagrees with both members notwithstanding that both members may agree between themselves, no decision shall be deemed to have been arrived at, and the matter shall forthwith be referred for a decision to the Appeal Board constituted under section 15 for the area in which the controlled premises in question are situated; and the decision so made shall be final and shall not be questioned in any court.
- (6) The Tribunal shall have powers to summon and examine witnesses and compel the production and delivery of any documents which the Tribunal considers to be material for the proceedings before it; and all summonses and notices issued under the hand of the Chairman shall be deemed to be issued by the Tribunal.
- (7) Any person interested in a proceeding before the Tribunal may be represented before it by an advocate and solicitor of the High Court.

CONTROL OF RENT

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(8) The proceedings of the Tribunal shall be held in camera but the Tribunal may in its discretion open to the public the whole or any part of the proceedings before it; and minutes of the same, including a note of any oral evidence given before the Tribunal, shall be kept by the Chairman.

(9) The Chairman and members of the Tribunal shall be public servants within the meaning of the Penal Code. *F.M.S. Cap. 45.*

(10) The Public Authorities Protection Act 1948, *Act 198.* shall apply to the Tribunal and to the Chairman and each member thereof.

13. (1) Upon an application by any landlord or a tenant or any person interested, the Tribunal shall have and may exercise the following powers, namely— *Powers of the Tribunal.*

(a) to hear and determine any application for the purpose of determining the fair rent of any controlled premises where the fair rent determined by a Rent Officer under this Act is not accepted by either the landlord or the tenant;

(b) to hear and determine any application made under section 21 for the purpose of apportioning and determining the fair rent of any controlled premises or any part thereof as between the tenant and all his subtenants, where such premises or parts thereof have been sublet, or as between the landlord and each of his joint-tenants, where there is a joint-tenancy subsisting between the landlord and the occupants of the controlled premises or parts thereof, whether such joint-tenancy arises directly as a result of direct letting to such occupants or indirectly as a result of subtenancy having been treated by the landlord under section 20 (2) as joint-tenancy;

- (c) to approve, to the extent appearing to the Tribunal to be fit and proper, any application to increase the rent of any controlled premises in excess of its fair rent in accordance with section 9 (1);
- (d) from time to time, to review, vary or set aside any order made by it, as provided by section 14 or to refuse to make such order;
- (e) to make an order for the recovery of possession of any controlled premises or any part thereof for the purpose of development in accordance with section 18;
- (f) to make an order granting exemption from the requirements of section 20 (1) (b) and in so doing to impose such conditions as it may think fit.

(2) Where the controlled premises concerned in any application or proceeding before the Tribunal are sublet by the tenant either wholly or in part, the Tribunal shall in addition to determining the fair rent in respect of the tenancy of such premises as a whole and subject to section 21 determine the fair rent of any part thereof which is separately sublet.

(3) Every application under this section shall, if made by a landlord, be served on his tenant as respondent, and if made by a tenant, be served on his landlord as respondent, and if made by some other person interested, be served on both the landlord and tenant as respondents; and if such application is made by either the landlord or tenant asking the Tribunal to exercise its powers under subsection (1) (a), (b) and (c), such application shall not be entertained unless accompanied with a certificate of dispute signed by a Rent Officer.

(4) Any person claiming to be interested in any proceedings before the Tribunal may apply to be made a party to such proceedings.

(5) Before making any order, the Tribunal shall give all interested parties an opportunity of being heard and of producing such evidence, oral or documentary, as seems relevant to the Tribunal.

(6) An order of the Tribunal may be proved by the production of a copy thereof signed by the Chairman.

(7) Until reviewed, varied or set aside under section 14 an order made by the Tribunal determining the fair rent of any controlled premises shall be binding on all present and subsequent landlords, tenants and charges.

(8) All orders of the Tribunal shall be recorded in a book to be called a Register Orders and such Register shall be maintained by the Tribunal and shall be open to inspection on payment of a prescribed fee.

**14.** An order of the Tribunal may be reviewed, varied or set aside by the Tribunal in the following cases, namely—

Review of orders of the Tribunal.

