

STATE OF SABAH

I assent,

TUN DATUK SERI PENGLIMA HAJI AHMADSHAH BIN ABDULLAH,
Yang di-Pertua Negeri.

17th DECEMBER, 2007.

No. 7 of 2007

An Enactment to provide for the creation, acquisition, custody, preservation, use and management of public records and public archives; and for other matters connected therewith.

ENACTED by the Legislature of the State of Sabah as follows:

PART I PRELIMINARY

Short title, application and commencement

1. (1) This Enactment may be cited as the Sabah State Records and Archives Enactment 2007.

(2) This Enactment shall apply throughout the State of Sabah in respect of public records and public archives of the State of Sabah which come into existence before, on or after Malaysia Day.

(3) This Enactment comes into operation on the date of its publication in the *Gazette*. [27.12.07]

(4) Except as otherwise expressly provided by this Enactment, the provisions of this Enactment do not affect any provision relating to records made by or under any other written law.

Interpretation

2. (1) In this Enactment, unless the context otherwise requires –

“acquisition” means to acquire by way of transfer, purchase, donation, bequest, gift or otherwise;

“Agency Record Unit” means an agency record unit operated by any public office in which semi-current records of the Government of the State of Sabah are stored, maintained and preserved;

“archives officer” means an officer of the State Records and Archives who performs the duties of management of records and archives administration;

“archival value” means being of permanent and enduring national or historical value or both;

“archival” means records which are preserved for their archival value;

“Board” means the Advisory Board established under section 10;

“classified records” means public records which are classified as official secret within the meaning of the Official Secrets Act 1972 [Act 88];

“concluded”, in relation to a public record, means no further action is required to be taken on that record;

“destruction” means the act of destroying or eliminating any type of records by any means;

“Director” means the Director of the State Records and Archives;

“disposal” means the manner of managing the segregation of records with a view to destruction, transfer or otherwise;

“enlargement” means a reproduction larger than the original record or the interim which is used to make the reproduction;

“Government enterprise” means any enterprise the capital of which wholly or partially originates from the Government of the State of Sabah;

“memorial archives” means an institution operated by the State Records and Archives to house, conserve and exhibit any historical materials to commemorate an event or a person or other aspects of history and the archives therein;

“microfilm recording” means a reproduction of a record on film or other materials which is a product of photography or any similar process;

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

“ministerial archives” means an institution operated by the State Records and Archives to house, conserve and exhibit records of any minister of the Government of the State of Sabah;

“non-current records” means records no longer used for the conduct of current business of a public office;

“photographic copy” means any copy of a record made by reprography;

“preservation” means the totality of processes and operations involved in the physical protection of public records and archives against damage or deterioration and in the restoration or repair of such records and archives;

“private records” means records of individuals and records of any non-governmental agencies, institutions, organizations, or associations in the State of Sabah;

“public archives” means –

(a) public records –

- (i) which are more than twenty years old;
- (ii) which are specified by the Director as being of archival value; or
- (iii) which have been transferred to the State Records and Archives or such other place as the Director may from time to time direct; and

- (b) any private records or other material which are specified by the Director as being of archival value acquired for the State Records and Archives by the Director;

“public office” means an office of the Government of the State of Sabah or an office of any local authority, statutory authority or Government enterprise;

“public records” means records officially received or produced by any public office for the conduct of its affairs or by any public officer or employee of a public office in the course of his official duties and includes the records of any Government enterprise and also includes all records which, on the coming into operation of this Enactment, are in the custody or under the control of the State Archives established under the State Archives Enactment 1980 [*Enactment No. 9 Of 1980*];

“records” means materials in written or other form setting out facts or events or otherwise recording information and includes papers, documents, registers, printed materials, books, maps, plans, drawings, photographs, microfilms, cinematograph film, sounds recordings, electronically produced records regardless of physical form or characteristics and any copy thereof;

