

FEDERATION OF MALAYA ACTS, 1960

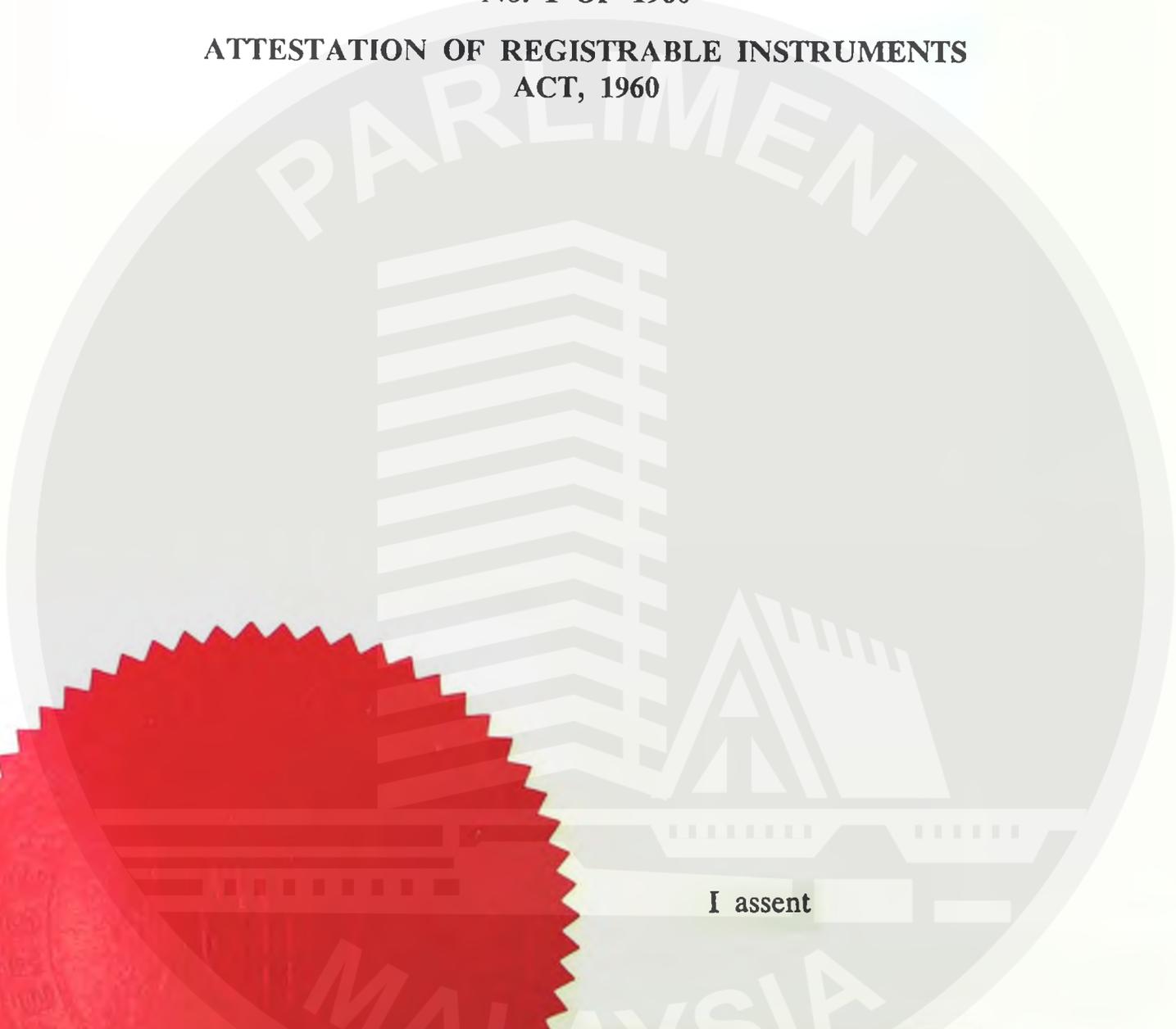
- No. 1 of 1960 ... Attestation of Registrable Instruments Act, 1960.
No. 2 of 1960 ... President of the Senate (Remuneration) Act, 1960.
No. 3 of 1960 ... Land Conservation Act, 1960.
No. 4 of 1960 ... Parliament (Members' Remuneration) Act, 1960.
No. 5 of 1960 ... Assistant Ministers Act, 1960.
No. 6 of 1960 ... Census Act, 1960.
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No. 8 of 1960 ... Exchange Control (Amendment) Act, 1960.
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No. 10 of 1960 ... Constitution (Amendment) Act, 1960.
No. 11 of 1960 ... Local Government Elections Act, 1960.
No. 12 of 1960 ... Employees Provident Fund (Amendment) Act, 1960.
No. 13 of 1960 ... Land (Group Settlement Areas) Act, 1960.
No. 14 of 1960 ... Notaries Public (Amendment) Act, 1960.
No. 15 of 1960 ... Supplementary Supply (1960) Act, 1960.
No. 16 of 1960 ... Loans (Central Bank of Malaya) Act, 1960.
No. 17 of 1960 ... Income Tax (Amendment) Act, 1960.
No. 18 of 1960 ... Internal Security Act, 1960.
No. 19 of 1960 ... International Development Association Act, 1960.
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No. 23 of 1960 ... Visiting Forces Act, 1960.
No. 24 of 1960 ... Emergency Regulations (Indemnity) Act, 1960.
No. 25 of 1960 ... Workmen's Compensation (Amendment) Act, 1960.
No. 26 of 1960 ... Prevention of Crime (Amendment) Act, 1960.
No. 27 of 1960 ... Currency Act, 1960.
No. 28 of 1960 ... Special Pension (Her Highness Tunku Puan Besar Kurshiah) Act, 1960.
No. 29 of 1960 ... Supplementary Supply (1960) (No. 2) Act, 1960.
No. 30 of 1960 ... Development Fund (Amendment) Act, 1960.
No. 31 of 1960 ... Supplementary Supply (1959) (No. 5) Act, 1960.
No. 32 of 1960 ... Supplementary Supply (1958) (No. 8) Act, 1960.
No. 33 of 1960 ... Passport Act, 1960.
No. 34 of 1960 ... Land Acquisition Act, 1960.
No. 35 of 1960 ... Federal Capital Act, 1960.
No. 36 of 1960 ... Consolidated Fund (Expenditure on Account) Act, 1960.
No. 37 of 1960 ... Employees Provident Fund (Amendment) (No. 2) Act, 1960.
No. 38 of 1960 ... Income Tax (Amendment) (No.2) Act, 1960.