- (a) where the circumstances affecting the question of the fair rent have materially, whether as a result of the passing of this Act or otherwise, altered since the order was made; or
- (b) where the order was made in consequence of any fraud, misrepresentation or mistake; or
- (c) where fresh evidence of a material nature, which could not by the exercise of reasonable diligence have been produced when the order was made, is available; or
- (d) where the order was made in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part; or
- (e) where, in the opinion of the Tribunal, substantial injustice has been occasioned by the order.

Appeal.

15. (1) Any person who is aggrieved by the decision of the Tribunal may within twenty-one days of the making of such decision appeal against it to an Appeal Board constituted in a manner provided under subsections (2) and (3) for the area or areas in which the controlled premises in question are situated; and any decision made thereon by the Appeal Board shall be final and shall not be questioned in any court.

(2) Every Appeal Board constituted under this section shall consist of not more than three persons one of whom shall be a Chairman.

(3) The Chairman who shall be a person possessing legal qualifications and experience, and members of the Appeal Board who shall be persons possessing sufficient standing and integrity; shall all be appointed by the Ruler or the Government of a State.

(4) Section 12 (6), (7), (8), (9) and (10) shall apply to an Appeal Board constituted under this section as they apply to the Tribunal, and in their application to the Appeal Board, a reference to the Tribunal shall be construed as a reference to the Appeal Board and a reference to the Chairman shall be construed as a reference to the Chairman of the Appeal Board.

#### PART IV

#### RECOVERY OF POSSESSION OF CONTROLLED PREMISES

Restriction on right to possession.

16. (1) Except for an application made under section 18 and 19 for the recovery of possession of any controlled premises or any part thereof for the purpose of effecting or causing to be effected thereon any development, all applications for the recovery of possession of such premises or any part thereof shall be made to a court; and no order or judgement for the recovery or possession of any controlled premises

or any part thereof comprised in a tenancy shall be made or given by the court except in any of the following cases—

- (a) where rent lawfully due has been in arrear for fourteen days or upwards:

Provided that rent shall not be deemed to be in arrear if the tenant proves that it was tendered before such date;

- (b) where any obligation of the tenancy other than the payment of rent (whether under the contract of tenancy or under this Act), so far as the obligation is consistent with this Act, has been broken or not performed by the tenant and the court considers it reasonable that such order or judgment be made or given;

- (c) where the landlord, as a step towards increasing the rent in pursuance of section 9, has given the tenant a notice to quit, and the tenant holds over possession at the expiration of such notice without paying or agreeing to pay the increased rent;

- (d) where the tenant, or any person residing or lodging with him or being his subtenant has been guilty of conduct constituting a nuisance or persistent annoyance to persons in the neighbourhood; or of using or permitting the use of the controlled premises for illegal or immoral purposes; or of the breach of any written law under which any business is carried on upon the premises; or has caused substantial damage to the premises; and, if such person is a lodger or subtenant, the court is satisfied that the tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to have taken for the removal of the lodger or subtenant;

- (e) where the tenancy has been determined by notice to quit given by the tenant;
- (f) where the owner of the controlled premises reasonably required the same for occupation by himself or any member of his family or any person for whom he holds the premises in trust, and—
  - (i) there has been no change by purchase in the ownership of the premises since 15th February 1942; or
  - (ii) the tenancy has been determined by not less than one year's notice to quit and there has been no change by purchase in the ownership of the premises within one year next preceding the date of such notice:

Provided that an order or judgement shall not be made or given on any ground specified in this paragraph if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the owner or the tenant, greater hardship would be caused by granting an order or judgment than by refusing to grant it:

Provided further that in the case of a controlled premises being used by the tenant for business, trade or professional purposes an order or judgment shall not be made or given on any grounds specified in this paragraph unless the court is satisfied that the owner requires them for the purpose of carrying on his own business, trade or profession;

- (g) where the controlled premises were let to the tenant by reason of his employment in the service of the landlord, and such employment has ceased;

