



LAWS OF MALAYSIA

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Act 190

FEDERAL CAPITAL ACT 1960

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FEDERAL CAPITAL ACT 1960

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Act 190

FEDERAL CAPITAL ACT 1960

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LAWS OF MALAYSIA**Act 190****FEDERAL CAPITAL ACT 1960**

An Act to provide for the local government of the City of Kuala Lumpur and for matters incidental thereto.

[1 April 1961]

Short title

1. This Act may be cited as the Federal Capital Act 1960.

Interpretation

2. In this Act, unless the context otherwise requires—

“Advisory Board” means the Lembaga Penasihat Bandaraya Kuala Lumpur or, in English, the Advisory Board of the City of Kuala Lumpur, established under section 6;

“City” means *Bandaraya Kuala Lumpur* or, in English, the City of Kuala Lumpur; and

“Commissioner” means *Datuk Bandar Kuala Lumpur* or, in English, the Commissioner of the City of Kuala Lumpur, appointed under section 4.

PART I**AREA OF THE CITY****The area of the City**

3. (1) In accordance with the provisions of Clause (1) of Article 154 of the Constitution the City of Kuala Lumpur shall be the Federal Capital.

*(2) The area of the City of Kuala Lumpur shall consist of the areas of the Federal Territory as provided under subsection 2(2) of the Constitution (Amendment) (No. 2) Act 1973 [*Act A206*].

(3) The Yang di-Pertuan Agong may by notification in the *Gazette* from time to time divide the City into districts or other subdivisions and exempt from the operation of this Act or of any written law affecting the City such place or places within the boundaries of the City as may be specified in such notification.

(4) Any exemption under subsection (3) shall not exempt any person residing within any such place from the operation of any written law relating to rates or taxation.

PART II

THE COMMISSIONER AND ADVISORY BOARD

Appointment of Commissioner

4. (1) The municipal affairs of the City of Kuala Lumpur shall be administered by the Commissioner of the City of Kuala Lumpur.

(2) The Commissioner shall be appointed by the Yang di-Pertuan Agong for a term of five years or, if the Yang di-Pertuan Agong in any particular case so determines, for such shorter term as may be so determined.

(3) Subject to this Act, the Commissioner shall hold office upon such conditions as the Yang di-Pertuan Agong may from time to time determine.

(4) If at any time it appears to the Yang di-Pertuan Agong that the removal from office of any person holding the office of Commissioner is necessary in the interests of the effective administration of the affairs of the City, he may, without assigning any reason therefor, remove such person from office.

(5) The Yang di-Pertuan Agong may from time to time accept the resignation of the Commissioner.

*NOTE—Amended in consequence of section 8 of the Constitution (Amendment) (No. 2) Act 1973 and the Federal Capital (City Area) Order 1974 (P.U. (A) 42/1974).

(6) Where by or under this Act or any other written law the Commissioner is empowered to exercise any powers or perform any duties he may by instrument in writing delegate, subject to such conditions and restrictions as may be prescribed in such instrument, the exercise of such powers or the performance of such duties to any person described by name or office:

Provided that nothing in this section shall apply to any power to make any subsidiary legislation conferred upon him by or under this Act or any other written law.

(7) Where the Commissioner is prevented from carrying out his functions, exercising his powers, or discharging his duties by sickness, absence or any other cause, or where the office of the Commissioner is for any period vacant, the Secretary General of the Ministry of the Federal Territory, or such other public officer as may be authorized in writing by the Minister shall carry out the functions, exercise the powers and discharge the duties of the Commissioner.

Commissioner to be a body corporate

5. (1) The Commissioner shall be for all purposes a corporation sole under the name of “Datuk Bandar Kuala Lumpur” or, in English, the “Commissioner of the City of Kuala Lumpur”.

(2) The Commissioner shall have an official seal which shall be authenticated by the signature of the person for the time being holding the office of Commissioner, or by any other person authorized by the Commissioner in that behalf.

(3) The seal of the Commissioner shall be officially and judicially noticed, and every document purporting to be issued or made by the Commissioner and sealed with the seal of the Commissioner, authenticated as provided under subsection (2), shall in any litigation or proceeding be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Commissioner certifying that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of the fact so certified.

