



PARLIMEN MALAYSIA



BILL

Passports 1960

D.R.27/1960

(Presented and read a first time and ordered to be printed, 8th August, 1960.)

A BILL

intituled

An Act to amend and re-enact the law relating to the possession and production of travel documents by persons entering the Federation, and other matters connected therewith.

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same as follows:

1. This Act may be cited as the Passports Act, 1960, and shall come into operation on such date as the Minister may by notification in the *Gazette* appoint.

Short
title and
commence-
ment.

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

Interpre-
tation.

“alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

“Commonwealth citizen” means a person who is a Commonwealth citizen by virtue of the provisions of section 1 of the British Nationality Act, 1948;

11 and 12
Geo. 6
c. 56.

“Controller” means the Controller of Immigration and any Deputy Controller of Immigration appointed under section 3 of the Immigration Ordinance, 1959;

12 of 1959.

“entry” and “enter” means entry and to enter by land, water or air;

“immigration officer”, “police officer” and “officer of customs” have the same meanings, respectively, as they have in the Immigration Ordinance, 1959, the Police Ordinance, 1952, and the Customs Ordinance, 1952;

12 of 1959.
14 of 1952.
42 of 1952.

“master” includes the pilot of an aircraft;

“Minister” means the Minister charged with responsibility for immigration;

“owner” in relation to a vessel includes charterer;

“passport” means a valid passport issued by or on behalf of the Government of a country recognised by the Government of the Federation, such passport being complete and having endorsed thereon all particulars and endorsements required from time to time by the Government or authority issuing such passport and by the Government of the Federation, and includes any form of valid travel document recognised by the Government of the Federation and issued by a proper authority;

2

OF 1960

"vessel" includes an aircraft.

Passports
required.

3. (1) Every person entering the Federation from any place beyond the Federation shall produce to the immigration officer a passport, and, in the case of an alien, such passport shall have a valid *visa* for the Federation issued on the authority of and by or on behalf of the Government of the Federation.

(2) It shall be lawful for the Minister in his discretion to exempt any person or class of persons either permanently or for a limited period, and subject to such conditions as he may direct, from all or any of the provisions of this section.

Unlawful
entry, etc.

4. (1) If any person enters the Federation contrary to the provisions of this Act he shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars or to both such imprisonment and fine and, whether or not any proceedings are taken against him, shall be liable pursuant to an order of the Controller to be removed from the Federation:

Provided no such order shall be made against a citizen of the Federation.

(2) Where any person is ordered to be removed from the Federation under sub-section (1) it shall be lawful for the Controller to order such person to be detained in custody for such period as may be necessary for the purpose of making arrangements for his removal.

(3) Any person who is ordered to be removed under sub-section (1) may be conducted across the frontier or placed on board a suitable vessel by any immigration officer, police officer or officer of customs, and may be lawfully detained on board so long as such vessel is within, or within the territorial waters of, the Federation.

(4) Any person who is detained in custody in pursuance of an order made by the Controller under sub-section (2) may be so detained either in a prison or in any place appointed for the purpose by the Controller.

Owners and
masters of
vessels
liable for
expenses.

5. The master and the owners and agents of any vessel from which any person enters the Federation contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining such person pending deportation, and such expenses shall be recoverable as a debt due to the Government from the master and the owners and agents.

Master may
prevent
entry.

6. The master of a vessel may use all reasonable and proper means, including force if necessary, to prevent any person entering the Federation contrary to the provisions of this Act.

PASSPORTS

3

7. (1) When an order is made by the Controller under the provisions of sub-section (1) of section 4 in respect of any person who has entered the Federation contrary to the provisions of this Act, and such person was brought to the Federation in a vessel, the master of such vessel, and also the master of any vessel belonging to the same owners, shall, if required in writing by the Minister, receive such person on board his vessel and afford him free of charge a passage to the port or place at which such person embarked and proper accommodation and maintenance during the voyage:

Expenses
of return.

Provided that no such master shall be liable as aforesaid unless such order has been made by the Controller within twelve months from the date upon which such person entered the Federation.

(2) If the master of a vessel fails to comply with the provisions of this section he shall be liable on conviction to a fine not exceeding one thousand dollars.

8. Any person who—

Offences.

