



# LAWS OF MALAYSIA

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REPRINT

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**Act 387**

## **ATTESTATION OF REGISTRABLE INSTRUMENTS (MINING) ACT 1960**

*Incorporating all amendments up to 1 January 2006*

PUBLISHED BY  
THE COMMISSIONER OF LAW REVISION, MALAYSIA  
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968  
IN COLLABORATION WITH  
PERCETAKAN NASIONAL MALAYSIA BHD  
2006

**ATTESTATION OF REGISTRABLE INSTRUMENTS  
(MINING) ACT 1960**

First enacted	... ..	1960 (Act No. 1 of 1960)
Revised	... ..	1989 (Act 387 w.e.f. 19 October 1989)

*PREVIOUS REPRINT*

*First Reprint* ... .. 2001

**LAWS OF MALAYSIA****Act 387****ATTESTATION OF REGISTRABLE INSTRUMENTS  
(MINING) ACT 1960**

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**ARRANGEMENT OF SECTIONS**

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## Section

1. Short title and application
2. Interpretation
3. Attestation of signatures
4. Certificate of attestation
5. Repeal

FIRST SCHEDULE

SECOND SCHEDULE



**LAWS OF MALAYSIA****Act 387****ATTESTATION OF REGISTRABLE INSTRUMENTS  
(MINING) ACT 1960**

An Act relating to the attestation of instruments required to be registered under any written law relating to mining.

[5 May 1960]

**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 Attestation of Registrable Instruments (Mining) Act 1960.

(2) This Act shall apply to the States of \*Peninsular Malaysia only.

**Interpretation**

2. In this Act unless the context otherwise requires—

“Land Administrator” has the same meaning as defined in the National Land Code [*Act 56 of 1965*];

“mining law” means in relation to the States mentioned in column one of Part II of the Second Schedule, the written law appearing in the corresponding part of column two of the said Part;

“proper registering authority” has the same meaning as “Registrar” as defined in the National Land Code.

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\*NOTE—All references to “West Malaysia” shall be construed as reference to “Peninsular Malaysia” —see the Interpretation (Amendment) Act 1997 [*Act A996*], subsection 5(2).

**Attestation of signatures**

**3.** (1) Every signature to an instrument presented for registration under the mining law, other than an instrument signed by a proper registering authority or a Land Administrator or issued by the Court, shall be attested by one of the following persons in the manner prescribed in section 4—

- (a) when signed in the States of Malaysia, by—
- a Magistrate;
  - a proper registering authority;
  - a Land Administrator;
  - an advocate and solicitor;
  - a notary public.
- (b) when signed in the Republic of Singapore, by—
- a Magistrate;
  - Collector of Land Revenue;
  - an advocate and solicitor of the Supreme Court of the Republic of Singapore;
  - a notary public.
- (c) when signed in the Republic of India, by—
- a Registrar of a High Court;
  - a District Magistrate, a Presidency Magistrate, or a Magistrate of the First or Second Class;
  - a notary public having an official seal;
  - the High Commissioner, Acting High Commissioner, the Deputy High Commissioner, or any Secretary or Attache of the High Commission of Malaysia.
- (d) when signed in the Republic of Pakistan, by—
- a Registrar of a High Court;
  - a District Judge;
  - a Magistrate of the First Class;

a notary public having an official seal;

High Commissioner, Acting High Commissioner, Deputy High Commissioner, Secretary or Attache of the High Commission of Malaysia.

(e) when signed in Republic of Sri Lanka, by—

a Registrar of the High Court;

a Magistrate;

a notary public having an official seal;

the High Commissioner, Acting High Commissioner, the Deputy High Commissioner, or any Secretary or Attache of the High Commission of Malaysia.

(f) when signed in the State of Sabah, by—

a Magistrate;

a Collector or Assistant Collector of Land Revenue.

(g) when signed in the State of Sarawak, by—

a Magistrate;

the Director of Lands and Surveys;

a Superintendent of Lands and Surveys.

(h) when signed in Brunei, by—

a Magistrate;

a Collector of Land Revenue.

(i) when signed in any Commonwealth country other than any of the countries mentioned in paragraphs (b) to (h) of this subsection by the High Commissioner of Malaysia, by a Notary Public or by any person or class or description of persons approved in that behalf by the Ruler in Council or the Governor in Council;

(j) when signed in any other place, by a diplomatic officer of Malaysia, or any person or class or description of persons approved in that behalf by the Ruler in Council or the Governor in Council.

(2) Notwithstanding subsection (1) of this section, any instrument executed in Malaysia by a body corporate incorporated by any Federal or State law need not be attested in accordance with the provisions of such subsection if it is duly executed in the manner prescribed by such Federal or State law.

### **Certificate of attestation**

4. A person or officer attesting a signature in accordance with section 3 shall sign an attestation in such of the forms set out in the First Schedule as the case may require, and if he be a person holding a seal of office shall authenticate his signature by the official seal of his office.