Advisory Board

6. (1) There shall be established for the purpose of this Act a body, to be known as the “Lembaga Penasihat Bandaraya Kuala Lumpur” or, in English, the “Advisory Board of the City of Kuala Lumpur”, to advise the Commissioner upon such matters connected with the administration of the City as the Yang di-Pertuan Agong may by order prescribe, and upon any questions referred to the Advisory Board by the Minister or the Commissioner.

(2) Subject to this Act and any regulations made thereunder, the meetings and procedure of the Advisory Board shall be determined by the Advisory Board.

(3) All members of the Advisory Board shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Constitution of Advisory Board

7. (1) The Advisory Board shall consist of such persons as shall be appointed members thereof by the Yang di-Pertuan Agong by notification in the *Gazette*:

*Provided that there shall be included among the members of the Advisory Board so appointed two persons nominated by the Ruler in Council of the State of Selangor.

(2) The Yang di-Pertuan Agong may, subject to this Act, by regulations provide for the number, nature, appointment, term of office, qualifications, disqualifications, seniority and conditions of retirement of members of the Advisory Board, and for the meetings and procedure of the Advisory Board.

Commissioner to preside at meetings of Advisory Board

8. (1) The Commissioner shall, so far as is practicable, attend and preside at all meetings of the Advisory Board, and in his absence any member of the Advisory Board appointed by the Minister in that behalf in writing, or in the absence of any such member, the senior member of the Advisory Board actually present shall preside.

*NOTE—Added in consequence of the Second proviso to section 8 of the Constitution (Amendment) (No. 2) Act 1973 [*Act A206*].

(2) The Commissioner or other person presiding at any meeting of the Advisory Board shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

Minutes

9. (1) Minutes shall be kept of all proceedings of the Advisory Board.

(2) At every ordinary meeting of the Advisory Board the minutes of the last preceding meeting shall be confirmed, with or without amendment, as the case may require, before proceeding to the despatch of any other business.

Commissioner may act in opposition to Advisory Board

10. The Commissioner may, after consultation with the Minister, act in opposition to the advice given to him by the Advisory Board, if in any case he shall think fit to do so; but in any such case—

- (a) he shall record fully in writing, for inclusion in the minutes, the grounds and reasons for his decision; and
- (b) it shall be competent for any member of the Advisory Board to require that there shall be recorded in the minutes any advice or opinion that he may have given upon the question in dispute, and the grounds therefor.

Public authorities protection

11. The Public Authorities Protection Act 1948 [*Act 198*], shall apply to any action, suit, prosecution or proceeding against the Commissioner or the Advisory Board or against any member, officer, servant or agent of the Commissioner in respect of any act, neglect or default done or committed by him in such capacity.

Powers and duties of Commissioner

12. (1) The Commissioner shall, subject to this Act, have and may exercise all the powers and perform all the duties conferred or imposed upon the Municipal Councillors of Kuala Lumpur, the President and any Councillor or officer thereof immediately before the commencement of this Act.

(2) Subject to this Act and any order made under subsection 16(2), wherever in any written law, deed, document or other instrument, the operation of which has not lapsed or been discharged prior to the commencement of this Act, there appears the name of the Municipal Councillors of Kuala Lumpur, such law, deed, document or other instrument shall, unless the context otherwise requires, be read and construed as if there were substituted therefor the corporate name of the Commissioner.

Power of Minister to issue directions

13. (1) The Minister may from time to time give the Commissioner directions not inconsistent with this Act, on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commissioner by or under this Act in relation to matters which appear to him to affect the interests of the City, and the Commissioner shall as soon as possible give effect to all such directions.

(2) The Commissioner shall furnish the Minister with such returns, accounts and other information with respect to the property and activities of the Commissioner as the Minister may from time to time require.

Annual report

14. (1) The Commissioner shall, as soon as practicable after the end of each year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Commissioner during the preceding year, and containing such information relating to the policy of the Commissioner and the affairs of the City as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be laid on the table of the Dewan Negara and the Dewan Rakyat.

Law Officers, *etc.*, empowered to appear for Commissioner

15. The Attorney-General, the Solicitor-General, and any Federal Counsel may appear and plead and do all other things necessary in respect of any litigation or proceeding in any court in Malaysia in respect of any matter affecting the Commissioner or the affairs of the City.

PART III

TRANSITIONAL PROVISIONS

Existing laws, etc.