- (h) where the landlord was personally in occupation of the controlled premises, and has let the same furnished for a term during his absence from the area of the local authority in whose area the premises are situated, and has returned to such area and required the premises for re-occupation by himself;
- (i) where neither the tenant nor any member of his family is personally in occupation of the controlled premises or any part thereof;
- (j) where the tenant having sublet the controlled premises or part thereof receives in respect of such subletting rents (exclusive of any payment for the services provided by any local authority) for any sublet part of the controlled premises in excess of the fair rent for that part or rents which including the apportioned rental or value of any part of the controlled premises retained by the tenant or not sublet by him exceed in the aggregate by more than ten per centum the rent of the whole premises;
- (k) where the tenant or any other person occupying the controlled premises under him has committed a breach of any written law in force in Malaysia relating to local authorities, or of any rule or by-law made thereunder, affecting the premises which exposes the landlord to any penalty, fine or forfeiture, and the court considers that such order or judgment should be made or given;
- (l) where the tenant in breach of the lease or tenancy agreement in respect of any controlled premises is using the premises for purposes other than those for which the premises has been let;
- (m) in any case, whether falling within any of the preceding paragraphs or not, where the court considers it reasonable that such an order or judgment be made or given and is satisfied that

suitable alternative accommodation is available for the tenant or will be available for him when the order or judgment takes effect.

(2) For the purpose of subsection (1) (i) where the controlled premises or part thereof has been let or subsequently allowed by the landlord to be used as business premises, the tenant or a member of his family shall be deemed to have occupied such premises or part thereof so long as he uses such premises or part thereof for his business or trade, notwithstanding that such tenant or such member of his family does not reside therein; but where the controlled premises or part thereof has been let as domestic premises, the tenant or a member of his family shall not be deemed to have so occupied such premises or part thereof unless such tenant or such member of his family resides therein.

(3) Where any order or judgment for the recovery of possession of any controlled premises is made or given on the grounds of the non-payment of rent the court may, if it thinks it reasonable so to do, stay or suspend execution on any such order or judgment or postpone the date of possession for such period not exceeding six months from the date of the order or judgment as it thinks fit and subject to such conditions in regard to payment by the tenant of arrears of rent, rent, costs and otherwise as the court thinks fit, and, if such conditions are complied with, the court may, if it thinks fit, discharge or rescind any such order or judgment.

(4) Where a landlord has obtained an order or judgment for the recovery of possession of premises on any of the grounds specified in subsection (1), and it is subsequently made to appear to the court that the order or judgment was obtained by misrepresentation or concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the order or judgment.

(5) Except in the case under subsection (1) (e), nothing in this section shall be deemed to relieve a landlord from the necessity of determining the tenancy according to law.

(6) In any proceedings for the recovery of possession of any premises except on the grounds set out in subsection (1) (a) no costs shall be awarded to either party to the proceedings:

Provided that if the court is of the opinion that either the landlord or the tenant has acted in an improper or unreasonable manner the court may order that the landlord or the tenant, as the case may be, shall pay the whole or part of such costs as it may think fit.

17. (1) Where an order or judgment for the recovery of possession has been obtained under the preceding section against the tenant of any controlled premises, such order or judgment shall not be enforceable against any subtenant of such tenant unless—

Effect of order of possession on sub-tenants.

- (a) the court is satisfied that such tenant was prohibited by the terms of his tenancy from subletting or that such subtenant has used the premises for illegal or immoral purposes; and
- (b) such subtenant has been made a party to the proceedings or has had an opportunity of being heard.

(2) Every order or judgment for possession made against any tenant shall declare whether it shall be enforceable against any subtenant or not.

(3) Any subtenant against whom such judgment or order is not enforceable shall, if he remains in possession after notice of the judgment or order has been served on him, cease to be a subtenant of the tenant and shall hold the premises comprised in the subtenancy subject to any subsisting restrictive covenants contained in the terms and conditions of the tenancy between the landlord and the tenant and to all the rights and powers conferred on a landlord under any law relating to distress for arrears of rent, and shall

be entitled to give up possession of the controlled premises only by giving such notice as would have been required under the original subtenancy or if no notice would have been so required on giving not less than one month's notice provided that notwithstanding anything in the contract of tenancy a landlord who obtains such judgment or order shall not be required to give any notice to quit to such subtenant.

Recovery of possession of controlled premises for the purpose of development.

**18.** (1) The landlord of any controlled premises other than those within the areas of the City of Kuala Lumpur who desires to effect or cause to be effected thereto any development may apply for the recovery of the possession thereof to the Tribunal, and every such application shall be supported by—

- (a) a plan for such development which has been approved by the local authority;
- (b) evidence that funds are available for the purpose of putting into effect such development;
- (c) a written undertaking by the landlord that work for the purpose of putting into effect such development will commence within three months of the date when possession of the premises shall have been obtained.

