



PARLIMEN MALAYSIA



BILL

Immigration (Amendment) 1961

D.R.01/1961

(Presented and read a first time and ordered to be printed,
30th November, 1960.)

A BILL
intituled

An Act to amend the Immigration Ordinance, 1959.

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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 Immigration (Amendment) Act, 1961, and shall come into operation on such date as the Minister may by notification in the *Gazette* appoint. Short title and commencement.

2. Section 2 of the Immigration Ordinance, 1959 (hereinafter in this Act referred to as "the principal Ordinance"), is hereby amended— Amendment of section 2. 12 of 1959.

(a) by deleting the full-stop appearing at the end of the definition of "transportation company" therein and substituting therefor a semi-colon; and

(b) by adding the following new definition:

"'vessel' includes any ship or boat or other description of floating craft used in navigation, and includes any tackle, equipment, book, document, goods, cargo or things carried therein or thereon."

3. Sub-section (4) of section 14 of the principal Ordinance is hereby amended by deleting the words "within two years" appearing therein. Amendment of section 14 (4).

4. The principal Ordinance is hereby amended by inserting immediately after section 49 thereof the following new section: New section 49A.

"Power to seize, detain and forfeit vessels of under seventy-five tons.

49A. (1) Any vessel below seventy-five tons which is used or in respect of which there is reasonable cause to suspect that it has been or that it is about to be used in the commission of any offence against this Ordinance or any regulations made thereunder may be seized and detained by the Controller or any senior immigration officer, authorised in that behalf by the Controller in writing under his hand, at any place either on land or in the territorial waters of the Federation.

(2) The seizing officer shall forthwith give notice in writing of such seizure and the grounds thereof to the owner, charterer or agent of the vessel so seized or detained, either by delivering such notice to him in person or by post at his place of office or abode, if known:

Provided that such notice shall not be required to be given where such seizure or detention is made in the presence of or with the knowledge of the offender or the owner or his agent, as the case may be.

(3) Any vessel liable to seizure or detention under the provisions of sub-section (1) of this section shall be liable to forfeiture.

(4) An order for the forfeiture or for the release of any vessel liable to forfeiture under the provisions of this section shall be made by the court before which the prosecution with regard thereto has been held.

(5) An order for the forfeiture of a vessel shall be made if it is proved to the satisfaction of the court that an offence against this Ordinance or any regulation made thereunder has been committed and that the vessel was used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

(6) The Controller may sell any vessel forfeited under this section. The proceeds of such sale shall, after payment of the expenses of the sale, be applied in payment of any fine, costs, or charge incurred under this Ordinance and any balance remaining shall be paid into the Consolidated Fund.”.

Amendment
of section
56.

5. Section 56 of the principal Ordinance is hereby amended by inserting immediately after sub-section (3) thereof the following new sub-section:

“(4) Where in any proceedings under this Ordinance or any regulations made thereunder it is proved that the defendant has failed to produce on demand by an immigration officer or a police officer—

(a) any valid permit, pass or certificate issued to him under this Ordinance or any regulations made thereunder; or

(b) any valid permit, pass or certificate issued to him under the provisions of any law relating to immigration for the time being in force in Singapore; or

- (c) any other document accepted by the Controller as evidence that the defendant has entered or remained in the Federation lawfully; or
- (d) any other evidence showing to the satisfaction of the Controller that the defendant is exempted from the provisions of sub-section (1) of section 6 of this Ordinance or from the provisions of any law for the time being in force in Singapore corresponding to such sub-section,

it shall be presumed, until the contrary is proved, that he has as the case may be entered or re-entered or remained in the Federation unlawfully.”.

EXPLANATORY STATEMENT

This Bill amends the Immigration Ordinance, 1959, in four ways—

- (a) by *clause 3* it is proposed to empower the Controller, where he is satisfied that a person is a prohibited immigrant, or that any material statement in the application for the Permit or Certificate issued to such person was false or misleading, to declare at any time (instead of within two years, as at present) from the date of entry that the presence of such person in the Federation is unlawful;
- (b) by *clause 4* power is given to seize any vessel below 75 tons which has been used or is about to be used for the commission of an offence against the Immigration Ordinance, 1959, or any regulations made thereunder;
- (c) by *clause 2* a definition of “vessel” is added to the interpretation section of the Ordinance; and
- (d) by *clause 5* it is proposed, in any proceedings under the Ordinance, to require a defendant who has no valid permit, pass or certificate, to show that he has lawfully entered into or remained in the Federation.

[AG. 2275.]

A BILL
intituled

D. N. No. 1-61

An Act to amend the Penal Code.

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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:

Short title
and com-
mencement.

1. This Act may be cited as the Penal Code (Amendment) Act, 1961, and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

Amend-
ment of
section 489A.
F.M.S.
Cap. 45.

2. Section 489A of the Penal Code is hereby amended—

(a) by inserting after the word "Explanation" the numeral "1"; and

(b) by adding thereto the following:

"*Explanation 2.*—For the purposes of this section and of sections 489B, 489C and 489D the expression 'currency note' includes any note (by whatever name called) which is legal tender in the country in which it is issued."

EXPLANATORY STATEMENT

The proposed amendment of the Penal Code, and incidental amendments of the Criminal Procedure Code of the Malay States and that in force in Penang and Malacca, are necessary for the purpose of implementing the International Convention for the Suppression of Counterfeit Currency to which it is proposed the Federation should accede.

[A.G. 1993.]