



LAWS OF SARAWAK

—
ONLINE VERSION OF UPDATED
TEXT OF REPRINT
—

Chapter 60

COMMUNITY CHIEFS AND HEADMEN ORDINANCE, 2004

Incorporating all amendments up to 30th November, 2007

PREPARED AND PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, SARAWAK
UNDER THE AUTHORITY OF THE REVISION OF LAWS ORDINANCE, 1992
2007

**COMMUNITY CHIEFS AND HEADMEN
ORDINANCE, 2004**

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| Date Passed by Dewan Undangan Negeri | 6th December, 2004 |
| Date of Assent | 16th December, 2004 |
| Date of Publication in <i>Gazette</i> | 30th December, 2004 |

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LAWS OF SARAWAK**Chapter 60****COMMUNITY CHIEFS AND HEADMEN
ORDINANCE, 2004**

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LAWS OF SARAWAK

Chapter 60

COMMUNITY CHIEFS AND HEADMEN ORDINANCE, 2004

An Ordinance to regulate the appointment and duties of community Chiefs and Headmen and matters incidental thereto.

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Enacted by the Legislature of Sarawak—

Short title and commencement

1. This Ordinance may be cited as the Community Chiefs and Headmen Ordinance, 2004, and shall come into force on such date as the Chief Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Ordinance—

“administrative area” means an administrative area as described in the Schedule to the Administrative Areas Order, 1987 [*Swk. L.N. 19/87*];

“appointing authority” means the appointing authority designated under section 3;

“Chief” means a chief of a community appointed as a Temenggong or Pemanca or Penghulu, by the appropriate appointing authority pursuant to section 3;

“community” means any community in Sarawak;

“District” means an administrative district as described in the Schedule to the Administrative Areas Order, 1987 [*Swk. L.N. 19/87*];

“Division” means an administrative division as described in the Schedule to the Administrative Areas Order, 1987 [*Swk. L.N. 19/87*];

“Government” means the Government of the State of Sarawak;

“Headman” means a headman of a community appointed as a Ketua Kaum or Ketua Kampung or Tua Kampung or Tuai Rumah or Tuai Uma or Kapitan, by the appropriate appointing authority pursuant to section 3;

“local authority” means a local authority constituted under or named in the First Schedule to the Local Authorities Ordinance, 1996 [*Cap. 20*];

“Native Court” means a native court constituted under sections 3 and 4 of the Native Courts Ordinance, 1992 [*Ord. No. 9/92*];

“office of profit” means any of the offices stipulated as “office of profit” in Article 160(1) of the Federal Constitution.

(2) In this Ordinance, a reference to the Yang di-Pertua Negeri shall be construed as a reference to the Yang di-Pertua Negeri acting in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member thereof under the general authority of the Majlis.

Appointing authority for a Chief or Headman

3. The Yang di-Pertua Negeri shall, by notification in the *Gazette*, designate any person to be the appointing authority for a Chief or Headman in respect of the whole State or any administrative area or for any particular community in Sarawak.

Appointing authority to consider recommendation from Resident or District Officer

4.—(1) In exercising the powers to appoint a Chief or Headman, the appropriate appointing authority shall consider but shall not be bound by any recommendation made by the Resident of a Division or the District Officer of a District, as the case may be, in respect of which the Chief or Headman is to be appointed.

(2) An instrument of appointment signed by the appropriate appointing authority shall be conclusive evidence of the appointment of such person as a Chief or a Headman as stated in that instrument.

Tenure of office

5.—(1) A Chief or Headman once appointed shall serve at the pleasure of the Yang di-Pertua Negeri and his appointment may be terminated at any time by the Yang di-Pertua Negeri.

(2) Subject to subsection (1), the term of office of a Chief or Headman shall not exceed four years, but he is eligible for re-appointment.

(3) Without prejudice to subsections (1) and (2), the appointment of a Chief or Headman may be revoked by the appropriate appointing authority if—

(a) he becomes of unsound mind or otherwise incapable of performing the duties of his office or managing his affairs;

(b) he has been adjudged a bankrupt;

(c) he has been convicted of any criminal offence by a Court in Malaysia;

(d) he is guilty of serious misconduct in relation to his duties;

(e) he ceases to reside in the administrative District or Division for which he has been appointed to serve;

(f) he has been served with an order of detention or is confined to reside in any place, under the provisions of any written law relating to internal security, public order or prevention of crimes; or

(g) he has become a citizen or permanent resident of another country.

Duties

6. A Chief or Headman shall have the following duties:

(a) to preside over any Native Court which he has, by virtue of the Native Courts Ordinance, 1992 [*Ord. No. 9/92*], jurisdiction to preside;

(b) to carry out such duties or functions as may be conferred upon a Chief or Headman under any written law;

(c) to represent his community in all official meetings, discussions or conferences concerning or affecting the community;

(d) to assist the Government in looking after the welfare of his community;

(e) to assist generally all officers of the Government and of the local authority in the execution of their public duties; and

(f) to discharge such other duties or functions as the Government may from time to time specify or direct.

Allowances, etc. for Chiefs and Headmen

7.—(1) The Majlis Mesyuarat Kerajaan Negeri shall determine—

(a) the qualifications for appointment as Chiefs and Headmen;

(b) the allowances, benefits or privileges to be given or accorded to a Chief or Headman; and

(c) the terms and conditions of service (other than those already stated in this Ordinance) for Chiefs and Headmen.

(2) All allowances, benefits or privileges given or accorded to Chiefs and Headmen shall be charged against the State Consolidated Fund.

Prohibition

8.—(1) No person who is appointed a Chief or Headman shall—

(a) hold any post in a political party;

(b) be appointed a councillor in a local authority;

(c) hold any office of profit; or

(d) engage in any trade, business, activity or undertaking which may place himself in a position of conflict with the position to which he is appointed under this Ordinance.

(2) The Majlis Mesyuarat Kerajaan Negeri may, subject to such terms and conditions as it may deem fit to impose, exempt any Chief or Headman from subsection (1)(a) or (b).

Savings

9. Any person who has been appointed as a Chief or a Headman prior to the coming into force of this Ordinance shall be subject to this Ordinance and shall continue to hold such office until the expiry of the term of his appointment or unless his appointment is terminated or revoked in accordance with section 5(1) or (3).

Repeal

10. The definition of “Headman” in section 2 and the whole of Part X of the Local Authorities Ordinance, 1996 [*Cap. 20*], are repealed.

Removal of difficulties

11. The Majlis Mesyuarat Kerajaan Negeri may, by Order published in the *Gazette*, make such provisions as it considers necessary or expedient for the purpose of removing difficulties occasioned by the coming into force of this Ordinance, and such Order may be made so as to have effect as from the date of commencement of this Ordinance:

Provided that the authority conferred by this section shall not be exercised after a lapse of three years from the date of coming into force of this Ordinance.

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[List of Amendments]

COMMUNITY CHIEFS HEADMEN

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**COMMUNITY CHIEFS AND HEADMEN
ORDINANCE, 2004**

LIST OF AMENDMENTS

Amending Law

Short Title

In force from

-Nil-

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