



LAWS OF MALAYSIA

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Act 197

REGISTRATION OF BUSINESSES ACT 1956

As at 1 June 2017

REGISTRATION OF BUSINESSES ACT 1956

First enacted	1956 (Ordinance No. 47 of 1956)
Revised	1978 (Act 197 w. e. f. 15 February 1978)
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LAWS OF MALAYSIA

Act 197

REGISTRATION OF BUSINESS ACT 1956

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SCHEDULE

LAWS OF MALAYSIA**Act 197****REGISTRATION OF BUSINESSES ACT 1956**

An Act to provide for the registration of businesses.

*[Peninsular Malaysia—1 January 1957;
Federal Territory of Labuan—15 March 1996,
P.U. (A) 121/1996]*

PART I**PRELIMINARY****Short title and application**

1. (1) This Act may be cited as the Registration of Businesses Act 1956.
- (2) This Act shall apply to Peninsular Malaysia only.

Interpretation

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

“appointed date” has the same meaning assigned to that expression in the Companies Commission of Malaysia Act 2001 [*Act 614*];

“associate of a business” includes—

- (a) any person who is in law the owner or a joint owner or part owner of any business;

- (b) every person who is a partner in any business which is the property of a partnership;
- (c) when the business is the property of what in any system of law prevailing in India is known as a Joint Hindu Family, every member of such Joint Hindu Family having an interest in such property other than a mere right to maintenance; and
- (d) when the business is legally vested in, or is under the control of any executor, administrator or trustee, every such executor, administrator or trustee;

“business” includes every form of trade, commerce, craftsmanship, calling, profession, or other activity carried on for the purposes of gain, but does not include any office or employment or any charitable undertaking or any occupation specified in the Schedule;

“certificate of registration” means a certificate issued in accordance with section 5;

“Collector” means the Collector of Estate Duty appointed under the *Estate Duty Enactment 1941 [*F.M.S. 7 of 1941*];

“Commission” means the Companies Commission of Malaysia established by the Companies Commission of Malaysia Act 2001;

“inspector” means a person appointed in writing by the Registrar to be an inspector for the purposes of this Act;

“Minister” means the Minister charged with the responsibility for the registration of businesses;

“person responsible” includes every director, manager, partner, officer, agent or servant at any time charged either solely or to a substantial extent with the management of a business;

*NOTE—The Estate Duty Enactment 1941 [*F.M.S 7 of 1941*] has since been repealed by the Finance Act 1992 [*Act 476*].

“register” means any register kept under or by virtue of this Act or of any rules made thereunder;

“Registrar” means the Registrar designated under subsection 20A(1) of the Companies Commission of Malaysia Act 2001;

“Peninsular Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 [*Act 388*] and includes the Federal Territory.

3. (*Deleted by Act A1476*).

PART II

REGISTRATION, RENEWAL AND TERMINATION OF BUSINESS

Application

4. This Act shall not apply to—

- (a) any business which is exclusively owned and carried on by any company registered under the *Companies Act 1965 [*Act 125*];
- (b) any business owned or conducted by the Government or by any public body incorporated by or constituted by or under any written law;
- (c) any society registered or exempted under any written law for the time being in force relating to the registration of societies or co-operative societies;
- (d) any business consisting solely of the exercise of any profession which under the provisions of any written law can be exercised only by those who possess certain qualifications prescribed by such written law and whose names are registered or otherwise recorded in manner prescribed by any written law.

* *NOTE*— The Companies Act 1965 [*Act 125*] has been repealed by the Companies Act 2016 [*Act 777*] w.e.f. 31 January 2017.

Registration

5. (1) The person responsible for a business shall, not later than thirty days from the date of the commencement of the business, apply to the Registrar for the registration of the business.

(2) An application under subsection (1) shall be made in the prescribed form and shall state—

(a) the name of the business;

(b) the nature of the business;

(c) the date of the commencement of the business;

(d) the address of the place of business, and in the case of a business having more than one place of business, the addresses of the branches;

(e) in the case of a partnership, the particulars of the partnership agreement, if any;

(f) in respect of the associates of the business, their full names, positions held, and dates of entry into the business; and

(g) such other information as the Registrar may require.

