



# LAWS OF MALAYSIA

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REPRINT

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**Act 348**

## **DIPLOMATIC AND CONSULAR OFFICERS (OATHS AND FEES) ACT 1959**

*Incorporating all amendments up to 1 January 2006*

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**DIPLOMATIC AND CONSULAR OFFICERS  
(OATHS AND FEES) ACT 1959**

First enacted	... ..	1959 (Act 6 of 1959)
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**LAWS OF MALAYSIA****Act 348****DIPLOMATIC AND CONSULAR OFFICERS  
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**ARRANGEMENT OF SECTIONS**

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**LAWS OF MALAYSIA****Act 348****DIPLOMATIC AND CONSULAR OFFICERS  
(OATHS AND FEES) ACT 1959**

An Act to provide for the administration of oaths and the levy of fees by diplomatic and consular officers.

*[Peninsular Malaysia—31 December 1959;  
Sabah and Sarawak—25 November 1965, L.N. 441/1965]*

**BE IT ENACTED** by the 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:

**Short title and application**

1. (1) This Act may be cited as the Diplomatic and Consular Officers (Oaths and Fees) Act 1959.

(2) This Act shall apply throughout Malaysia.

**Interpretation**

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

“affidavit” includes any affirmation, statutory or other declaration, acknowledgement, examination, and attestation or protestation of honour;

“consular officer” includes a consul-general, consul, vice-consul, pro-consul and consular agent of Malaysia;

“diplomatic officer” includes an ambassador, high commissioner, minister, charge d’affaires, deputy high commissioner, secretary and attache of a diplomatic mission of Malaysia, including a high commission;

“swear” includes affirm, declare and protest.

### **Powers as to oaths and notarial acts abroad**

3. (1) Every diplomatic and consular officer exercising his functions in any country or place outside Malaysia may in that country or place administer any oath or affirmation and take any affidavit, and also do any notarial act which any notary public can do within Malaysia; and every oath, affirmation, affidavit and notarial act administered, sworn or done by or before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of Malaysia.

(2) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath or affirmation in testimony of any oath, affirmation, affidavit or act being administered, taken or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

(3) The Yang di-Pertuan Agong may by order direct that so much of subsection (2) as relates to the proof of notarial acts done in any country or place outside Malaysia by diplomatic and consular officers of Malaysia shall apply in relation to notarial acts done by such persons as may be specified in the order, being persons serving in the diplomatic, consular or other foreign service of a Power which, by arrangement with the Yang di-Pertuan Agong, has undertaken to represent the interest of Malaysia in any country or place in which Malaysia has for the time being no diplomatic or consular representatives.

(4) For the purposes of this section “oath” includes any oath required to be taken for the purposes of the Constitution provided that such oath is taken before a diplomatic or consular officer who is himself a citizen of Malaysia.

### **Power to fix fees**

4. (1) The Yang di-Pertuan Agong may by order notified in the *Gazette* fix the fees to be taken in respect of any matter or thing done in the execution of his office by a consular officer or by a diplomatic officer entrusted with consular duties.

(2) All such fees shall be levied, accounted for and applied, and may be remitted, in accordance with regulations issued by the Yang di-Pertuan Agong.

### **Exhibition of tables of fees**

5. Every consular officer and every diplomatic officer entrusted with consular duties shall exhibit any subsisting order under subsection 4(1) prominently in his office, and shall permit such order to be inspected by any person wishing to do so at any reasonable time.

### **Penalty for excessive fees**

6. A consular officer or a diplomatic officer entrusted with consular duties shall not, save as may be provided in any order or regulations under section 4, ask for or take any fee or reward for or on account of any act, thing or service done, performed or rendered by him in the execution of his office; and if he does so he shall, without prejudice to any other liability, be liable for each offence to a fine not exceeding five hundred ringgit.

### **Offences and penalties**

7. Any person who—

- (a) swears falsely in any oath or affidavit taken or made in accordance with this Act;
- (b) forges or fraudulently alters the seal or signature of any person authorized by or under this Act to administer an oath; or
- (c) tenders in evidence or otherwise uses any affidavit having any seal or signature so forged or counterfeited or fraudulently altered, knowing the same to be forged, counterfeited or fraudulently altered,

shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand ringgit or both.

### **Trial of offences**

8. Any offence under this Act may, subject to section 9, be inquired into, dealt with, tried and punished in any State of Malaysia in which the person charged with the offence is or is apprehended

or in custody, in the same manner and to the same extent as if the offence had been committed within the State where he is or is apprehended or in custody.

**Sanction for prosecution**

**9.** No prosecution shall be instituted in respect of any offence against this Act without the sanction in writing of the Public Prosecutor.

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## LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 441/1965	Modification of laws (Diplomatic and Consular Officers) (Oaths and Fees) (Extension) Order 1965	25-11-1965
P.U. (A) 470/1988	Revision of Laws (Diplomatic and Consular Officers (Oaths and Fees)) Order 1988	29-09-1988
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
6	Act 160	29-08-1975
7	Act 160	29-08-1975

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