### **Repeal**

5. The laws specified in the Second Schedule are hereby repealed to the extent specified in the third column of the said Schedule.

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## FIRST SCHEDULE

## [SECTION 4]

## FORM A

*In English*

I (*state full name and qualification of person attesting*), hereby testify that the  $\frac{\text{signature}}{\text{thumb print}}$  \*of (*here enter designation of party, e.g., transferor, transferee, chargor, chargee, etc.*)  $\frac{\text{written}}{\text{affixed}}$  in my presence on this ..... day of ..... is according to my own personal knowledge \*/information given to me by the following trustworthy and reliable person, namely (*here set out name and address of such person*) which information I verily believe\* the true  $\frac{\text{signature}}{\text{thumb print}}$  \* of the said (*here state name of party*) who has acknowledged to me that he is of full age and that he has voluntarily executed this instrument.

As witness my hand this ..... day of ..... 20.....

.....  
(Signature)

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\*Delete whichever alternative is inapplicable

*In Malay*

Saya (*nyatakan nama penuh dan kelayakan orang yang mengaku saksi*), dengan ini menyaksikan bahawa  $\frac{\text{tandatangan}}{\text{cap ibu jari}}$  \*(*di sini masukkan sifat pihak, misalnya, pemindah, penerima pindahan, pengadai, penerima gadaian, dsb.*) yang  $\frac{\text{dituliskan}}{\text{dicapkan}}$  dalam kehadiran saya pada ..... haribulan ..... adalah, mengikut pengetahuan diri saya sendiri\*/maklumat yang diberikan kepada saya oleh orang yang boleh dipercayai dan diharapkan berikut, iaitu (*di sini nyatakan nama dan alamat orang sedemikian*) yang maklumatnya saya sesungguhnya mempercayai\*,  $\frac{\text{tandatangan}}{\text{cap ibu jari}}$  \*sebenar (*di sini nyatakan nama pihak*) tersebut yang telah mengaku kepada saya bahawa dia sudah cukup umur dan bahawa dia dengan sukarela menyempurnakan surat cara ini.

Disahkan dengan tandatangan saya pada ..... haribulan ..... 20....

.....  
(Tandatangan)

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\*Potong mana-mana yang tidak berkenaan

## FORM B

*In English*

I (*state full name and qualification of person attesting*), hereby certify that on this day the  $\frac{\text{corporate}}{\text{common}}$  \* seal of (*state full name of company, body corporate or corporation*) was duly affixed to the  $\frac{\text{above}}{\text{within}}$  \*written instrument in accordance with the rules and regulations of the said  $\frac{\text{company}}{\text{body corporate}^*}$  corporation

As witness my hand this ..... day of ..... 20.....

.....  
(Signature)

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\*Delete whichever alternative is inapplicable

*In Malay*

Saya (*nyatakan nama penuh dan kelayakan orang yang mengaku saksi*), dengan ini memperakui bahawa pada hari ini meterai  $\frac{\text{syarikat}^*}{\text{biasa}}$  bagi (*nyatakan nama penuh syarikat, pertubuhan perbadanan*) telah dicapkan dengan sewajarnya pada surat cara bertulis  $\frac{\text{di atas}}{\text{di dalam}}$  \*mengikut kaedah-kaedah dan peraturan-peraturan

$\frac{\text{syarikat}}{\text{pertubuhan perbadanan}^*}$  tersebut.  
perbadanan

Disahkan dengan tandatangan saya pada ..... haribulan.....20.....

.....  
(Tandatangan)

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\*Potong mana-mana yang tidak berkenaan

## SECOND SCHEDULE

[Sections 2 and 5]

## PART I

*(Omitted)*

## PART II

<i>State</i>	<i>Law</i>	<i>Extent of repeal</i>
Perak, Selangor, Pahang and Negeri Sembilan	Mining Enactment (F.M.S. Cap. 147)	In subparagraph 35(i) the words “Part XIV— Attestation. The whole”
Johore	Mining Enactment (Cap. 69)	Subparagraph 32(iii)
Kedah	Enactment No. 67 (Mining)	In subparagraph 20(i) the words “to the satisfaction of the Superintendent”
Kelantan	Mining Enactment 1939 (10 of 1939)	Schedule 6. The words “Part 14. The whole”
Perlis	The Mining Enactment 1340 (1 of 1340)	In subparagraph 33(i). The words “Chapter XIV Attestation. The whole”
Terengganu	Mining Enactment (51 of 1356)	Subparagraph 10(iv)

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(MINING) ACT 1960**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 477/1965	National Land Code (Repeals and Amendments) Order 1965	24-12-1965
Act A587	National Land Code (Amendment) Act 1984	25-03-1985

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## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long Title	L.N. 477/1965	24-12-1965
2	L.N. 477/1965	24-12-1965
3	L.N. 477/1965 Act A587	24-12-1965 25-03-1985
Second Schedule	L.N. 477/1965	24-12-1965

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