

FEDERAL CONSTITUTION

NINTH SCHEDULE

[Articles 74, 77]

The Ninth Schedule to the Federal Constitution sets out the Federal and State Lists containing the subjects on which the Federal and State Governments can legislate. In addition, there is a Concurrent List of subjects on which both the Federal and State Governments can legislate. These lists are reproduced as follows:

List I-Federal List

1. External affairs, including –
 - (a) Treaties, agreements and conventions with other countries and all matters which bring the Federation into relations with any other country;
 - (b) Implementations of treaties, agreements and conventions with other countries;
 - (c) Diplomatic, consular and trade representation;
 - (d) International organizations; participation in international bodies and implementation of decisions taken thereat;
 - (e) Extradition; fugitive offenders; admission into, and emigration and expulsion from, the Federation;
 - (f) Passports; visas; permits of entry or other certificates; quarantine;
 - (g) Foreign and extra-territorial jurisdiction; and
 - (h) Pilgrimages to places outside Malaysia.

2. Defence of the Federation or any part thereof, including –
 - (a) Naval, military and air forces and other armed forces;

- (b) Any armed forces attached to or operating with any of the armed forces of the Federation; visiting forces;
 - (c) Defence works; military and protected areas; naval, military and air force bases; barracks, aerodromes and other works;
 - (d) Manoeuvres;
 - (e) War and peace; alien enemies and enemy aliens; enemy property; trading with an enemy; war damage; war risk insurance;
 - (f) Arms, fire-arms, ammunition and explosives;
 - (g) National service; and
 - (h) Civil defence.
3. Internal security, including –
- (a) Police; criminal investigation; registration of criminals; public order;
 - (b) Prisons; reformatories; remand homes; places of detention; probation of offenders; juvenile offenders;
 - (c) Preventive detention; restriction of residence;
 - (d) Intelligence services; and
 - (e) National registration.
4. Civil and criminal law and procedure and the administration of justice, including –
- (a) Constitution and organization of all courts other than Syariah Courts;
 - (b) Jurisdiction and powers of all such courts;
 - (c) Remuneration and other privileges of the judges and officers presiding over such courts;
 - (d) Persons entitled to practice before such courts;

- (e) Subject to paragraph (ii), the following:
 - (i) Contract; partnership, agency and other special contracts; master and servant; inns and inn-keepers; actionable wrongs; property and its transfer and hypothecation, except land; *bona vacantia*; equity and trusts; marriage, divorce and legitimacy; married women's property and status; interpretation of federal law; negotiable instruments; statutory declarations; arbitration; mercantile law; registration of businesses and business names; age of majority; infants and minors; adoption; succession, testate and intestate; probate and letters of administration; bankruptcy and insolvency; oaths and affirmations; limitation; reciprocal enforcement of judgments and orders; the law of evidence;
 - (ii) the matters mentioned in paragraph (i) do not include Islamic personal law relating to marriage, divorce, guardianship, maintenance, adoption, legitimacy, family law, gifts or succession, testate and intestate;
 - (f) Official secrets; corrupt practices;
 - (g) Use or exhibition of coats of arms, armorial bearings, flags, emblems, uniforms, orders and decorations other than those of a State;
 - (h) Creation of offences in respect of any of the matters included in the Federal List or dealt with by federal law;
 - (i) Indemnity in respect of any of the matters in the Federal List or dealt with by federal law;
 - (j) Admiralty Jurisdiction;
 - (k) Ascertainment of Islamic law and other personal laws for purposes of federal law; and
 - (l) Betting and lotteries.
5. Federal citizenship and naturalization; aliens.