FEDERATION OF MALAYA

Act of Parliament

No. 1 OF 1960

**ATTESTATION OF REGISTRABLE INSTRUMENTS
ACT, 1960**



I assent

.....
Yang di-Pertuan Agong

.....*23*.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 1 OF 1960

ATTESTATION OF REGISTRABLE INSTRUMENTS ACT, 1960

An Act to repeal and re-enact with amendment the law relating to the attestation of instruments required to be registered under any written law relating to land, mining, or the registration of deeds.

[]

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 Attestation of Registrable Instruments Act, 1960. Short title.

2. In this Act unless the context otherwise requires— Interpretation.
“Collector” means in relation to—

- (a) the States of Negri Sembilan, Pahang, Perak, Selangor, Johore and Trengganu, a Collector of Land Revenue as defined in the land law;
- (b) the State of Kedah, a Land Officer as defined in the land law;
- (c) the State of Kelantan, a District Officer as defined in the land law and includes a Deputy Collector;
- (d) the State of Perlis, the Commissioner or a Land Officer, as defined in the land law; and
- (e) the States of Malacca and Penang, a Collector as defined in the Land Revenue Collection Ordinance, 1940; S.S. No. 47 of 1940.

“land law” means in relation to the States mentioned in column one of Part I of the Second Schedule, the written law appearing in the corresponding part of column two of the said Part;

“mining law” means in relation to the States mentioned in column one of Part II of the Second Schedule, the written law appearing in the corresponding part of column two of the said Part;

“proper registering authority” means in relation to—

- (a) the States of Negri Sembilan, Pahang, Perak, Selangor, Kedah and Perlis, the proper registering authority;

(b) the States of Kelantan and Trengganu, the Registrar, as defined in the land law;

(c) the State of Johore, the Commissioner of Lands and Mines in respect of grants and leases of State land, and the Collector in respect of land held by entry in the mukim register.

Attestation
of signa-
tures.
S.S.
Cap. 121.
S.S.
Cap. 126.

3. (1) Every signature to an instrument presented for registration under the land law, the mining law, the Registration of Deeds Ordinance, or the Mutations in Titles to Land Ordinance, other than an instrument signed by a proper registering authority or a Collector or issued by the Court, shall be attested by one of the following persons in the manner prescribed in section 4—

(a) when signed in the Federation, by—

a Magistrate,
a proper registering authority,
a Collector,
an advocate and solicitor of the Supreme Court,
or a Notary Public;

(b) when signed in the State of Singapore, by—

a Magistrate,
Collector of Land Revenue,
an advocate and solicitor of the Supreme Court
of the State of Singapore, or a Notary Public;

(c) when signed in the Republic of India, by—

a Registrar of any High Court,
a District Magistrate, a Presidency Magistrate or
a Magistrate of the First or Second Class,
a Notary Public, or a
High Commissioner, Acting High Commissioner,
Deputy High Commissioner, secretary or
attaché of the High Commission of the
Federation;

(d) when signed in the Republic of Pakistan, by—

a Registrar of any High Court,
a District Judge,
a First Class Magistrate,
a Notary Public, or a
High Commissioner, Acting High Commissioner,
Deputy High Commissioner, secretary or
attaché of the High Commission of the
Federation;

- (e) when signed in Ceylon, by—
a Registrar of the High Court,
a Magistrate,
a Notary Public, or a
High Commissioner, Acting High Commissioner,
Deputy High Commissioner, secretary or
attaché of the High Commission of the
Federation;
- (f) when signed in the Colony of North Borneo, by—
a Magistrate,
a Collector or Assistant Collector of Land
Revenue;
- (g) when signed in the Colony of Sarawak, by—
a Magistrate,
the Director of Lands and Surveys,
a Superintendent of Lands and Surveys;
- (h) when signed in the State of Brunei, by—
a Magistrate,
a Collector of Land Revenue;
- (i) when signed in any Commonwealth country other
than any of the countries mentioned in paragraphs
(b) to (h) of this sub-section by the High Commis-
sioner of the Federation, by a Notary Public
or by any person or class or description of persons
approved in that behalf by the Ruler in Council
or the Governor in Council;
- (j) when signed in any other place, by a diplomatic
officer of the Federation, or any person or class
or description of persons approved in that behalf
by the Ruler in Council or the Governor in
Council.