(2) The Tribunal, after considering such application made under this section, may make an order or refuse to make an order; and when an order is made the Tribunal shall award to the tenant against whom the order is made a compensation—

- (a) in the case of a controlled premises or part thereof occupied or used for trade purposes as defined in subsection (10), such amount as the Tribunal may consider fair and reasonable provided that such amount shall not be less than a total of two years' rental but not more than a total of four years' rental;

- (b) in the case of a controlled premises or any part thereof which when originally let consisted of vacant land but there has since been erected thereon a building or buildings of a temporary character, an amount equal to the total of two years' ground rental and the value of the building or buildings thereon as determined by the Tribunal or the cost of demolishing the same and transporting the materials derived from such demolition to another site as the Tribunal may reasonably allow; and
- (c) in other cases, such amount as the Tribunal may consider fair and reasonable provided that such amount shall not be less than a total of one year's rental but not more than a total of two years' rental.

(3) Nothing in this section shall entitle either the tenant or the owner of any building erected on a premises which when originally let consisted of vacant land if such tenant or owner does not pay any rent for occupying such premises to claim compensation against any order that may be made against him under this section.

(4) Where the Tribunal makes an order under this section, the following provisions shall apply:

- (a) the landlord in whose favour the order is made shall within ten days of the making of the order deposit with the Tribunal the amount of compensation awarded under subsection (2) and if he fails to deposit the same the order shall, unless the Tribunal otherwise determines, be deemed to have lapsed and be void; and
- (b) every tenant against whom the order is made shall vacate the premises in question within ninety days or in the case of business premises within twelve months of the making of the order or within such extended period as may be allowed by the Tribunal; and in vacating

the said premises or any part thereof such tenant may remove any building or structure erected by him on the said premises.

In this paragraph "business premises" shall include premises used partly for human habitation and partly for business, trade or professional purposes.

(5) Upon vacating the said premises, the compensation awarded under subsection (2) and deposited under subsection (4) shall be paid to the tenant against whom the order was made.

(6) Where the tenant fails to vacate the said premises within the period stipulated in subsection (4) (b), the Tribunal may, without any further order, take such measures (through a Rent Officer and including assistance of the Police) as are necessary to have the tenant or tenants evicted from the premises.

(7) The premises vacated by the tenant or tenants under this section shall not be used by the landlord for any purposes other than the purpose of effecting developments in accordance with the plan approved for such purpose and until such developments are effected such premises shall remain locked.

(8) Any tenant who without any cause fails to vacate the premises in contravention of an order made under this section, and any landlord who in contravention of subsection (7) uses any premises the possession of which is recovered under this section otherwise than for the purpose of effecting development in accordance with the plan approved for such purpose shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding one year or to a fine not exceeding ten thousand ringgit or both and shall also be liable to a further fine of one hundred ringgit a day for every day during which the contravention continues.

(9) A conviction under this section shall not be a bar to the prosecution of an offence under this section committed after such conviction.

(10) For the purpose of this section, the expression "trade purpose" does not include the occupation or use of any premises or any part thereof as offices, schools, clubs, associations or any other similar purposes; and the total of years' rental shall be calculated with reference to the rent payable at the time when the application is made, and the expression "tenant" includes a subtenant and a joint-tenant.

19. (1) The landlord of any controlled premises within the areas of the City of Kuala Lumpur who desires to effect or cause to be effected thereto any development may apply for the recovery of the possession thereof to the Commissioner, and every such applications shall be accompanied by—

Recovery of possession of controlled premises for the purpose of development within the areas of the City of Kuala Lumpur.

- (a) a planning permission which has been granted by the Federal Capital Planning Authority constituted under the law relating to planning for the City of Kuala Lumpur;
- (b) evidence that funds are or will be available for the purpose of putting into effect such development;
- (c) a written undertaking by the landlord that work for the purpose of putting into effect such development will commence within six months of the date when possession of the premises shall have been obtained or within such further period as the Commissioner may determine in any particular case.