6. The machinery of government, subject to the State List, but including –
- (a) Elections to both Houses of Parliament and the Legislative Assemblies of the States and all matters connected therewith;
 - (b) The Armed Forces Council and the Commissions to which Part X applies;
 - (c) Federal services including the establishment of services common to the Federation and the States; services common to two or more States;
 - (d) Pensions and compensation for loss of office; gratuities and conditions of service;
 - (e) Government and administration of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya including Islamic law therein to the same extent as provided in item 1 in the State List and in respect of the Federal Territory of Labuan, native law and custom to the same extent as provided in item 13 of the Supplement to State List for States of Sabah and Sarawak;
 - (f) Federal Government contracts;
 - (g) Federal public authorities; and
 - (h) Purchase, acquisition and holding of, and dealing with, property for federal purposes.
7. Finance, including –
- (a) Currency, legal tender and coinage;
 - (b) National savings and savings banks;
 - (c) Borrowing on the security of the Federal Consolidated Fund;
 - (d) Loans to or borrowing by the States, public authorities and private enterprise;
 - (e) Public debt of the Federation;
 - (f) Financial and accounting procedure, including procedure for the collection, custody and payment of the public moneys of the Federation and of the

States, and the purchase, custody and disposal of public property other than land of the Federation and of the States;

- (g) Audit and accounts of the Federation and the States and other public authorities;
- (h) Taxes; rates in the federal capital;
- (i) Fees in respect of any of the matters in the Federal List or dealt with by federal law;
- (j) Banking; money-lending; pawnbrokers; control of credit;
- (k) Bills of exchange, cheques, promissory notes and other similar instruments;
- (l) Foreign exchange; and
- (m) Capital issues, stock and commodity exchanges.

8. Trade, commerce and industry, including –

- (a) Production, supply and distribution of goods; price control and food control; adulteration of foodstuffs and other goods;
- (b) Imports into, and exports from, the Federation;
- (c) Incorporation, regulation and winding up of corporations other than municipal corporations (but including the municipal corporation of the federal capital); regulation of foreign corporations; bounties on production in or export from the Federation;
- (d) Insurance, including compulsory insurance;
- (e) Patents; designs; inventions; trade marks and mercantile marks; copyrights;
- (f) Establishment of standards of weights and measures;
- (g) Establishment of standards of quality of goods manufactured in or exported from the Federation;
- (h) Auctions and auctioneers;

- (i) Industries; regulations of industrial undertakings;
 - (j) Subject to item 2 (c) in the State List: Development of mineral resources; mines, mining, minerals and mineral ores; oils and oilfields; purchase, sale, import and export of minerals and mineral ores; petroleum products; regulation of labour and safety in mines and oilfields;
 - (k) Factories; boilers and machinery; dangerous trades; and
 - (l) Dangerous and inflammable substances.
- 9.** Shipping, navigation and fisheries, including –
- (a) Shipping and navigation on the high seas and in tidal and inland waters;
 - (b) Ports and harbours; foreshores;
 - (c) Lighthouses and other provisions for the safety of navigation;
 - (d) Maritime and estuarine fishing and fisheries, excluding turtles;
 - (e) Light dues; and
 - (f) Wrecks and salvage.
- 10.** Communications and transport, including –
- (a) Roads, bridges, ferries and other means of communication if declared to be federal by or under federal law;
 - (b) Railways, excluding Penang Hill Railway;
 - (c) Airways, aircraft and air navigation; civil aerodromes; provisions for the safety of aircraft;
 - (d) Regulation of traffic by land, water and air other than on rivers outside harbour areas wholly within one State;
 - (e) Carriage of passengers and goods by land, water and air;
 - (f) Mechanically propelled vehicles;

- (g) Posts and telecommunications; and
 - (h) Wireless, broadcasting and television.
- 11.** Federal works and power, including –
- (a) Public works for federal purposes;
 - (b) Water supplies, rivers and canals, except those wholly within one State or regulated by an agreement between all the States concerned; production, distribution and supply of water power; and
 - (c) Electricity; gas and gas works; and works for the production and distribution of power and energy.
- 12.** Surveys, inquiries and research, including –
- (a) Census; registration of births and deaths; registration of marriages; registration of adoptions other than adoption under Islamic law or Malay custom;
 - (b) Survey of the Federation; social, economic and scientific surveys; meteorological organizations;
 - (c) Scientific and technical research; and
 - (d) Commissions of inquiry.
- 13.** Education, including –
- (a) Elementary, secondary, and university education; vocational and technical education; training of teachers; registration and control of teachers, managers and schools; promotion of special studies and research; scientific and literary societies;
 - (b) Libraries; museums; ancient and historical monuments and records; archaeological sites and remains.