(3) Upon receipt of an application together with the information required under subsection (1) and upon payment of the prescribed fee, the Registrar shall register the business for a period which shall not exceed five years and issue a certificate of registration for the business in accordance with the other provisions of this Act and the rules made under this Act.

(4) The Registrar shall, on payment of the prescribed fee, issue a certificate of registration for each branch of the business so registered.

(5) The certificate of registration issued for any branch shall be valid for a period concurrent with the period of registration of the principal business or for any remaining period of such registration.

(6) Unless renewed by the Registrar, the registration of a business shall expire on the date stated in the certificate of registration or upon the termination of the business.

(7) For the purpose of this section, rules made under this Act may provide for the exemption from registration or for registration in a special form or manner of any associate of a business who has not attained such age as may be prescribed.

(8) The registration of a business under this Act shall not be deemed to imply that the requirements of any law in relation to such business or to persons carrying on such business or employed in such business have been complied with.

Renewal of registration

5A. (1) An application for the renewal of the registration of a business shall be made in the prescribed form and manner to the Registrar within thirty days before the date of expiry of the registration or the previous renewal.

(2) Subject to subsection (3), upon receipt of an application for the renewal of the registration of a business and upon payment of the prescribed fee, the Registrar shall renew the registration of the business for a period which shall not exceed five years at each renewal.

(3) For the purpose of renewing the registration of any business, the Registrar may require additional information or documents and the Registrar may refuse to renew the registration if the applicant does not furnish the information or documents required.

(4) If the Registrar refuses to renew any registration under subsection (3) the Registrar shall notify the applicant in writing of the decision.

(5) The new expiry date shall be stated in the certificate of registration.

Changes in registered particulars

5B. (1) Whenever a change is made or occurs in any of the particulars registered in respect of any associate of a business or of the business, that associate or, in the case of the particulars of the business, the person responsible for the business shall, within thirty days after the change is made or occurs, submit to the Registrar in the prescribed form the particulars of the change.

(2) Upon receipt of the particulars of the change and upon payment of the prescribed fee, the Registrar shall make the necessary amendments to the register.

(3) In the case of a change in—

(a) the general nature of a business; or

(b) the address of the principal place of the business or any other place where the business is carried on,

the Registrar shall issue a new certificate of registration in respect of such business, and cancel the existing certificate of registration.

Refusal to register or revocation of registration of, business

5C. (1) Notwithstanding anything to the contrary in this Act, the Registrar shall refuse to register any business if the Registrar is satisfied that the business is likely to be used for unlawful purposes or any purpose prejudicial to or incompatible with the security of the Federation, public order or morality.

(2) Where a business has been registered, the Registrar shall revoke its registration if the Registrar is satisfied that the business is being used for unlawful purposes or any purpose prejudicial to or incompatible with the security of the Federation, public order or morality.

Termination of business

5D. (1) Where a business registered under this Act has been terminated, the person responsible for the business shall within thirty days of the termination notify the Registrar in the prescribed form of such termination.

(2) Where a business terminates upon the death of an associate of the business and there is no surviving associate of the business or person responsible for the business, the personal representative or the next-of-kin of the deceased associate shall within four months from the date of such death notify the Registrar in the prescribed form of such termination.

(3) Upon receipt of the notice under subsection (1) or (2), the Registrar shall revoke the registration and cancel the certificate of registration.

Removal of registered business from register

5E. (1) Where the Registrar has reasonable cause to believe that any business registered under this Act is not being carried on, the Registrar may send to the person or persons registered as the associate or associates of the business a notice notifying the Registrar's intention to revoke the registration of the business and the Registrar shall give such person or persons an opportunity to make written representation on the intended revocation within thirty days from the date of service of the notice.

(2) After the expiry of the period of thirty days provided for in subsection (1), if the Registrar receives a reply from such person or persons to the effect that such person or persons are not carrying on such business, or the Registrar does not receive any reply to the notice, the Registrar shall revoke the registration of the business and cancel the certificate of registration.

