



LAWS OF MALAYSIA

Act 511

NATIONAL ARCHIVES ACT 1966

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[Act 629])*

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NATIONAL ARCHIVES ACT 1966

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NATIONAL ARCHIVES ACT 1966

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and application

PART II

INTERPRETATION

2. Interpretation

PART III

ESTABLISHMENT AND MANAGEMENT OF NATIONAL ARCHIVES

3. Establishment of National Archives
4. Management of Archives by the Director General and powers of Director General
5. Advisory Board
6. The Director General may act in opposition to Advisory Board
7. Appointment of officers

PART IV

PUBLIC RECORDS

8. Transfer of public records to National Archives
9. Public records to be surrendered on demand

Section

10. No officer in any public office may destroy or dispose of public records without the authority of the Director General
11. Destruction of public records
12. Access of public to public archives
13. Certified copy of public records
14. Delegation of Director General's powers
15. Publication of public archives
16. Prohibition or export of public records and archives
17. Regulations
18. Penalties
19. Annual report

PART V

STATE ARCHIVES

20. Establishment of State Archives

LAWS OF MALAYSIA

Act 511

NATIONAL ARCHIVES ACT 1966

An Act to provide for the custody and preservation of public archives and public records of Malaysia and for matters incidental thereto.

[31 August 1966, P.U. 316/1966]

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:

PART I

PRELIMINARY

Short title and application

1. (1) This Act may be cited as the National Archives Act 1966.

(2) This Act shall apply throughout the States of *Peninsular Malaysia and, in respect of the public records of the Government of Malaysia which came into existence on or after Malaysia Day, this Act, other than Part V, shall also apply to the States of Sabah and Sarawak.

PART II

INTERPRETATION

Interpretation

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

“Director General” means the Director General of National Archives;

*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).

“Minister” means the Minister charged with responsibility for public archives and public records;

“National Archives” means the National Archives of Malaysia established under this Act;

“public archives” means—

(a) public records—

- (i) which are more than twenty-five years old;
- (ii) which are specified by the Director General as being of enduring national or historical value or both; and
- (iii) which have been transferred to the National Archives or any such place as the Director General may from time to time direct; and

(b) any document, book or other material acquired for the National Archives by the Director General;

“public office” means any department, commission, board, corporation, agency, local authority, or any other office of the Government of Malaysia or of any State; and includes or excludes such office or corporation or other body as the Yang di-Pertuan Agong may, by notification published in the *Gazette*, declare to be a public office;

“public records” means papers, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, microfilms, cinematograph films and sound recordings of any kind whatsoever, officially received or produced by any public office for the conduct of its affairs or by any officer or employee of a public office in the course of his official duties.

PART III

ESTABLISHMENT AND MANAGEMENT OF NATIONAL ARCHIVES

Establishment of National Archives

3. There is hereby established a National Archives of Malaysia wherein shall be stored and preserved public archives and which is hereby declared to be federal.

Management of Archives by the Director General and powers of Director General

4. (1) The National Archives shall be managed and controlled by the Director General who shall be appointed by the Yang di-Pertuan Agong and for the purpose of such management and control it shall be the duty of the Director General—

- (a) to describe and arrange all public archives;
- (b) to provide facilities for research and reference;
- (c) subject to the terms and conditions on which they are acquired, to reproduce or publish any public archives;
- (d) to examine any records in the custody of a public office and to advise such office as to the care and custody of such records;
- (e) to accept and preserve any records which are transferred to the National Archives;
- (f) at the request of any administrative head of a public office, to return to that office for such period as may be agreed upon between the Director General and the administrative head and subject to such conditions as the Director General may prescribe, the public records transferred from that office to the National Archives;
- (g) to acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director General is or is likely to be of enduring national or historical value; and
- (h) to perform such other functions as are necessary for the purpose of the said management and control.

(2) Paragraph (1)(f) shall not be taken to require the Director General to return any public records the condition of which does not warrant their removal out of the National Archives.

(3) Nothing in this section shall be deemed to authorize the Director General to inspect the contents of any public records that are secret or confidential, except with the consent of the administrative head of the public office having the custody, thereof.

Advisory Board

5. (1) For the purpose of advising the Director on the carrying out of his functions under this Act, there shall be established an Advisory Board consisting of a Chairman, the Director and five other members to be appointed by the Minister.

(2) The Board shall advise the Director General on such matters as the Director General may from time to time refer to it and on such matters as the Board may think fit.

(3) Three members of the Board shall form a quorum.

(4) The Board shall determine its own procedure.

The Director General may act in opposition to Advisory Board

6. (1) The Director General 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 such case—

(a) he shall record fully in writing, for inclusion in the minutes of the proceedings of the Advisory Board, 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 aforesaid any advice or opinion that he may have given upon the question in dispute, and the grounds therefor.

Appointment of officers

7. The Minister may from time to time appoint such officers as are necessary to assist the Director General in the carrying out of his functions under this Act.