14. Medicine and health including sanitation in the federal capital, and including –
 - (a) Hospitals, clinics and dispensaries; medical profession; maternity and child welfare; lepers and leper institutions;
 - (b) Lunacy and mental deficiency, including places for reception and treatment;
 - (c) Poisons and dangerous drugs; and
 - (d) Intoxicating drugs and liquors; manufacture and sale of drugs.
15. Labour and social security, including –
 - (a) Trade unions; industrial and labour disputes; welfare of labour including housing of labourers by employers; employer's liability and workmen's compensation;
 - (b) Unemployment insurance; health insurance; widow's, orphans' and old age pensions; maternity benefit; provident and benevolent fund; superannuation; and
 - (c) Charities and charitable institutions; charitable trusts and trustees excluding Wakafs; Hindu endowments.
16. Welfare of the aborigines.
17. Professional occupations other than those specifically enumerated.
18. Holidays other than State holidays; standard of time.
19. Unincorporated societies.
20. Control of agricultural pests; protection against such pests; prevention of plant diseases.
21. Newspaper; publications; publishers; printing and printing presses.
22. Censorship.

23. Subject to item 5 (f) of the State List; theatres; cinemas; cinematograph films; places of public amusement.
24. *(Repealed)*.
25. Co-operative societies.
- 25A. Tourism.
26. Subject to item 9A of the Concurrent List, prevention and extinguishment of fire, including fire services and fire brigades.
27. All matters relating to the Federal Territories, including the matters enumerated in items 2, 3 4 and 5 of the State List and in the case of Federal Territory of Labuan, the matters enumerated in items 15, 16 and 17 of the Supplement to State List for States of Sabah and Sarawak.

List II - State List

1. Except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, Islamic law and personal and family law of persons professing the religion of Islam, including the Islamic law relating to succession, testate and intestate, betrothal, marriage, divorce, dower, maintenance, adoption, legitimacy, guardianship, gifts, partitions and non-charitable trusts; Wakafs and the definition and regulation of charitable and religious trusts, the appointment of trustees and the incorporation of persons in respect of Islamic religious and charitable endowments, institutions, trusts, charities and charitable institutions operating wholly within the State; Malay customs; Zakat, Fitrah and Baitulmal or similar Islamic religious revenue; mosques or any Islamic public places of worship, creation and punishment of offences by persons professing the religion of Islam against precepts of that religion, except in regard to matters included in the Federal List; the constitution, organization and procedure of Syariah courts, which shall have jurisdiction only over persons professing the religion of Islam and in respect only of any of the matters included in this paragraph, but shall not have jurisdiction in respect of offences except in so far as conferred by federal law, the control of propagating doctrines and beliefs among

persons professing the religion of Islam; the determination of matters of Islamic law and doctrine and Malay custom.

2. Except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, land including –
 - (a) Land tenure, relation of landlord and tenant; registration of titles and deeds relating to land; colonization, land improvement and soil conservation; rent restriction;
 - (b) Malay reservations or, in the States of Sabah and Sarawak, native reservations;
 - (c) Permits and licences for prospecting for mines; mining leases and certificates;
 - (d) Compulsory acquisition of land;
 - (e) Transfer of land, mortgages, leases and charges in respect of land; easements; and
 - (f) Escheat, treasure trove excluding antiquities.
3. Except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya agriculture and forestry, including –
 - (a) Agriculture and agricultural loans; and
 - (b) Forests.
4. Local government outside the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, including –
 - (a) Local administration; municipal corporations; local, town and rural board and other local authorities; local government services, local rates, local government elections;
 - (b) Obnoxious trades and public nuisances in local authority areas; and
 - (c) *(Repealed)*.

5. Except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, other services of a local character, that is to say:
 - (a) *(Repealed)*;
 - (b) Boarding houses and lodging houses;
 - (c) Burial and cremation grounds;
 - (d) Pounds and cattle trespass;
 - (e) Markets and fairs; and
 - (f) Licensing of theatres, cinemas and places of public amusement.