“Record Centre” means a repository operated by the State Records and Archives for the purpose of storing, processing and servicing non-current records pending their ultimate disposal;

“reproduction” means an exact copy of a record in content and form but not necessarily in size and appearance;

“State Records and Archives” means the Sabah State Records and Archives established under section 4;

“statutory authority” means any statutory body incorporated by any written law for the purpose of the Government of the State of Sabah;

“Yang di-Pertua Negeri archives” means an institution operated by the State Records and Archives to house, conserve and exhibit records of Yang di-Pertua Negeri of Sabah and includes the previous Yang di-Pertua Negeri, Yang di-Pertua Negara and Governors.

(2) For the purpose of this Enactment, records shall be treated as being in the custody or under the control of the State Records and Archives if the records are in its possession by virtue of sections 27, 28, 29 and 30 or if the State Records and Archives has power to give directions as to their custody.

(3) Where records which are created at different dates are for administrative purposes kept together in one file or other assembly, all the records in that file or other assembly shall be treated for the purposes of this Enactment as having been created when the latest of those records was created.

Status of state records and archives

3. (1) All archives which are in the custody or under the control of the State Records and Archives on or after the coming into operation of this Enactment are state archives.

(2) All public records in the custody or under the control of a public office on or after the coming into operation of this Enactment are state public records.

PART II ESTABLISHMENT OF SABAH STATE RECORDS AND ARCHIVES

Establishment of Sabah State Records and Archives

4. There shall be established a Sabah State Records and Archives for the purpose of providing guidelines in the creation, use and maintenance, acquisition, storage and preservation of records and providing facilities for reference, research or other purposes.

Director and officers

5. (1) There shall be a Director for the purpose of carrying out the powers and functions assigned to the Director under this Enactment.

(2) The Director shall have an official seal for the authentication of public archives required for the purpose of his powers and functions under this Enactment.

(3) There shall be such officers as are necessary to assist the Director in the performance of his functions and the exercise of his powers under this Enactment.

(4) All officers shall be subject to the supervision, direction and control of the Director.

Function of the Director

6. The functions of the Director are as follows:

- (a) to examine records which are in the custody or under the control of a public office, to identify records which are of archival value and to advise on the creation, maintenance, storage, use and disposal of such records;
- (b) to take suitable measures in preserving any records which are in the custody or under the control of the State Records and Archives;
- (c) to acquire records and materials which in the opinion of the Director are or are likely to be of archival value;
- (d) to establish, maintain and operate Record Centres;
- (e) to establish, maintain and operate the Yang di-Pertua Negeri archives, ministerial archives and memorial archives;
- (f) to destroy or otherwise dispose of or to authorize the destruction or disposal of public records;
- (g) to advise public offices on the establishment of Agency Record Units;
- (h) to advise public offices in the planning, implementation and evaluation of their records management programmes;
- (i) to establish standards and procedures for the improvement of public records and archives management programmes;
- (j) to provide training in management of public records and archives administration;
- (k) to arrange, classify and preserve public archives;
- (l) to establish and maintain registers of public records and public archives;
- (m) to prepare guides, lists, indexes and other finding aids of public archives;

- (n) to determine access and usage of public archives;
- (o) to provide facilities for research and reference;
- (p) subject to the terms and conditions on which they are obtained, and subject to the law relating to copyright, to reproduce or publish any public archives or any part of the public archives;
- (q) to do any such things which appear necessary or expedient to enable adequate use to be made of public archives;
- (r) to identify and make copies of vital records which are essential to the continued functioning or reconstruction of an organization during and after an emergency and also those records essential to the protection of rights and interests of that organization and of the individuals directly affected by its activities;
- (s) to authenticate copies or extracts of public archives;
- (t) to gather and disseminate historical information;
- (u) to establish a working relationship with any organization relating to public archives;
- (v) to conduct oral history interviews and recordings, and produce transcripts of selected interviews;
- (w) to prepare, publish, sell or distribute publications concerning or relating to public archives, or concerning the activities of and facilities provided by the State Records and Archives;
- (x) to promote public awareness activities on aspects pertaining to records management and archives administration through exhibitions, audio-visual educational packages, and other educational programmes; and
- (y) to do all such things as may be incidental to or consequential upon the discharge of his powers and functions.