(2) The Commissioner shall, as soon as possible but not later than ninety days of receipt of an application made under this section, and after making such enquiries as he thinks fit, consider such application and make an order or refuse to make an order; and when an order is made the Commissioner shall award to the tenant against whom the order is made a compensation—

- (a) in the case of a controlled premises or part thereof occupied or used for trade purposes as defined in subsection (13) a total a four years' rental;

- (b) in the case of a controlled premises or any part thereof which when originally let consisted of vacant land but there has since been erected thereon a building or buildings of a temporary character, an amount equal to the total of four years' ground rental;
- (c) in other cases a total of two years' rental.

(3) Nothing in this section shall entitle either the tenant or the owner of any building erected on a premises which when originally let consisted of vacant land if such tenant or owner does not pay any rent for occupying such premises to claim compensation against him under this section.

(4) Where the Commissioner makes an order under this section, the following provisions shall apply—

- (a) the landlord in whose favour the order is made shall within thirty days of the making of the order deposit with the Commissioner the amount of compensation awarded under subsection (2) and if he fails to deposit the same the order shall, unless the Commissioner otherwise determines, be deemed to have lapsed and be void;
- (b) every tenant against whom the order is made shall vacate the premises in question within six months of the making of the order or within such extended period as may be allowed by the Commissioner; and in vacating the said premises or any part thereof such tenant may remove any building or structure erected by him on the said premises; and
- (c) the Commissioner may subject the order to such conditions as he thinks fit to impose.

(5) Upon vacating the said premises, the compensation awarded under subsection (2) and deposited under subsection (4) shall be paid to the tenant against whom the order was made.

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(6) Where the tenant fails to vacate the said premises within the period of six months of the making of such order, the Commissioner may, without any further order, take such measures as are necessary including assistance of the Police to have the tenant or tenants evicted from the premises.

(7) The premises vacated by the tenant or tenants under this section shall not be used by the landlord for any purposes other than the purpose of effecting developments in accordance with the planning permission approved for such purpose and until such developments are effected such premises shall remain locked.

(8) Any tenant who without any cause fails to vacate the premises in contravention of an order made under this section, and any landlord who in contravention of an order made under this section, and any landlord who in contravention of subsection (7) uses any premises the possession of which is recovered under this section otherwise than for the purpose of effecting development in accordance with the planning permission approved for such purpose shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding one year or to a fine not exceeding ten thousand ringgit or both and shall also be liable to a further fine of one hundred ringgit a day for every day during which the contravention continues.

(9) Any landlord who fails to put into effect such development of the premises the possession of which is recovered under this section within six months of the date when possession of the premises shall have been obtained or within such further period as the Commissioner may determine in any particular case shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding one year or to a fine not exceeding ten thousand ringgit or both and shall also be liable to a further fine of five hundred ringgit a day for every day during which the failure to develop continues.

(10) A conviction under this section shall not be a bar to the prosecution of an offence under this section committed after such conviction.

(11) The Minister charged with responsibility for local government may from time to time give the Commissioner directors of a general character, and not inconsistent with this section on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commissioner by or under that section and the Commissioner shall as soon as possible give effect to all such directions.

(12) Any order made by the Commissioner under this section shall be final and conclusive and shall not be questioned in any court.

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(13) For the purpose of this section, the expression "Commissioner" means the Commissioner of the City of Kuala Lumpur established under the Federal Capital Act 1960; and the expression "trade purpose" does not include the occupation or use of any premises or any part thereof as officers, schools, clubs, associations or any other similar purposes; and the total of years' rental shall be calculated with reference to the rent payable at the time when the application is made; and the expression "tenant" includes a subtenant and a joint tenant.

## PART V

### SUBLETTING

Statement of subletting and notice of subletting and conversion of subtenancy into joint-tenancy at option of landlord.

**20.** (1) Where a tenant has sublet any part of the controlled premises, the tenant shall within fourteen days after each subletting or in the case of a subletting effected before the date of the coming into force of this Act within three months after that date—

- (a) supply the landlord with a statement in writing of the subletting, giving particulars of the occupancy, including the name of the subtenant and the rent charged; and

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- (b) cause to be prominently displayed in or upon the premises a notice in the form set out in the Schedule clearly setting out the rent of the whole premises and the rent of every part so sublet:

Provided that the Tribunal may exempt any tenant from the requirements of this paragraph in such circumstances and on such conditions as it may think fit.