6. State works and water, that is to say:
 - (a) Public works for State purposes;
 - (b) Roads, bridges and ferries other than those in the Federal List, regulation of weight and speed of vehicles on such roads; and
 - (c) Subject to the Federal List, water (including rivers and canals but excluding water supplies and services); control of silt; riparian rights.

7. Machinery of the State Government, subject to the Federal List, but including –
 - (a) Civil List and State pensions;
 - (b) Exclusive State services;
 - (c) Borrowing on the security of the State Consolidated Fund;
 - (d) Loans for State purposes;
 - (e) Public debt of the State; and
 - (f) Fees in respect of any of the matters included in the State List or dealt with by State law.

8. State holidays.

9. Creation of offences in respect of any of the matters included in the State List or dealt with by State law, proofs of State law and of things done thereunder, and proof of any matter for purposes of State law.
10. Inquiries for State purposes, including commissions of inquiry and collection of statistics with respect to any of the matters included in the State List or dealt with by State law.
11. Indemnity in respect of any of the matters in the State List or dealt with by State law.
12. Turtles and riverine fishing.
- 12A. Libraries, museums, ancient and historical monuments and records and archaeological sites and remains, other than those declared to be federal by or under federal law.

***List IIA – Supplement to State List for States of
Sabah and Sarawak***

[Article 95B(1)(a)]

13. Native law and custom, including the personal law relating to marriage, divorce, guardianship, maintenance, adoption, legitimacy, family law, gifts or succession, testate or intestate; registration of adoptions under native law or custom; the determination of matters of native law or custom; the constitution, organization, and procedure of native courts (including the right of audience in such courts), and the jurisdiction and powers of such courts, which shall extend only to the matters included in this paragraph and shall not include jurisdiction in respect of offences except in so far as conferred by federal law.
14. Incorporation of authorities and other bodies set up by State law, if incorporated directly by State law, and regulation and winding up of corporations so created.

15. Ports and harbours, other than those declared to be federal by or under federal law; regulation of traffic by water in ports and harbours or on rivers wholly within the State, except traffic in federal ports or harbours; foreshores.
16. Cadastral land surveys.
17. *(Repealed)*.
18. In Sabah, the Sabah Railway.
19. *(Repealed)*.
20. Subject to the Federal List, water supplies and services.

Lists IIB – (Repealed)

List III - Concurrent List

1. Social welfare; social services subject to Lists I and II; protection of women, children and young persons.
2. Scholarships.
3. Protection of wild animals and wild birds; National Parks.
4. Animal husbandry; prevention of cruelty to animals; veterinary services; animal quarantine.
5. Town and country planning, except in the federal capital.
6. Vagrancy and itinerant hawkers.
7. Public health, sanitation (excluding sanitation in the federal capital) and the prevention of diseases.

8. Drainage and irrigation.
9. Rehabilitation of mining land and land which has suffered soil erosion.
- 9A. Fire safety measures and fire precautions in the construction and maintenance of buildings.
- 9B. Culture and sports.
- 9C. Housing and provisions for housing accommodation; improvement trusts.
- 9D. Subject to the Federal List, water supplies and services.
- 9E. Preservation of heritage.

**List IIIA – Supplement to Concurrent List for States of
Sabah and Sarawak**

[Article 95B(1)(b)]

10. Personal law relating to marriage, divorce, guardianship, maintenance, adoption, legitimacy, family law, gifts or succession, testate or intestate.
11. Adulteration of foodstuffs and other goods.
12. Shipping under fifteen registered tons, including the carriage of passengers and goods by such shipping; maritime and estuarine fishing and fisheries.
13. The production, distribution and supply of water power and of electricity generated by water power.
14. Agricultural and forestry research, control of agricultural pests, and protection against such pests; prevention of plant diseases.
15. Charities and charitable trusts and institutions in the State (that is to say, operating wholly within, or created and operating in, the State) and their trustees, including

the incorporation thereof and the regulation and winding up of incorporated charities and charitable institution in the State.

16. Theatres; cinemas; cinematograph films; places of public amusement.
17. Elections to the State Assembly held during the period of indirect elections.
18. In Sabah and until the end of the year 1970 (but not in Sarawak), medicine and health, including the matters specified in items 14 (a) to (b) of the Federal List.

List IIIB - (Repealed)