Power to review

7. (1) The Director shall from time to time review or cause to be reviewed any classified records which are in the custody or under the control of the State Records and Archives.

(2) For the purpose of subsection (1) and subject to subsection (3), the Director shall have the power to inspect and advise on the contents of any classified records and to reclassify or declassify those classified records which are in the custody or under the control of the State Records and Archives.

(3) The review, reclassification or declassification of any classified records shall be carried out in accordance with the Official Secrets Act 1972 [Act 88].

Power to delegate

8. (1) The Director may, in writing, delegate any of his functions under this Enactment, subject to such conditions, limitations or restrictions as he thinks fit, to a person or class of persons and the person or class of persons to whom those functions are delegated may perform those functions in the same manner and the same effect as if those functions had been conferred on him or them under this Enactment.

(2) A person purporting to act pursuant to a delegation made 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) A delegation made under this section may at any time be revoked by the Director.

(4) A delegation made under this section shall not prevent the Director from carrying out the duty or function so delegated.

Appointment of Resource Persons

9. (1) The Director may, from time to time, as and when necessary, appoint any person who possesses the ability or expertise to carry out historical research and documentation work to be a Resource Person.

(2) The term of appointment of a Resource Person shall be for such period as the Director may determine at the time of his appointment.

- (3) The functions of a Resource Person are as follows:
- (a) to assist in documentation work;
 - (b) to identify, ascertain and otherwise confirm information or facts with respect to the history of Sabah;
 - (c) to conduct research for the purpose of, and compile and produce, historical publications; and
 - (d) to assist in any activities relating to records and archives carried out by the State Records and Archives.

PART III
ADVISORY BOARD

Establishment of Board

10. There shall be established an Advisory Board for the purpose of advising the Director in the performance of his functions and the exercise of his powers under this Enactment.

Functions of Board

11. The functions of the Board are as follows:
- (a) to advise the Director on such matters as the Director may from time to time refer to it; and
 - (b) to advise the Director on such matters as the Board may think fit.

Authority to depart from advice of Board

12. Notwithstanding section 11, the Director may, after consultation with the Minister, depart from the advice given by the Board, but if the Director does so -

- (a) he shall record fully in writing, for inclusion in the minutes of the earliest meeting of the Board after the making of that decision, the reason for his decision; and

- (b) it shall be competent for any member of the Board to require that there shall be recorded in the minutes of the earliest meeting of the Board after the making of that decision, any advice or opinion that the member may have given upon the question in dispute and the reasons.

Membership of the Board

13. (1) The Board shall consist of the following members:

- (a) a Chairman, to be appointed by the Minister;
- (b) the Director; and
- (c) not less than four but not more than ten other members, to be appointed by the Minister.

(2) Members of the Board other than the Director shall be appointed according to their areas of competence and specialization and, subject to sections 15 and 16, hold office subject to such terms and conditions as the Minister may determine.

Secretary

14. There shall be a Secretary to the Board who shall be appointed from amongst officers of the State Records and Archives.

Tenure of office

15. Subject to section 16, a member of the Board other than the Director shall, unless he sooner resigns or his appointment is sooner revoked, hold office for a period not exceeding three years and shall be eligible for reappointment.

Revocation of appointment and resignation of members

16. (1) The appointment of a member of the Board other than the Director may at any time be revoked by the Minister.

(2) A member of the Board other than the Director may at any time resign his office by giving fourteen days' written notice addressed to the Minister.