16. (1) Subject to this Act, the Municipal Ordinance of the Straits Settlements [*Cap. 133*] and the Town Boards Enactment of the Federated Malay States [*Cap. 137*] as in force in relation to the City and any other written law affecting the City, and in force immediately before the commencement of this Act shall, until amended or revoked by the authority having power to do so under the Constitution or this Act or any other written law, continue in force on and after the commencement of this Act with such modifications as may be made therein under this section; and, unless the context otherwise requires, references therein—

(a) to the Municipal Councillors of Kuala Lumpur or to the President or to any Councillor thereof shall be construed as references to the Commissioner;

(b) to the Ruler, Ruler in Council, State Authority or Legislative Assembly shall be construed as references to the Minister,

as the circumstances may require.

(2) The Yang di-Pertuan Agong may within the period of two years beginning with the commencement of this Act by order amend, adapt or repeal any written law affecting the City and in force immediately before the commencement of this Act if he shall consider it expedient or necessary to do so for the purpose of bringing such written law into accord with this Act or of removing any difficulties arising with respect to the transitional provisions of this Act.

Transfer of property, etc.

17. (1) Subject to the provisions of this section and to any direction of the Yang di-Pertuan Agong, all property and assets which immediately before the commencement of this Act were vested in the Municipal Councillors of Kuala Lumpur or in any person on behalf of such Councillors shall on the commencement of this Act vest in the Commissioner.

(2) All land immediately before the commencement of this Act vested in or reserved under any written law relating to land for the purpose of the Municipal Councillors of Kuala Lumpur shall, upon the commencement of this Act, vest in or be deemed to be reserved, as the case may be, for the purpose of the Commissioner.

Existing contracts and proceedings

18. (1) Subject to this Part, all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the commencement of this Act and affecting any of the property transferred under section 17 shall be of full force and effect against or in favour of the Commissioner, and enforceable as fully and effectually as if, instead of the Municipal Councillors of Kuala Lumpur, or any person acting on behalf of such Councillors, the Commissioner had been named therein or had been a party thereto.

(2) Subject to this Act, any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Municipal Councillors of Kuala Lumpur or any person acting on behalf of such Councillors may be continued or instituted by or against the Commissioner as it might have been by or against the Municipal Councillors of Kuala Lumpur or such person if this Act had not been enacted.

Continuance of agreements of service, etc.

19. Every person who immediately before the commencement of this Act was employed by the Municipal Councillors of Kuala Lumpur shall upon the commencement of this Act be deemed to be transferred to the service of the Commissioner upon the same terms and conditions of service as those obtaining immediately before the commencement of this Act.

Powers relating to the Municipal Ordinance

20. All the powers conferred upon the Ruler in Council of the State of Selangor by section 3 of the Municipal Ordinance (Extended Application) Ordinance 1948 [*F.M. 3 of 1948*], shall in relation to the City, be deemed to be conferred, on and after the commencement of this Act, upon the Yang di-Pertuan Agong.

Repeal

21. (1) On the commencement of this Act, Parts I and II of the Local Authorities Elections Ordinance 1950 [*Ord. No 52 of 1950*], shall cease to apply to the City, and any order then subsisting under section 52 of such Ordinance in relation to the City shall thereupon determine [*Sel. G.N. 194 of 1960*].

(2) The Constitution of the Municipality of Kuala Lumpur [*Sel. G.N. 351 of 1951*], promulgated under section 4 of the Local Authorities Elections Ordinance 1950, as from time to time amended, is hereby repealed, and any person who immediately before the commencement of this Act was the President or a Councillor of the Council established under the Municipal Ordinance and such Constitution shall on the commencement of this Act cease to be such President or Councillor, as the case may be.

(3) The Federal Capital (Municipal Elections) Ordinance 1958 [*Ord. No. 32 of 1958*], is hereby repealed.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 5/1968	Federal Capital (Amendment) Act 1968	01-04-1968
Act 59	City of Kuala Lumpur Act 1971	01-02-1972
Act A206	Constitution (Amendment) (No. 2) Act 1973	01-02-1974
P.U. (A) 42/1974	Federal Capital (City Area) Order 1974	01-02-1974
Act A535	Federal Capital (Amendment) Act 1982	01-12-1981

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
3	Act A206	01-02-1974
4	Act A535	01-12-1981
7	Act A206	01-02-1974
13	Act A535	01-12-1981
16	Act 5/1968	01-04-1968