PART IV

PUBLIC RECORDS

Transfer of public records to National Archives

8. (1) Any public records which are more than twenty years old, and any non-current public records which in the opinion of the Director General are of sufficient value to warrant their preservation, shall be transferred to the National Archives:

Provided that the Minister shall have the power to withhold public records containing secret and confidential information from being transferred to the National Archives.

(2) It shall be lawful for the Director General to defer the transfer of any public records to the National Archives where he is satisfied that by reason of the nature of the records the immediate transfer would unduly prejudice the administration of any public service or would not be in the public interest.

Public records to be surrendered on demand

9. (1) Any person having possession of any public records shall, on demand in writing by the Director General, deposit them in the National Archives (whether it came into his possession before or after the passing of this Act).

(2) Nothing in this section shall be deemed to authorize the Director General to demand the surrender of any public records that are kept in any public office of any State Government except with the consent of that Government.

No officer in any public office may destroy or dispose of public records without the authority of the Director General

10. (1) No person shall without the consent of the Director General destroy or otherwise dispose of, or authorize the destruction or disposal of, any public records which are in his possession or under his control.

(2) Any person intending to destroy or dispose of or to authorize the destruction or disposal of any public records shall first notify the Director General of the said intention and shall in such notification specify the nature of the public records in question.

(3) The Director General may inspect any public records specified in any notification under subsection (2) and shall if he requires such public records to be made available to him, inform the person making such notification of such requirement; and such public records shall be made available to the Director General.

Destruction of public records

11. The Director General may authorize the destruction of any specified classes of public records which—

- (a) by reason of their number, kind or routine nature do not in his opinion possess any enduring value for preservation as public archives; and

(b) are not required for reference purposes in any public office after action on them is completed or after expiration of such period of years from the date on which action on them is completed as may be agreed upon between the Director General and the administrative head of that public office.

Access of public to public archives

12. (1) Subject to the conditions under which any public records are made available or are deposited in the National Archives, public archives shall be made available to the public for the purpose of reference or research, in accordance with any regulations made under this Act.

(2) No public officer shall make available to the public for the purpose of reference and research any public records, except in the course of his official duties.

Certified copy of public records

13. Any copy of a public record or public archives which is certified by the Director General as a true copy of the original document shall be admissible in a court of law.

Delegation of Director General's powers

14. (1) The Director General may from time to time subject to such conditions as he may specify delegate any of his powers under this Act and any person to whom those powers are delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him by this Act.

(2) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) Any delegation under this section may be made to a person or class of persons by name or office.

(4) Every delegation under this section may be revoked by the Director General at any time, and such delegation shall not prevent the Director General from exercising the powers delegated.

Publication of public archives

15. (1) No person may publish or reproduce the whole or any part of the contents of any archives or records which have been transferred to the National Archives except with the written consent of the Director General.

(2) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

Prohibition or export of public records and archives

16. No person shall without the written permission of the Director General take or send out of Malaysia any public record or public archive.

Regulations

17. The Minister may make regulations for the better carrying out of this Act and without prejudice to the generality of the foregoing may—

- (a) prescribe the fees to be charged by the Director General for the making and certifying of copies of any archives or records in the National Archives;
- (b) provide for exempting from the payment in whole or in part of any fees for the making and certifying of copies of any public archives or public records in the National Archives;
- (c) provide for the preservation and protection of archives and records in the National Archives and the conduct of visitors thereto;
- (d) provide anything which may be prescribed under this Act.

Penalties

18. Any person who contravenes any provisions of this Act shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Annual report

19. (1) The Director General shall as soon as practicable each year cause to be made and transmitted to the Minister a report dealing with the activities of the National Archives during the preceding year.

(2) The Minister shall cause a copy of every such report to be laid before each House of Parliament.

PART V

STATE ARCHIVES

Establishment of State Archives

20. (1) A State Government may with the approval of the Yang di-Pertuan Agong, by order establish a State Archives.

(2) Sections 4 to 19 shall apply to a State Archives as they apply to the National Archives, subject to the following modifications:

- (a) references to the National Archives, except in the expression “Director General of National General of National Archives”, shall be construed as references to the State Archives;
 - (b) there shall be read for the word “five” in subsection 5(1), the word “three” and for the word “three” in subsection 5(3), the word “two”;
 - (c) references to the Minister shall be construed as references to the Menteri Besar or, as the case may be, the Chief Minister of the State; and
 - (d) the reference to each House of Parliament in subsection 19(2) shall be construed as reference to the Legislative Assembly of a State.
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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A85	National Archives (Amendment) Act 1971	24-09-1971
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

LAWS OF MALAYSIA
ACT 511
NATIONAL ARCHIVES ACT 1966

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
5	Act A85	24-09-1971
8	Act A85	24-09-1971
12	Act A85	24-09-1971
18	Act 160	29-08-1975