(3) The Registrar shall publish in the *Gazette* such particulars as the Registrar thinks fit of any person the registration of whose business has been revoked under this section.

Certificate of registration is conclusive evidence

5F. A certificate of registration having a registration number, and carrying the applicant's name or business name, issued under this Act by the Registrar shall be conclusive evidence that all the requirements of this Act in respect of the registration and matters precedent and incidental to such registration have been complied with, and the business referred to in such certificate is duly registered under this Act.

Effect of registration

6. (1) Save as hereinafter expressly provided, when and so long as any person is recorded in any register as an associate of a business, it shall be evidence against him or any person claiming through or under him that he was such an associate unless it is proved that such person was not at any material time such an associate and that he was recorded as such in such register through a *bona fide* mistake, or without his knowledge and in fraud of him.

(2) On the death of any person who, at the time of death, was recorded in a register as an associate of a business, the executors or administrators of such person and any person accountable for estate duty payable on the death of such person shall, for the purpose of any written law relating to estate duty, be prevented and estopped from denying that such deceased person was an associate of such business or that any other particular registered in respect of such business is true, unless such executors, administrators or person accountable shall first have obtained, in proceedings instituted by way of petition in the High Court to which the Collector is joined as a party, a declaration (which the High Court is hereby empowered to make) declaring that such registration was effected through a *bona fide* mistake, or without the knowledge of such deceased person and in fraud of him, and declaring the facts and circumstances regarding the association or non-association of such deceased person with such business.

(3) The Collector may, for the purpose of computing or of collecting estate duty, at his discretion, either accept any registered particulars as being correct or seek to establish any fact inconsistent with any such particulars:

Provided that the Collector shall not be permitted to establish any fact contrary to any such declaration by the High Court as aforesaid.

(4) A certificate of registration or a certified copy of any entry in the register in respect of any business shall be *prima facie* evidence of the truth of the facts stated therein; but, subject to the provisions of this Act, the admission of such evidence shall not prevent any party to a proceeding from proving, that some person who is not registered as such is nevertheless an associate of a business.

Rectification of register

7. Where it appears to the High Court or to a Sessions Court or to a Magistrates' Court, as a result of evidence adduced before it, that any particulars recorded in a register are incorrect, such court may by order direct the Registrar to rectify the register in the manner specified in such order and the Registrar, upon receipt of such order, shall rectify the register accordingly:

Provided that where any such order is made by a Sessions Court or a Magistrates' Court, the Registrar may appeal therefrom to the High Court in accordance with the appropriate procedure laid down by law for appeals from such courts to the High Court.

Effect of non-registration and right to enforce contracts

8. (1) So long as the prescribed particulars in respect of any person who is or who claims to be an associate of any business are not recorded in the register, no right of such person under or arising out of any contract made or entered into by or on behalf of such person in relation to such business shall be enforceable by suit or other legal proceeding either in the name of such business or in his individual name or otherwise:

Provided that—

(a) such person may apply to the High Court for relief against the disability imposed by this section and such court, on being satisfied that the default was accidental or due to inadvertence or to fraud on such person or to some other sufficient cause or that on other grounds it is just and equitable to grant relief, may grant such relief, either generally or in relation to any particular contract, as to the court may seem just, on condition that the costs of the application be paid by such

person (unless the court otherwise orders) and on such other conditions, if any, as the court may impose; but such relief shall not be granted except on such service and such publication of notice of the application as the court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the court that, if this Act had been complied with, such party would not have entered into the contract;

(b) if any suit or proceeding shall be commenced by any other party against such person to enforce the rights of such party in respect of any such contract, nothing in this section contained shall preclude such person from enforcing in that suit or proceeding, by way of counter-claim, set-off or otherwise, such rights as he may have against that party in respect of such contract.

(2) Nothing in this section shall prejudice the rights of any other parties as against such person in respect of any contract.

(3) In any application made under proviso (a) to subsection (1) the applicant may ask for rectification of the register and the court may order accordingly.

