



LAWS OF MALAYSIA

REPRINT

Act 120

GOVERNMENT CONTRACTS ACT 1949

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GOVERNMENT CONTRACTS ACT 1949

First enacted	...	...	...	...	...	...	1949 (Ordinance No. 67 of 1949)
Revised	...	...	...	...	...	...	1973 (Act 120 w.e.f. 17 September 1973)

PREVIOUS REPRINTS

<i>First Reprint</i>	...	...	...	...	...	1995
<i>Second Reprint</i>	...	...	...	...	...	2000

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ARRANGEMENT OF SECTIONS

Section

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2. Contracts on behalf of the Government
3. Contracts on behalf of a State Government
4. (*Deleted*)
5. Contracts made outside Malaysia
6. No other contracts to be deemed Government contracts
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LAWS OF MALAYSIA

Act 120

GOVERNMENT CONTRACTS ACT 1949

An Act for the making of contracts on behalf of the Government, and the Governments of the States, and for matters connected therewith.

*[Peninsular Malaysia—31 December 1949;
Sabah and Sarawak—16 September 1963,
L.N. 108/1964]*

Short title

1. This Act may be cited as the Government Contracts Act 1949.

Contracts on behalf of the Government

2. All contracts made in Malaysia on behalf of the Government shall, if reduced to writing, be made in the name of the Government of Malaysia and may be signed by a Minister or by any public officer duly authorized in writing by a Minister, either specially in any particular case, or generally for all contracts below a certain value in his department or otherwise as may be specified in the authorization.

Contracts on behalf of a State Government

3. (1) All contracts made in Malaysia on behalf of a State Government shall, if reduced to writing, be made in the name of the Government of that State, and may be signed by the Chief Minister of the State, or by any public officer duly authorized in writing by the Chief Minister, either specially in any particular case, or generally for all contracts below a certain value in his department or otherwise as may be specified in the authorization.

(2) In the application of this section to Sabah and Sarawak “Chief Minister” includes any State Minister.

4. *(Deleted by L.N. 284/1958).*

Contracts made outside Malaysia

5. All contracts made outside Malaysia on behalf of the Government or any State Government by a person either generally or specially authorized in writing in that behalf by the Yang di-Pertuan Agong shall, so far as they come within the jurisdiction of the courts of Malaysia, be deemed to be contracts made on behalf of that Government.

No other contracts to be deemed Government contracts

6. No contracts made after the commencement of this Act except those made in the manner herein before provided shall be deemed to be made by the authority of the Government or of a State Government, as the case may be.

Validation of contracts entered into before commencement of Act

7. All contracts entered into in good faith on or after the first day of February 1948, and before the commencement of this Act, and purporting to be made on behalf of the Government of the Federation of Malaya or the Government of any State or Settlement thereof, as the case may be—

- (a) in the Federation of Malaya by any public officer;
- (b) in the United Kingdom by the Secretary of State or the Crown Agents; or
- (c) elsewhere outside the Federation of Malaya by any person either generally or specially authorized in writing in that behalf by the High Commissioner,

shall be deemed to be contracts duly entered into on behalf of the Government of the Federation of Malaya or the Government of that State or Settlement, as the case may be.

Limitation of personal liability of public officer

8. No public officer shall be liable to be sued personally upon any contract which he makes in that capacity; but a public officer shall be personally liable when he expressly pledges his personal credit, or where he contracts otherwise than as the agent of the Government or of a State Government.

Form of authorization

9. Any authorization made under section 2 or 3 shall be in the appropriate form set out in the Schedule.

Provision in respect of land

10. (1) Nothing in this Act shall be deemed to affect the provisions of the National Land Code [*Act 56 of 1965*] or of the Land Ordinances of Sabah [*Cap 68*] or Sarawak [*Cap 81*] as to the use or occupation of State land.

(2) (*Omitted*).

SCHEDULE

[Section 9]

AUTHORIZATION UNDER SECTIONS 2 AND 3

A

I *Minister/Chief Minister † hereby
 authorize
 to sign the contract between *the Government of Malaysia/the Government
 of the State of and
 for

 (*Here briefly describe the particular contract*)

Signed

*Minister/Chief Minister/Minister, State of

* Omit whichever is inappropriate.

† Here insert the title of the office of the Minister of the Government.

B

I *Minister/Chief Minister † hereby
authorize to sign on
behalf of *the Government of Malaysia/the Government of the State of
..... any contracts
(in his department) below a value of RM

Signed.....
**Minister/Chief Minister/Minister, State of*

* Omit whichever is inappropriate.
† Here insert the title of the office of the Minister of the Government.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 40/1953	Government Contracts (Amendment) Ordinance 1953	20-08-1953
L.N. 284/1958	Federal Constitution (Modification of Laws) (Government Contracts Ordinance) Order 1958	22-09-1958
L.N. 108/1964	Modification of Laws (Government Contracts) (Extension) Order 1964	16-09-1963
L.N. 456/1964	Modification of Laws (Government Contracts) (Extension) (Amendment) Order 1964	16-09-1963

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Ord 40/1953	20-08-1953
Schedule	Ord 40/1953	20-08-1953