Vacation of office

17. The office of a member of the Board other than the Director shall be vacated if -
- (a) he dies;
 - (b) there has been proved against him, or he has been convicted of, a charge in respect of –
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
 - (c) he becomes bankrupt;
 - (d) he is of unsound mind or is otherwise incapable of discharging his duties;
 - (e) he absents himself from three consecutive meetings of the Board without leave of the Chairman;
 - (f) his resignation is accepted by the Minister; or
 - (g) his appointment is revoked by the Minister.

Filling of vacancies

18. Where a member other than the Director ceases to be a member of the Board, the Minister may appoint another person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

Remuneration or allowance

19. Members of the Board and any other person who is invited to attend a meeting or deliberation of the Board under section 21 may be paid such remuneration or allowance as the Minister may, after consultation with the Minister of Finance, determine.

Meetings of Board

20. (1) The Board shall meet as often as may be necessary in a year for the performance of its functions.

(2) The Chairman shall preside at all meetings of the Board.

(3) A meeting of the Board shall be convened by the Chairman by notice in writing to the other members and the meeting shall be held at the time and place specified in the notice.

(4) The quorum of the Board shall be six.

(5) The decision of the Board shall be by majority vote, and where there is an equality of votes, the Chairman shall have the deciding vote.

Board may invite others to meetings

21. The Board may invite any person who is not a member of the Board to attend any meeting or deliberation of the Board for the purpose of advising it on any matter under discussion but such person shall have no right to vote at the meeting or deliberation.

Minutes

22. (1) The Board shall cause minutes of all its meeting to be maintained and kept in a proper form.

(2) Any minutes made of meetings of the Board shall, if duly signed by the Chairman, be admissible as evidence of the facts state therein in any legal proceeding without further proof and every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

Procedure

23. Subject to this Enactment, the Board shall determine its own procedure.

PART IV
MANAGEMENT OF RECORDS

Prohibition against destruction of public records

24. (1) Notwithstanding any written law to the contrary, no person shall, except with the prior written consent of the Director, destroy or authorize the destruction of any public records which are in the custody or under the control of that person.

(2) A person intending to destroy or authorize the destruction of any public records shall -

- (a) notify the Director in the prescribed form of the intention to do so; and
- (b) in such notification, specify the nature of the public records in question.

(3) The Director may require any public records specified in a notification under subsection (2) to be made available to him for his inspection and he may inspect such records.

(4) The Director may, in accordance with section 25, consent to the destruction of the public records specified in the notification under subsection (2).

(5) Any person who contravenes subsection (1) and (2) or who fails to make available any public records as required by the Director under subsection (3) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Disposal of public records

25. The Director may authorize the disposal of any public records or classes of public records which -

- (a) by reason of their number, kind or routine nature, do not in his opinion possess any archival value;
- (b) are not required for reference purposes in any public office after –
 - (i) action on public records are completed;

- (ii) the expiration of such period as may be agreed upon between the Director and the administrative head of that public office; or
- (c) their physical condition does not permit their continued preservation.

Records disposal schedule

26. (1) The administrative head of a public office shall prepare and submit a record disposal schedule in the prescribed form for the disposal of public records to the Director for his approval.

(2) The Director may approve the record disposal schedule submitted under subsection (1) and, in approving any such schedule, may impose any requirement or condition as he thinks fit.

(3) For the purpose of this section, "records disposal schedule" means a schedule identifying those records of archival value to be preserved and authorizing the destruction of the remaining records after the lapse of specified retention periods.

Transfer of public records to State Records and Archives

27. (1) Subject to subsection (2), the following public records which are under the custody or under the control of a public office shall be transferred by the administrative head of a public office to the custody and control of the State Records and Archives:

- (a) any public records which have been concluded for a period of more than ten years;
- (b) any electronically produced records; and
- (c) any non-current public records which in the opinion of the Director are of archival value.

(2) Any public records referred to in paragraphs (1) (a) and (b) shall be appraised before it is transferred to the custody and control of the State Records and Archives.

(3) The Director may examine any public records before they are transferred to the custody and control of the State Records and Archives.