PART III

MISCELLANEOUS

9. *(Deleted by Act A1476).*

10. *(Deleted by Act A1476).*

Appeal

11. (1) Any person who is aggrieved by any decision of the Registrar under section 5, 5A, 5B, 5C, 5D or 5E may appeal to the Minister in the prescribed manner within thirty days from the date the decision is communicated to such person.

(2) The Minister's decision on an appeal under subsection (1) shall be final.

Display of certificate of registration

11A. The certificate of registration issued in respect of a business registered under this Act shall be kept exhibited in a conspicuous place at the principal place of business and the certificate issued for each branch of the business shall be kept exhibited in a conspicuous place at that branch.

Offences

12. (1) Any person who—

- (a) being a person required to register his business under this Act carries on that business without registering the business;
- (b) continues to carry on any business after the period of registration has expired;
- (c) without lawful excuse fails to comply with any summons or requirement of the Registrar under section 10;
- (d) makes any statement or furnishes any information to the Registrar under the provisions of this Act or of rules made thereunder whether such statement is verbal or in writing, which is false in any material particular or by reason of the omission of any material particular and which he either knows or has reason to believe is false; or
- (e) resists or obstructs the Registrar, any inspector or any other officer of the Commission or any public officer in the performance of his duties under this Act,

commits an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

*NOTE—Previously one thousand ringgit and imprisonment not exceeding six months—see Act 4 of 1967.

(2) Any person who, being a person responsible, permits any business to be carried on at any premises where a certificate or registration ought to be displayed under the provisions of section 11A without such certificate being so displayed, commits an offence and shall on conviction be liable to a fine of **two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

General penalty

12A. Any person who is guilty of an offence under this Act or any rules made under this Act for which no penalty is expressly provided for shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Institution for prosecution

13. No prosecution for or in relation to any offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

14. (*Deleted by Act A1476*).

Officers and inspectors to be public servants

15. All officers and inspectors appointed under this Act shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Rule making power

16. (1) The Minister may from time to time make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1) such rules may prescribe—

**NOTE—Previously two hundred ringgit.

- (a) the powers and duties of the Registrar;
- (b) the particulars which must be registered and the form in which such particulars are to be supplied for registration;
- (c) the requirements as to renewal, amendment or supplementing from time to time of any particulars prescribed for registration and the particulars to be supplied on the winding up, dissolution or other termination of business;
- (d) the time at which or the period within which prescribed particulars must be registered;
- (e) the form of register to be kept and the places at which such registers are to be kept;
- (f) the conditions under which inspection of any register may be had or copies or extracts may be taken of any documents kept by the Registrar;
- (g) the provision by the Registrar of certificates of registration certifying the business has been duly registered and the safe keeping, displaying, publication or production of such certificates or of any information relevant thereto in the premises occupied for the purpose of such business;
- (h) the nature and form of any document necessary for the purposes of this Act;
- (i) restrictions as to the name which may be used and registered in respect of any business;
- (j) the fees to be charged in respect of anything done under or by virtue of this Act except in so far as such fees are prescribed in this Act;
- (k) the businesses or classes of business which are to be exempt from the payment of any fee or part of a fee; and
- (l) generally for carrying into effect the purposes of this Act.

Liability of partners, directors, etc.

17. (1) Whenever an offence against this Act or against any rule thereunder is committed by a body corporate any director, manager, secretary or other officer of the body corporate shall also be deemed to be guilty of that offence unless he shall prove that such offence was committed without his knowledge or consent and was not attributable to any neglect on his part.

(2) Whenever any agent or servant in the course of his employment does or omits to do any act the doing of which or omission to do which by his principal or employer would be an offence such agent or servant shall be guilty of that offence.

(3) Any person who would have been guilty of an offence if anything had been done or omitted by him personally shall be guilty of such offence and liable to the same penalty if such thing had been done or omitted to be done by his partner, agent or servant in the course of the partnership business or in the course of his employment, as the case may be, unless he proves to the satisfaction of the court that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing or omission to do such thing.

(4) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act.

