



LAWS OF MALAYSIA

Act A1121

**DIGITAL SIGNATURE (AMENDMENT)
ACT 2001**

Date of Royal Assent ... 6 September 2001

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LAWS OF MALAYSIA**Act A1121****DIGITAL SIGNATURE (AMENDMENT)
ACT 2001**

An Act to amend the Digital Signature Act 1997.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Digital Signature (Amendment) Act 2001.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

General amendment

2. The Digital Signature Act 1997 [*Act 562*], which is referred to as the “principal Act” in this Act, is amended by substituting for the word “Controller” wherever it appears the word “Commission”.

Amendment of section 2

3. Section 2 of the principal Act is amended—

(a) by inserting after the definition of “certify” the following definition:

‘ “Commission” means the Malaysian Communications and Multimedia Commission established under the Malaysian Communications and Multimedia Commission Act 1998;’; and

Act 589.

(b) by deleting the definition of “Controller”.

Amendment of Part II

4. The heading of Part II of the principal Act is amended by substituting for the words “CONTROLLER OF CERTIFICATION AUTHORITIES” the words “THE COMMISSION”.

Amendment of section 3

5. Section 3 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) The Commission shall be responsible for administering, enforcing, carrying out and giving effect to the provisions of this Act and shall exercise, discharge and perform the powers, duties and functions under this Act for the purpose of monitoring and overseeing the activities of certification authorities.”;

(b) by deleting subsections (2) and (3); and

(c) in subsection (4), by substituting for the words “The Controller and all officers and servants appointed by the Controller under subsection (3)” the words “The Commission and its employees”.

Amendment of section 8

6. Section 8 of the principal Act is amended—

(a) in subsection (1), by substituting for the word “he” wherever it appears the word “it”; and

(b) in subsection (4)—

(i) by substituting for the word “he” the word “it”; and

(ii) in the English language text, by substituting for the word “his” the word “its”.

Amendment of section 9

7. Section 9 of the principal Act is amended—

- (a) in subsection (1), by substituting for the word “he” the word “it”;
- (b) in subsection (2), in the English language text, by substituting for the word “his” the word “its”;
- (c) in subsection (3)—
 - (i) by substituting for the word “he” the word “it”; and
 - (ii) in the English language text, by substituting for the word “his” the word “its”; and
- (d) in subsection (7), in the English language text, by substituting for the word “he” the words “that it”.

Amendment of section 20

8. Subsection 20(4) of the principal Act is amended in the English language text by substituting for the word “he” the words “that it”.

Amendment of section 21

9. Subsection 21(3) of the principal Act is amended in the English language text by substituting for the word “he” the words “that it”.

Amendment of section 24

10. Subsection 24(1) of the principal Act is amended in the English language text by substituting for the word “he” the word “it”.

Amendment of section 47

11. Subsection 47(2) of the principal Act is amended in the English language text by deleting the words “his or”.

Amendment of section 68

12. Subsection 68(3) of the principal Act is amended in the English language text by substituting for the word “he” the word “it”.

Amendment of section 69

13. Paragraph 69(2)(f) of the principal Act is amended in the English language text by substituting for the word “his” the word “its”.

Amendment of section 70

14. Subsection 70(3) of the principal Act is amended in the English language text by substituting for the word “he” the word “it”.

Amendment of section 71

15. Subsection 71(8) of the principal Act is amended in the English language text by substituting for the word “his” the word “its”.

Amendment of section 75

16. Subsection 75(2) of the principal Act is amended by substituting for the words “such officer” the words “officer authorised under subsection (1)”.

New section 75A

17. The principal Act is amended by inserting after section 75 the following section:

“Enforce-
ment by
police
officers. 75A. (1) Notwithstanding subsection 75(1), any police officer not below the rank of Inspector shall have and may exercise the powers of enforcement conferred by this Act on an authorised officer.

(2) In exercising any of the powers of enforcement conferred under this Act on a police officer not below the rank of Inspector, such police officer shall, if not in uniform, on demand declare his office and produce to the person against whom he is acting the authority card as the Inspector General of Police may direct to be carried by such police officer.”.

Amendment of section 88

18. Section 88 of the principal Act is amended in the marginal note by inserting after the words “Protection of” the words “Commission and”.

Saving and transitional

19. (1) Upon the commencement of this Act, references to the Controller of Certification Authorities (“Controller”) or any officer and servant appointed by the Controller, in any written law, including any subsidiary legislation, and in any document, instrument, licence, bond, security, registration, approval, certificate, directive, order, guideline, notification, agreement and such other document made, issued or given before the commencement of this Act shall be construed as provided for in subsections (2) and (3).

(2) References to the Controller in relation to the functions of such Controller which upon the commencement of this Act become the functions of the Commission shall be construed as references to the Commission.

(3) References to the officer and servant appointed by the Controller in relation to the functions of such officer and servant which upon the commencement of this Act become the functions of an authorised officer shall be construed as references to the authorised officer.

(4) All documents, instruments, licences, bonds, securities, certificates, directives, orders, guidelines, approvals, notifications, agreements and such other documents that have been made, issued or given by the Controller or any officer and servant appointed by the Controller before the commencement of this Act shall, upon the commencement of this Act, be construed as having been made, issued or given by the Commission or any authorised officer, as the case may be.