(4) The Director may defer the transfer of any public records if he is satisfied that by reason of the nature of the public records concerned, the immediate transfer of the public records prejudice the administration of any public office or would be contrary to public interest.

(5) Nothing in this section shall be deemed to authorize the transfer of classified records unless it has been declassified.

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

(7) For the purpose of this section, "appraise" means the act and process of determining the length of time for which the value of record will continue and its disposition based upon archival value, their arrangement and relationship to other records.

Public records to be surrendered on demand

28. (1) A person who, not being a public officer with special permission to keep and handle records in the course of his official duties, is in possession of any public records which –

- (a) are more than twenty years old; or
- (b) non-current public records which in the opinion of the Director are or likely to be of archival value,

shall, on demand by the Director or an archives officer, surrender the public records to the custody and control of the State Records and Archives.

(2) The public records the surrender of which is demanded under subsection (1) need not be surrendered if the administrative head of the public officer or the head of the Government enterprise has permitted the person referred to in that subsection to retain possession of the record.

(3) Any person who, without the permission referred to in subsection (2), fails to surrender public records as required under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(4) This section shall apply to all public records regardless whether they were taken possession of before or after the coming into operation of this Enactment.

Custody and control of public records of a defunct public office

29. (1) The State Records and Archives shall, unless expressly provided otherwise by any written law, have the custody of or control over all public records of a defunct public office.

(2) Section 7 shall apply for the purpose of reviewing classified records of a defunct public office.

(3) For the purpose of this section, “defunct public office” means a public office no longer in operation and there is no successor to its duties and functions.

Acquisition of private records

30. The Director may acquire any private records which in his opinion is or is likely to be of archival value.

Deposit of records

31. (1) All records required under this Enactment to be transferred or surrendered to, or to be deposited with the State Records and Archives, shall be deposited in the State Records and Archives or at any other place as the Director may direct.

(2) In any case in which records of any description are deposited with the State Records and Archives pursuant to this Enactment, the Director shall receive and retain the records in the manner and for the purposes directed by this Enactment, and shall make such notes or endorsements on, and give such acknowledgements in respect of, the records as may be necessary.

Establishment of Records Centres and Agency Record Units

32. (1) The Director may establish, maintain and operate Record Centres.

(2) A Record Centre shall be responsible for the storage, processing and servicing of non-current records.

(3) The Director may advise and authorize the establishment of Agency Record Units to be operated by public offices for the purpose of storing and maintaining semi-current records.

(4) For the purpose of this section, "semi-current records" mean records which are not frequently required in the conduct of current business in the public offices.

Return of public records

33. (1) The Director shall, at the request in writing of the administrative head of a public office, return to that public office any public records transferred from that public office for such period as may be agreed upon between the Director and the administrative head of that public office and upon such conditions as the Director thinks fit.

(2) Nothing in this section shall be deemed to require the Director to return any public records the condition of which does not warrant its removal from the custody or control of the State Records and Archives.

PART V ADMINISTRATION OF ARCHIVES

Processing and preservation of public archives

34. All public archives shall –

- (a) be stored;
- (b) be arranged, classified and described to facilitate reference to them;
- (c) where necessary, be repaired, restored or otherwise preserved; and
- (d) where necessary, be transferred to microfilm recordings, photographic copies or any other forms of storage.

Access to public archives

35. (1) Subject to this Enactment and to the conditions under which they are made available to or deposited in the State Records and Archives, public archives shall be made available to the public after twenty years from the date of conclusion of the record or material forming the public archives or such period as the Director may prescribe.

(2) The Director shall, subject to such conditions, restrictions or procedure as may be prescribed, make available reasonable facilities to enable members of the public to refer to and obtain copies of or extracts from public archives.

(3) The archives officer may make available to the members of the public, subject to such conditions, restrictions or procedure as may be prescribed, any public archives for reference, research or other purposes.