Government, Commission, etc., not liable to suit

18. (1) Unless it is proved that the Registrar or any officer of the Commission or any public officer has acted wilfully and maliciously, neither the Registrar nor any such officer or public officer shall be under any liability in respect of any error or inaccuracy in a register or any erroneous information contained in any such register or in respect of any error or inaccuracy (whether in the copying or otherwise) in any certificate, certified extract, copy or other document made or issued under this Act or any rules made thereunder and, unless it be alleged that the defendant acted wilfully and maliciously, no court shall entertain any suit or other proceedings or damages in respect of any such matter.

(2) Notwithstanding anything to the contrary in any written law the Government shall not be under any liability or be liable to be sued in respect of any of the matters referred to in subsection (1).

Service of notice, etc.

18A. Any notice, certificate or other document required to be given or served under this Act or the rules made under this Act shall be deemed to have been duly given or served if sent by registered post to the registered principal place of business of the person to whom it is addressed.

Request for copy of certificate of registration, etc.

19. (1) The Registrar may on the request of any person, and upon payment of such fees as may be prescribed, certify a copy of a certificate of registration issued to any person or a copy of or an extract from any document filed with the Registrar.

(2) Any copy or extract if duly certified under the hand of the Registrar to be a true copy or extract under subsection (1) shall be admissible as *prima facie* evidence in any proceedings without proof being given that the certificate was signed by the Registrar.

Powers of the House of Representatives

20. The House of Representatives may by resolution add to, vary or revoke wholly or in part any of the provisions of the Schedule.

Exemption

21. The Minister may by order exempt any person or class of person from all or any of the provisions of this Act.

22. (*Deleted by Act A1119*).

Electronic filing of documents

22A. (1) The Registrar may provide a service for the electronic filing or lodging of documents required by this Act to be filed or lodged with the Registrar.

(2) A person who intends to use the service provided under subsection (1) shall become a subscriber to the service by paying the prescribed fee and by complying with such terms and conditions as may be determined by the Registrar.

(3) Only a subscriber to the service provided under subsection (1) may electronically file or lodge documents with the Registrar.

(4) A document electronically filed or lodged under this section shall be deemed to have satisfied the requirement for filing or lodgement if the document is communicated or transmitted to the Registrar in such manner as may be prescribed by rules or approved by the Registrar.

(5) The Registrar may, by order published in the *Gazette*, prescribe the documents that may be electronically filed or lodged.

(6) A document that is required to be stamped, signed or sealed shall, if it is to be electronically filed or lodged, be certified or authenticated in such manner as may be prescribed by rules or approved by the Registrar.

(7) A copy or an extract from any document electronically filed or lodged with the Registrar under subsection (1) supplied or issued by the Registrar and certified under the hand of the Registrar to be a true copy of or extract from such document shall be admissible in evidence in any proceedings as of equal validity as the original document.

(8) Where a document is electronically filed or lodged with the Registrar, the Registrar or the Registrar's authorized agents shall not be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or however arising appearing in any document obtained by any person under the service referred to in subsection (1) if such error or omission was made in good faith and in the ordinary course of the discharge of the duties of the Registrar or of the Registrar's authorized agents or occurred

or arose as a result of any defect or breakdown in the service or in the equipment used for the provision of the service.

Repeal

23. The Registration and Licensing of Businesses Ordinance 1953 [*Ord. 12 of 1953*] is hereby repealed.

SCHEDULE

[Section 2]

1. Any person who goes from place to place or to other persons' houses carrying to sell or exposing for sale any food, drink, goods, wears or merchandise of any kind whatsoever or selling or offering for sale or hire his skill in handicraft or craftsmanship and any person who sells or exposes for sale by retail only any food, drink, goods, wears or merchandise of any kind whatsoever, except a person who carries on such an occupation in or from—

- (a) any building or structure;
- (b) a mechanically propelled vehicle having three or more wheels; or
- (c) a stall required to be licensed under any written law.

2. Any person who is (not being a person who otherwise carries on a business within the meaning of this Act)—

- (a) at a weekly or other similar fair on not more than two consecutive days in any week;
or
- (b) at any Malay fair or fair of a similar type established, promoted or aided by a co-operative society,

sells or exposes for sale by retail only any food, drink, goods, wears or merchandise grown, prepared, manufactured or processed solely in the Federation.