(2) Upon receipt of the statement referred to in subsection (1) (a) the landlord may within one month of the receipt of such statement or in the case of subtenancy existing on the date on which this Act comes into force, within three months of such date, by a notification served on the tenant treat such subtenancy as joint-tenancy; and every such subtenancy as shall have been so treated by the landlord under this subsection shall with effect from the date of the said notification forthwith cease to be a subtenancy and thereby become a joint-tenancy as if the landlord himself has directly let such part of the premises to such subtenant; and every such subtenant shall with effect from that date become a joint-tenant and shall hold such part of the premises as is sublet to him directly from the landlord to whom he is responsible and to whom he shall pay rent.

(3) Where no such notification is made the subtenancy so created by the tenant shall continue as subtenancy.

(4) Where a subtenancy continues as subtenancy because the landlord so prefers it or because he makes no notification under subsection (2), the tenant shall be entitled in addition to any service charges that may be imposed in respect of any part so sublet to collect from his subtenant an increased rental of such amount as shall not in the aggregate exceed by more than ten per centum of the fair rent of the whole premises after making an apportioned reduction in respect of any part of the premises retained by the tenant or not sublet by him.

(5) In the case of a subtenancy which has become a joint-tenancy by virtue of notification by the landlord under subsection (2), under no circumstances shall such landlord be entitled to collect from any of his joint-tenant any increased rental at all over and above the fair rent of the part held by such joint-tenant:

Provided that nothing herein contained shall prevent the landlord from collecting by way of service charges in respect of such part such extra sum of money as may be agreed upon in writing between him and his joint-tenant or in the absence of such agreement such sum as may be determined by the Rent Officer provided that such determination is accepted by both parties or in the absence of such determination such sum as may be determined by the Tribunal under section 21 (1).

(6) Any tenant who fails without reasonable excuse to comply with subsection (1) (a) or who supplies any statement or causes or suffers to be displayed any notice which is false in any material particular or who acts in contravention of subsection (4) or any landlord who acts in contravention of subsection (5) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand ringgit or both.

Apportionment of rent in case of subletting and joint-tenancy.

21. (1) Where a tenant has sublet any part of the controlled premises or where such subtenancy has by virtue of notification by the landlord under section 20 (2) become a joint-tenancy, the landlord or the tenant or any subtenant or any joint-tenant of that or of any other part of such controlled premises may, subject to subsection (2) apply to the Tribunal:

(a) to apportion the fair rent of the whole premises as between the tenant and all the subtenants of any part or parts of the whole premises or as between the landlord and all the joint-tenants of any part or parts of the whole premises; and

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(b) to determine the fair rent of all or any one or more part or parts of the whole premises sublet to any and every subtenant or held by a joint-tenant thereof.

(2) No application under this section shall be considered by the Tribunal unless the applicant shall have first requested the Rent Officer for the area where the controlled premises is situated to apportion and determine the said fair rent and such Rent Officer for any reason is unable so to do or the fair rent apportioned and determined by him is not accepted by any of the parties.

(3) When any application is made to the Tribunal under this section the landlord, the tenant and all subtenants and all joint-tenants shall be deemed to be interested parties in the proceedings and shall be given an opportunity of being heard and of producing such evidence, oral or documentary, as seems relevant to the Tribunal, and may, if the Tribunal so directs, be joined as parties in the proceedings.

(4) After hearing the applicant and all persons interested in such application, the Tribunal shall thereupon make an order apportioning and determining the fair rent applied for in such application; and such apportionment and determination shall be made in accordance with sections 5 and 6.

22. (1) Where in any proceedings in court under section 16 for the recovery of possession of any controlled premises or any part thereof or for the ejection of a tenant or subtenant or joint-tenant therefrom it appears to such court that neither an apportionment of the rent as between the premises and any sublet part thereof nor a determination of the rent of the part so sublet or held by a joint-tenant has previously been made by the Tribunal, the court may, if it thinks fit, refer the matter to the Tribunal for its determination, and the Tribunal shall thereupon proceed as if an application for apportionment had been made under section 21.

Power of court to refer to the Tribunal to apportion or determine fair rent.

(2) Nothing in this section shall apply to any proceedings before the Tribunal being proceedings instituted under section 18 for the recovery of possession of any controlled premises for the purpose of effecting developments thereto.