(4) Any requirement imposed by any other written law that public archives of any description which are in the custody or under the control of State Records and Archives shall be made available for reference shall be satisfied by the making available for reference of microfilm recordings, photographic copies of the public archives or any other forms of storage of the public archives.

(5) No person shall make copies of or take extracts any public archives except in accordance with this Enactment.

(6) Any person who contravenes subsection (5) commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(7) Without prejudice to the generality of subsections (1), (2), (3), (4) and (5), access to public archives shall be as prescribed.

Access to classified records

36. (1) Classified records of which are in the custody of the State Records and Archives shall not be available for public reference except as provided under this section.

(2) The Director may permit a person to make reference to classified record if that person has obtained special authority in writing in that behalf from the administrative head of the office responsible for those classified records.

(3) The Director shall, subject to such conditions, restrictions or procedure as may be prescribed, make available reasonable facilities to enable members of the public to refer to classified records.

(4) The archives officer may make available to the member of the public, subject to such conditions, restrictions or procedure as may be prescribed, any classified records for reference, research or other purposes.

(5) Any requirement imposed by any other written law that classified records of any description which are in the custody or under the control of the State Records and Archives shall be made available for reference shall be satisfied by the making available for reference of microfilm recordings, photographic copies of the classified records or any other forms of storage of the classified records.

(6) No person shall make copies of or take extracts from any classified records except with the prior written permission of the administrative head of the office responsible for the classified records and in accordance with this Enactment.

(7) Any person who contravenes subsection (6) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(8) Without prejudice to the generality of subsections (2), (3), (4), (5) and (6), access to classified records shall be as prescribed.

Prohibition against reproduction and publication of public archives

37. (1) No person may reproduce or publish to whole or in part the contents of any public archives except –

- (a) with the prior written consent of the Director;
- (b) in accordance with such terms and conditions as may be prescribed;
and
- (c) upon payment of fees as may be prescribed.

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

PART VI
ESTABLISHMENT AND MANAGEMENT OF YANG DI-PERTUA
NEGERI ARCHIVES, MINISTERIAL ARCHIVES
AND MEMORIAL ARCHIVES

Establishment of the Yang di-Pertua Negeri archives, ministerial archives and memorial archives

38. (1) The Director may establish Yang di-Pertua Negeri archives, ministerial archives and memorial archives.

(2) The Yang di-Pertua Negeri archives, ministerial archives and memorial archives established under subsection (1) shall be operated and maintained by the State Records and Archives as prescribed.

Materials to be deposited at the Yang di-Pertua Negeri archives, ministerial archives and memorial archives

39. (1) For the purpose of this section, there shall be deposited –

- (a) in the Yang di-Pertua Negeri archives, all relevant Yang di-Pertua Negeri records and any other materials or objects as may be provided by this Enactment or any other written law;
- (b) in the ministerial archives, all relevant ministerial records and any other materials or objects as may be provide by this Enactment or any other written law; and
- (c) in the memorial archives, all relevant memorial archives and any other materials or objects as may be provided by this Enactment or any other written law.

(2) For the purpose of this section, “Yang di-Pertua Negeri records” means records pertaining to the Yang di-Pertua Negeri Sabah and includes the previous Yang di-Pertua Negeri, Yang di-Pertua Negara and Governors relating to their tenure in office, events in their official and personal lives.

(3) For the purpose of this section, “ministerial records” means records pertaining to any of the ministers of the Government of the State of Sabah relating to their tenure in office, events in their official and personal lives.

PART VII
GENERAL

Legal validity of photographic copies and extracts

40. (1) In any legal proceedings, a microfilm recording and a photographic copy of or an extract from –

- (a) any records in the custody or under the control of the State Records and Archives; or
- (b) any records or any part thereof which have been destroyed or otherwise disposed of from the custody or the control of the State Records and Archives,

purporting to have been examined and certified as authentic by the Director and to be sealed or stamped with the official seal of the Director shall be admissible as evidence without any further or other proof thereof if the original records would have been admissible as evidence in those proceedings.

