



PARLIMEN MALAYSIA



BILL

Notaries Public (Amendment) 1961

D.R.02/1961

A BILL
intituled **D. N. No. 2-61**

An Act to amend the Criminal Procedure Codes.

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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 assembled, and by the authority of the same, as follows:

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

Short title
and com-
mencement.

2. In this Act "the States Code" means the Criminal Procedure Code in force in the States of the Federation other than the States of Penang and Malacca;

Interpreta-
tion.
F.M.S.
Cap. 6.
13 of 1947.

"the Settlements Code" means the Criminal Procedure Code in force in the States of Penang and Malacca.

S.S. Cap. 21.

3. The States Code is hereby amended by inserting immediately after section 63 thereof the following new sections:

New
sections 63A
and 63B.
F.M.S.
Cap. 6.

"Forfeiture
of counter-
feit coin.

63A. (i) Any Police Officer, not below the rank of Inspector, upon being satisfied that any person has in his possession any counterfeit coin or counterfeit current coin or any die, instrument or material for the purpose of counterfeiting any coin or current coin, may without warrant and with or without assistance enter and search any place where any such coin or any such die, instrument or material is kept and seize all such coin, die, instrument or material.

(ii) Anything seized under the provisions of subsection (i) of this section shall, by order of the Court before which any person is tried relating to such possession, or where there is no trial by order of a Magistrate, be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

Forfeiture
of counter-
feit
currency.

63B. (i) Any Police Officer, not below the rank of Inspector, upon being satisfied that any person has in his possession any forged or counterfeit currency note or bank note or any machinery, instrument or material used or intended to be used for the forging or counterfeiting of any currency note or bank note, may without warrant and with or without assistance enter and search any place where any such currency note or bank note or any such machinery, instrument or material is kept

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

A BILL

intituled

An Act to amend the Notaries Public 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 Notaries Public (Amendment) Act, 1961, and shall come into operation on such date as the Minister charged with responsibility for justice may by notification in the *Gazette* appoint.

Short title
and
commence-
ment.

2. Section 4 of the Notaries Public Ordinance, 1959, is hereby amended—

Amendment
of section 4.
41 of 1959.

(a) by re-numbering the present section as “4 (1)” and by substituting for the proviso thereto the following new proviso:

“Provided that, except for the purposes of and to the extent necessary to give effect to the provisions of sub-section (2) of this section, such powers shall not include power to administer any oath or affirmation in connection with any affidavit or statutory declaration which is executed for the purpose of being used in any court or place within the Federation, or to take or attest any such affidavit or statutory declaration.”;

(b) by adding thereto the following new sub-section:

“(2) Without prejudice to the generality of the powers and functions conferred by sub-section (1) of this section, a notary public may—

(a) administer any oath or affirmation in connection with any affidavit or statutory declaration which is executed—

(i) for the purpose of confirming or proving the due execution of any document; or

(ii) by any master or member of the crew of any vessel in respect of

(iii) for the purpose of being used in any court or place outside the Federation;

and may take or attest any such affidavit or statutory declaration;

(b) have and exercise such other powers and functions as may be prescribed.”.

Amendment
of section 7.

3. Sub-section (1) of section 7 of the Notaries Public Ordinance, 1959, is hereby amended by substituting a semi-colon for the full-stop at the end of paragraph (c) thereof and by adding thereto the following new paragraph:

“(d) prescribing the powers and functions of notaries public.”.

EXPLANATORY STATEMENT

As announced during the debate on the Statutory Declarations Bill of 1960, it is proposed, in order to remedy a defect in the Notaries Public Ordinance, 1959, to amend that Ordinance in order to make it clear that notaries public have power to receive affidavits, etc., in connection with certain maritime and mercantile matters. The object of the above Bill is to make such amendment, as indicated in *clause 2* of the Bill: while at the same time the Rule Committee is empowered, by *clause 3* of the Bill, to make rules relating to the powers and functions of notaries public. If enacted, the amendments proposed will be brought into force contemporaneously with the Statutory Declarations Act, 1960.

[AG. 301/49.]

and seize all such notes, machinery, instrument or material.

(ii) Anything seized under the provisions of subsection (i) of this section shall, by order of the Court before which any person is tried relating to such possession, or where there is no trial, by order of a Magistrate, be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.”.

New sections
72A and 72B.
S.S. Cap. 21.

4. The Settlements Code is hereby amended by inserting immediately after section 72 thereof the following new sections :

“Forfeiture
of counter-
feit coin.

72A. (i) Any Police Officer, not below the rank of Inspector, upon being satisfied that any person has in his possession any counterfeit coin or counterfeit current coin or any die, instrument or material for the purpose of counterfeiting any coin or current coin, may without warrant and with or without assistance enter and search any place where any such coin or any such die, instrument or material is kept and seize all such coin, die, instrument or material.

(ii) Anything seized under the provisions of subsection (i) of this section shall, by order of the Court before which any person is tried relating to such possession, or where there is no trial, by order of a Magistrate, be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

Forfeiture
of counter-
feit
currency.

72B. (i) Any Police Officer, not below the rank of Inspector, upon being satisfied that any person has in his possession any forged or counterfeit currency note or bank note or any machinery, instrument or material used or intended to be used for the forging or counterfeiting of any currency note or bank note, may without warrant and with or without assistance enter and search any place where any such currency note or bank note or any such machinery, instrument or material is kept and seize all such notes, machinery, instrument or material.

(ii) Anything seized under the provisions of subsection (i) of this section shall, by order of the Court before which any person is tried relating to such possession, or where there is no trial, by order of a Magistrate, be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.”.

EXPLANATORY STATEMENT

The amendments sought in this Bill are complementary to an amendment to section 489A of the Penal Code 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.]