Penalty.

23. Where the rent charged by the tenant for any sublet part of any premises or by the landlord for any part held by a joint-tenant is in excess of the amount of fair rent as determined in accordance with sections 5 and 6 or in excess of any increased rental permitted by this Act, the tenant or the landlord, as the case may be, shall unless he proves that he did not know and could not by reasonable enquiry have ascertained that the rent charged by him was so in excess as aforesaid or that the excess was solely due to an unintentional miscalculation be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or both and the court may in addition to such sentence where the offence was committed by a tenant order that the tenancy shall be forfeited and possession of the premises shall be given to the landlord.

## PART VI

### MISCELLANEOUS

Cessation of  
controlled  
premises.

24. (1) In either of the following events, namely—

- (a) where the tenancy of any controlled premises, being a tenancy for a fixed period and other than a monthly tenancy, has been determined either by effluxion of time or by any other means whatsoever; or
- (b) where the tenant of any controlled premises for any reason whatsoever surrenders his tenancy either on his own volition or is required by law so to do,

the landlord thereof may apply to the Tribunal requiring the latter to issue a certificate stating either or

both of the facts referred to in this subsection, and upon the issue of such certificate a copy thereof shall be served on the tenant.

(2) Upon the service on the tenant of a copy of such certificate, the premises concerned shall forthwith cease to be controlled premises and any person holding on after such cessation shall cease to enjoy the benefits and protection which he would otherwise have enjoyed under this Act but for such cessation.

**25.** (1) Where an offence for which any landlord or tenant is liable under this Act has, in fact, been committed by his agent or servant, such agent or servant shall be liable to the like penalty as if he were the landlord or tenant.

Offences committed by agent and servant of landlord and tenant.

(2) Any landlord or tenant who would have been liable under this Act to any penalty for anything done or omitted if such thing had been done or omitted by him personally shall be liable to the same penalty if such thing has been done or omitted by his agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of such thing.

**26.** Any local authority shall have power to institute proceedings in respect of any offence under this Act, and such proceedings may be conducted by any officer authorised in writing in that behalf by the President or Chairman of such local authority.

Power of local authorities to prosecute offences.

**27.** The Ruler or Yang di-Pertua Negeri may make rules generally for carrying out this Act; and without prejudice to the generality of the foregoing may make rules—

Rules.

(a) regulating the practice and procedure of the Tribunal and an Appeal Board constituted under section 15;

- (b) prescribing the fees to be charged in all matters coming before the Tribunal or Appeal Board and for the inspection of the Register of Orders of the Tribunal; and
- (c) prescribing the remunerations of the Chairman and members of the Tribunal and Appeal Board to be paid out of the State Consolidated Fund.

Repeal.

**28.** The following written laws are hereby repealed:

*2 of 1956.*

(a) the Control of Rent Ordinance 1956;

*Kelantan  
Enactment  
No. 17 of  
1964.*

(b) the Control of Rent (Application to Kelantan) Enactment 1964;

*Perlis  
Enactment  
No. 4 of  
1961.*

(c) the Control of Rent (Application to Perlis) Enactment 1961;

*Trengganu  
Enactment  
No. 6 of  
1960.*

(d) the Control of Rent (Application to Trengganu) Enactment 1960:

Provided that all rules and orders made and rents permitted under the said Ordinance or of any Ordinance or Enactment repealed by the said Ordinance and in force at the commencement of this Act shall continue in force and have effect as if they had been made under this Act until superseded by rules and orders made and rents permitted under this Act.

**SCHEDULE**

(Section 20 (1) (b))

**NOTICE OF RENTS AND SUB-TENANCIES**

Address of Premises

Name of tenant

**RENT PAID TO OWNER BY TENANT FOR THE WHOLE PREMISES**

**\$ .....PER MONTH**

| Name of subtenant | Sub-tenancies<br>Accommodation<br>occupied | Rent paid by<br>subtenant |
|-------------------|--|---------------------------|
| 1.                |  | \$ per month              |
| 2.                |  | \$ ,,                     |