(2) The court before which a microfilm recording, a photographic copy or an extract is tendered in evidence under subsection (1) may, if the original is in existence, require the production of the original and thereupon subsection (1) shall cease to apply to the recording, copy or extract.

(3) For the purpose of this section, enlargement of microfilm recordings of records shall be deemed to be photographic copies of those records.

Authentication of photographic copies and extracts

41. (1) Any microfilm recording, photographic copy or extract which the Director is authorized or is required under this Enactment to authenticate may be signed by any archives officer on behalf of the Director and shall be sealed or stamped with the official seal of the Director.

(2) Any microfilm recording, photographic copy or extract purporting to bear the signature of the archives officer and the official seal of the Director shall, until the contrary is proved, be deemed to have been duly authenticated by the authority of the Director.

(3) There shall be paid such fees as may be prescribed for the authentication under this section of any microfilm recording, photographic copy or extract on the application of any person.

Verification of facts

42. (1) Any person intending to place historical memorial plaques or dedication at any office building, school, monument, memorial or any other place may refer to the Director for the verification of facts thereof.

(2) There shall be paid such fees as may be prescribed for the verification of facts under this section on the application of any person.

(3) For the purpose of this section, "plaque" means a flat plate, slab, tablet or any other thing that is ornamented or engraved, etched for mounting, as fixed to a wall, or on a monument or memorial in memory of any significant event, person or place.

Prohibition against export

43. (1) No person, other than an archives officer, shall take or send out of Sabah any archives except –

- (a) with the prior written consent of the Director; and
- (b) in accordance with such terms and conditions as may be prescribed.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Regulations

44. (1) The Minister may make regulations for carrying out the provisions of this Enactment into effect.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for all or any of the following purposes:

- (a) prescribing the procedure for the creation, classification and management of current public records;

- (b) prescribing the procedure for the review, classification, reclassification and declassification of any records which are in the custody or under the control of the State Records and Archives;
- (c) prescribing the forms for the purposes of this Enactment;
- (d) prescribing the fees to be paid under this Enactment;
- (e) prescribing the procedure to be followed in relation to access to public archives and classified records;
- (f) prescribing the management of the Yang di-Pertua Negeri archives, ministerial archives and memorial archives and any other property of the State Records and Archives and audit of its accounts;
- (g) prescribing the terms and conditions to be imposed on the usage, reproduction and publication of archives;
- (h) prescribing the terms and conditions to be imposed on the export of archives;
- (i) prescribing the management of public records which are in the custody or under the control of public offices including the supervision of records management programmes thereat;
- (j) prescribing matters on the establishment of Agency Record Units to store and maintain semi-current records; and
- (k) prescribing any other matter which is required under this Enactment to be prescribed.

Annual report

45. (1) The Director shall, as soon as practicable after the end of each year, cause to be made and transmitted to the Minister a report pertaining to the activities of the State Records and Archives during the preceding year.

(2) The Minister shall cause a copy of the report under subsection (1) to be laid before the State Legislative Assembly of the State of Sabah.

Repeal and saving

46. (1) The State Archives Enactment 1980 [*Enactment No.9 Of 1980*] is repealed.

(2) All appointments, regulations, rules, directions, orders, agreements made, having effect under the laws or orders repealed by this section and in force or having effect at the commencement of this Enactment shall continue to be in force and have effect as if they had been made under this Enactment, until otherwise provided for under this Enactment.

References to the repealed Enactment

47. All references to the State Archives Enactment 1980 [*Enactment No.9 Of 1980*] in any written law or document shall, when this Enactment comes into operation, be construed as references to this Enactment.

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Thursday, the 22nd day of November, 2007.

DATUK HAJI JUHAR BIN HAJI
MAHIRUDDIN,
Speaker,
State Legislative Assembly.