- (a) forges, alters or tampers with any passport or travel document, whether issued or purporting to be issued in the Federation or elsewhere, or any *visa* or endorsement thereon, or without lawful authority uses or attempts to use, or has in his possession, any passport or travel document which has been so forged, altered or tampered with, or bearing a *visa* or endorsement which has been so forged or altered or tampered with; or
- (b) personates or falsely represents himself to be or not to be a person to whom a passport or travel document, whether issued in the Federation or elsewhere, has been duly issued; or
- (c) with intent to obtain for himself or any other person a passport, travel document, or an endorsement or *visa* on a passport or travel document, knowingly makes any false statement or produces any document which is to his knowledge false in any particular; or
- (d) without lawful authority, has in his possession any passport or travel document which has been obtained as a result of making any material statement which was false or misleading, or as a result of the production of false evidence; or
- (e) allows any person to have possession of any passport or travel document issued for his use alone, intending or knowing that such document may

4

OF 1960

be used or may be attempted to be used by any other person; or

- (f) without lawful authority, has in his possession any passport or travel document issued for the use of some person other than himself; or
- (g) wilfully assists any person to enter the Federation contrary to the provisions of this Act; or
- (h) wilfully assists any person to contravene any of the provisions of this Act; or
- (i) obstructs or hinders any officer in the discharge of his duty under this Act,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

Regulations.

9. The Minister may make regulations—

- (a) requiring persons entering the Federation to answer inquiries made by such officer or officers as may be prescribed;
- (b) authorising such officer or officers as may be prescribed to search, arrest without warrant or detain any person acting in contravention of the provisions of this Act or any regulations made thereunder, or reasonably suspected of having so acted or of being about so to act;
- (c) exempting any persons or class of persons, either absolutely or subject to such conditions as may be prescribed, from all or any of the provisions of this Act;
- (d) generally for carrying out the purposes of this Act.

Onus of proof.

10. If any question arises in any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, as to whether a person—

- (a) is an alien or not; or
- (b) belongs to any particular class of persons exempted from any of the provisions of this Act,

the onus of proving that that person is not an alien or that he belongs to such class, as the case may be, shall lie upon that person.

Saving.

11. The provisions of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force relating to immigration.

Repeal.
19 of 1949.

12. The Passports Ordinance, 1949, is hereby repealed.

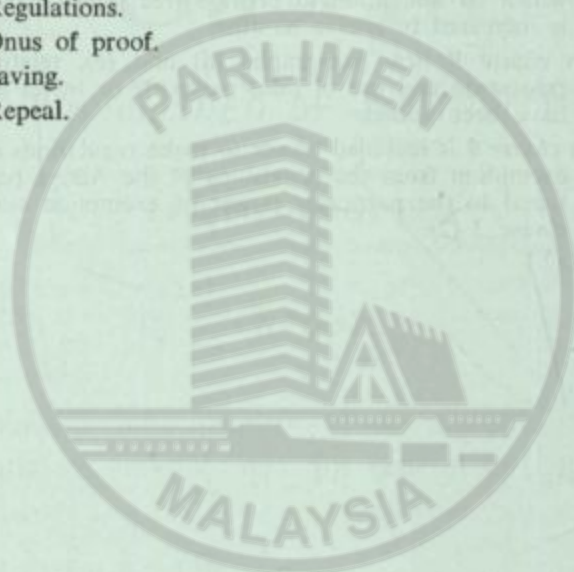
PASSPORTS

5

TABLE OF CONTENTS

Sections

1. Short title and commencement.
2. Interpretation.
3. Passports required.
4. Unlawful entry, etc.
5. Owners and masters of vessels liable for expenses.
6. Master may prevent entry.
7. Expenses of return.
8. Offences.
9. Regulations.
10. Onus of proof.
11. Saving.
12. Repeal.



6

OF 1960

EXPLANATORY STATEMENT

The above Bill is designed to repeal and replace the Passports Ordinance, 1949, making such amendments therein as are occasioned by the independent status of the Federation or required as a result of experience in the administration of the Ordinance. In consequence the Bill follows substantially the provisions of the present Ordinance, subject to the following:

- (a) in *clause 2* a definition of "Commonwealth citizen" replaces that of "British subject";
- (b) in *clause 4 (1)* the present section 4 has been amended to make it clear that a citizen of the Federation may not be removed under the section;
- (c) in *clause 7 (1)* the present period of three months during which an obligation to provide free return passage exists is increased to twelve months;
- (d) in *clause 8* new paragraphs (d) and (e), relating to the possession and use of false passports or travel documents, have been added;
- (e) in *clause 9* is included power to make regulations relating to exemption from the provisions of the Act, a power additional to the particular power of exemption contained in clause 3 (2).

[A.G. 2242.]