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| Name of subtenant | Sub-tenancies<br>Accommodation<br>occupied | Rent paid by<br>subtenant |           |
|-------------------|--|---------------------------|-----------|
| 3.                |  | \$                        | per month |
| 4.                |  | \$                        | ”         |
| 5.                |  | \$                        | ”         |
| 6.                |  | \$                        | ”         |
| 7.                |  | \$                        | ”         |
| 8.                |  | \$                        | ”         |
| 9.                |  | \$                        | ”         |
| 10.               |  | \$                        | ”         |
| 11.               |  | \$                        | ”         |
| 12.               |  | \$                        | ”         |
| 13.               |  | \$                        | ”         |
| 14.               |  | \$                        | ”         |
| 15.               |  | \$                        | ”         |

## NOTE:

1. Section 20 (1) (b) of the Control of Rent Act 1966, provides that where a tenant has sublet any part of the controlled premises the tenant shall “cause to be prominently displayed upon the premises a notice in the prescribed form clearly setting out the rent of the whole premises and the rent of every part so sublet”.
2. Section 20 (6) of the Act further provides that “any tenant who fails without reasonable excuse to comply with any of the provisions of this section or who supplies any statement or causes or suffers to be displayed any notice which is false in any material particular shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand ringgit or both.

**LAWS OF MALAYSIA**

**Act 363**

**CONTROL OF RENT ACT 1966**

**(Revised—1988)**

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

**LIST OF AMENDMENTS**

| Amending Law   | Short Title                              | In force from |
|----------------|--|---------------|
| 15 of 1967 ... | Control of Rent (Amendment)<br>Act 1967  | 1-1-1967      |
| 24 of 1968 ... | Control of Rent (Amendment)<br>Act 1968  | 11-7-1968     |
| Act A87 ...    | Control of Rent (Amendment)<br>Act 1971  | 1-10-1971     |
| Act 59 ...     | City of Kuala Lumpur Act<br>1971         | 1-2-1972      |
| Act 160 ...    | Malaysian Currency (Ringgit)<br>Act 1975 | 29-8-1975     |

**LIST OF LAWS OR PARTS THEREOF SUPERSEDED**

| No.            | Title                    |
|----------------|--------------------------|
| 56 of 1966 ... | Control of Rent Act 1966 |

**CONTROL OF RENT ACT 1966****(Revised—1988)**

LIST OF AMENDMENTS MADE BY THE  
 COMMISSIONER OF LAW REVISION UNDER  
 SECTION 6 OF THE REVISION OF  
 LAW ACT 1968 (ACT 1)

| Provision          | Particulars of Amendment   | Authority for Amendment          |
|--------------------|--|----------------------------------|
| Long title ...     | Amended... ..  | s. 6 (1) (vi)                    |
| Enacting clause    | Amended... ..  | s. 6 (1) (c) and (f)             |
| s. 1 ... ..        | Provision for date of commencement omitted; marginal note amended; the phrase "to the States of West Malaysia" substituted for the phrase "only to States of Malaya" | s. 6 (1) (i) (d); (vii); (xviii) |
| s. 18A to 27       | Renumbered as s. 19 to 28 ...  | s. 6 (1) (xii)                   |
| s. 27 ... ..       | Omitted ... ..   | s. 6 (1) (i) (a)                 |
| Throughout the Act | 1. The word "Malaysia" substituted for the words "the Federation"  | s. 6 (1) (xviii)                 |
|                    | 2. The phrase "Yang di-Pertua Negeri" substituted for the phrase "Governor of a State"   | s. 6 (1) (x)                     |
|                    | 3. The phrase "City of Kuala Lumpur" substituted for the phrase "Municipality of the Federal Capital of Kuala Lumpur"  | s. 6 (1) (xvii)                  |
|                    | 4. The word "ringgit" substituted for the word "dollars"   | s. 6 (1) (iii)                   |

[Commissioner's Amendments]

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| Provision | Particulars of Amendment   | Authority for Amendment     |
|-----------|--|-----------------------------|
|           | 5. The phrases "the provision of subsection" and "such fine and imprisonment" and such grammatical variation of the expression when used in reference to the provisions of the revised law omitted | s. 6 (1) (iii);<br>(iv)-(b) |
|           | 6. The word "Court" is spelt as "court" wherever it appears in the revised law   | s. 6 (1) (iii)              |
|           | 7. Cross-references of section to the provisions of law as revised is corrected in consequence of renumbering of sections  | s. 6 (1) (xix)              |