3. Any of the following persons, provided that they are actively and personally engaged for their own account and for the purpose of gaining their own livelihood:

- (1) fishermen and breeders of fish in fish ponds;
- (2) woodcutters and charcoal burners;
- (3) rearers of poultry and livestock;
- (4) (i) cultivators of any of the following crops:
 - (a) rubber;
 - (b) rice (padi);
 - (c) coconut or oil palms;
 - (d) fruit, flowers or vegetables;
- (ii) persons engaged in any other agricultural, forestall or rural occupation approved by the Registrar:

Provided that in the case of any person claiming exemption from the provisions of this Act the area held, occupied or cultivated does not in the aggregate exceed 25 acres and the number of persons employed by the person claiming exemption from the provisions of this Act does not exceed five at any time during the period to which such claim for exemption relates.

- 4.** Any craftsman (not being a person exercising a profession as described in paragraph 4(d) or a person who before exercising his craft for the purposes of gain is required to register with or obtain a permit or licence from some authority controlling the exercise of such craft) who—
- (a) exercises his craft on his own domestic premises;
 - (b) does not display the products of his craftsmanship for sale in public; and
 - (c) does not employ any person other than members of his own household for the purpose of his cr
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LAWS OF MALAYSIA

Act 197

REGISTRATION OF BUSINESSES ACT 1956

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 332 of 1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
Act 125	Companies Act 1965	15-04-1966
Act 4 of 1967	Finance Act 1967	01-01-1967
Act 76 of 1967	Registration of Businesses (Amendment) Act 1967	01-01-1968
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 121/1996	Federal Territory of Labuan (Extension and Modification of Registration of Businesses Act) Order 1996	15-03-1996
Act A1119	Registration of Businesses (Amendment) Act 2001	16-04-2002
P.U. (A) 117/2003	Revision of Laws (Rectification of Registration of Businesses Act 1956) Order 2003	25-04-2003
Act A1476	Registration of Businesses (Amendment) Act 2015	31-01-2017

LAWS OF MALAYSIA

Act 197

REGISTRATION OF BUSINESSES ACT 1956

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	L.N 332/1958	13-11-1958
	Act 76/1967	01-01-1968
	Act A1119	16-04-2002
	Act A1476	31-01-2017
3	L.N 332/1958	13-11-1958
	Act 76/1967	01-01-1968
	Act A1119	16-04-2002
	Act A1476	31-01-2017
Part II	Act A1119	16-04-2002
4	Act A125	15-04-1966
	Act 160	29-08-1975
	Act A1119	16-04-2002
5	Act 4/1967	01-01-1967
	Act 76/1967	01-01-1968
	Act A1119	16-04-2002
5A	Act A1119	16-04-2002
5B	Act A1119	16-04-2002
5C	Act A1119	16-04-2002
5D	Act A1119	16-04-2002
5E	Act A1119	16-04-2002
5F	Act A1119	16-04-2002

Section	Amending authority	In force from
6	Act 76/1967	01-01-1968
9	Act A1119 Act A1476	16-04-2002 31-01-2007
10	Act A1119 Act A1476	16-04-2002 31-01-2017
11	Act A1119	16-04-2002
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12	Act 4/1967 Act 76/1967 Act 160 Act A1119	01-01-1967 01-01-1968 29-08-1975 16-04-2002
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13	L.N 332/1958 Act 76/1967 Act A1119	13-11-1958 01-01-1968 16-04-2002
14	L.N. 332/1958 Act 76/1967 Act A1119 Act A1476	13-11-1958 01-01-1968 16-04-2002 31-01-2017
18	L.N 332/1958 Act A1119	13-11-1958 16-04-2002
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19	L.N 332/1958 Act A1119	13-11-1958 16-04-2002
20	L.N 332/1958	13-11-1958
21	L.N 332/1958	13-11-1958
22	Act A1119	16-04-2002
22A	Act A1119	16-04-2002
Schedule	Act 4/1967	01-01-1967