(2) Notwithstanding the provisions of sub-section (1) of this section, any instrument executed in the Federation by a body corporate incorporated by any Federal or State law need not be attested in accordance with the provisions of such sub-section if it is duly executed in the manner prescribed by such Federal or State law.

4. A person or officer attesting a signature in accordance with the provisions of section 3 shall sign an attestation in such of the forms set out in the First Schedule as the case

Certificate
of attesta-
tion.

may require, and if he be a person holding a seal of office shall authenticate his signature by the official seal of his office.

Repeal.

5. The Enactments and Ordinance specified in the Second Schedule are hereby repealed to the extent specified in the third column of the said schedule.

FIRST SCHEDULE

(Section 4)

FORM A

In English

I (state full name and qualification of person attesting), hereby testify that the ^{signature}/_{thumb print} * of (here enter designation of party, e.g., transferor, transferee, chargor, chargee, etc.) ^{written}/_{affixed} in my presence on this.....day of.....is according to my own personal knowledge*/information given to me by the following trustworthy and reliable person, namely (here set out name and address of such person) which information I verily believe* the true ^{signature}/_{thumb print} * of the said (here state name of party) who has acknowledged to me that he is of full age and that he has voluntarily executed this instrument.

As witness my hand this.....day of....., 19.....

.....
(Signature)

* Delete whichever alternative is inapplicable.

In Malay

Saya (sebutkan nama penuh dan pangkat orang yang menyaksikan) menyaksikan bahwa ada-lah ^{tanda tangan}/_{bekas ibu jari} * bagi (di-sini sebutkan pihak seperti pihak yang memindah atau pihak yang menerima pindahan atau pihak yang mengadai atau pihak yang menerima gadaian dan sabagai-nya) yang di-turunkan di-hadapan saya pada hari ini.....haribulan.....dengan setahu saya sendiri*/dengan kenyataan yang di-beri kepada saya oleh orang kepercayaan ia-itu (di-sini tuliskan nama dan alamat orang itu) yang mana ada-lah kenyataan itu sasungguh-nya yakin perchaya sa-benar-lah ^{tanda tangan}/_{bekas ibu jari} * pihak tersebut (di-sini sebutkan nama pihak) dan ia pun mengaku kepada saya berkata ia sudah cukup umur dan telah perbuat surat ini dengan ka-redza'an-nya.

Ini-lah saya turunkan tanda tangan saya pada.....hari-bulan.....19.....

.....
(Tanda Tangan)

* Potong salah satu yang tidak kena

FORM B

In English

I (state full name and qualification of person attesting), hereby certify that on this day the ^{corporate}/_{common} * seal of (state full name of company, body corporate or corporation) was duly affixed to the ^{above}/_{within} * written instrument in accordance with the rules and regulations of the said ^{company}/_{body corporate} *
corporation

As witness my hand this.....day of....., 19.....

.....
(Signature)

* Delete whichever alternative is inapplicable.

In Malay

Saya (di-sini sebutkan nama penoh dan pangkat orang yang menyak-sikan) menyatakan bahwa pada hari ini ada-lah chap (di-sini sebutkan nama kompani atau sharikat) yang di-matrikan di-atas surat pembuatan ini di-buat mengikut atoran² dan undang² ^{kompani}/_{sharikat} * yang tersebut.

Ini-lah saya turunkan tanda tangan saya pada.....hari-bulan.....19.....

.....
(Tanda Tangan)

* Potong salah satu yang tidak kena.

SECOND SCHEDULE
(Sections 2 and 5)

PART I

State	Law	Extent of repeal
Perak, Selangor, Pahang and Negri Sembilan	Land Code (F.M.S. Cap. 138)	Part XIV
Johore Enactment ...	Land Enactment (Cap. 1)	Sections 48 excluding sub-section (iii) and 74
Kedah	Enactment No. 56 (Land)	Chapter XIV
Kelantan	Land Enactment, 1938	Part 14
Perlis	Land Enactment, 1356 (No. 11 of 1356)	Chapter XIV
Trengganu Enactment ...	Land Enactment (3 of 1357)	Section 71

PART II

Perak, Selangor, Pahang and Negri Sembilan	Mining Enactment (F.M.S. Cap. 147)	In sub-section (i) of section 35 the words "Part XIV—Attestation. The whole"
Johore	Mining Enactment (Cap. 69)	Section 32 sub-section (iii)

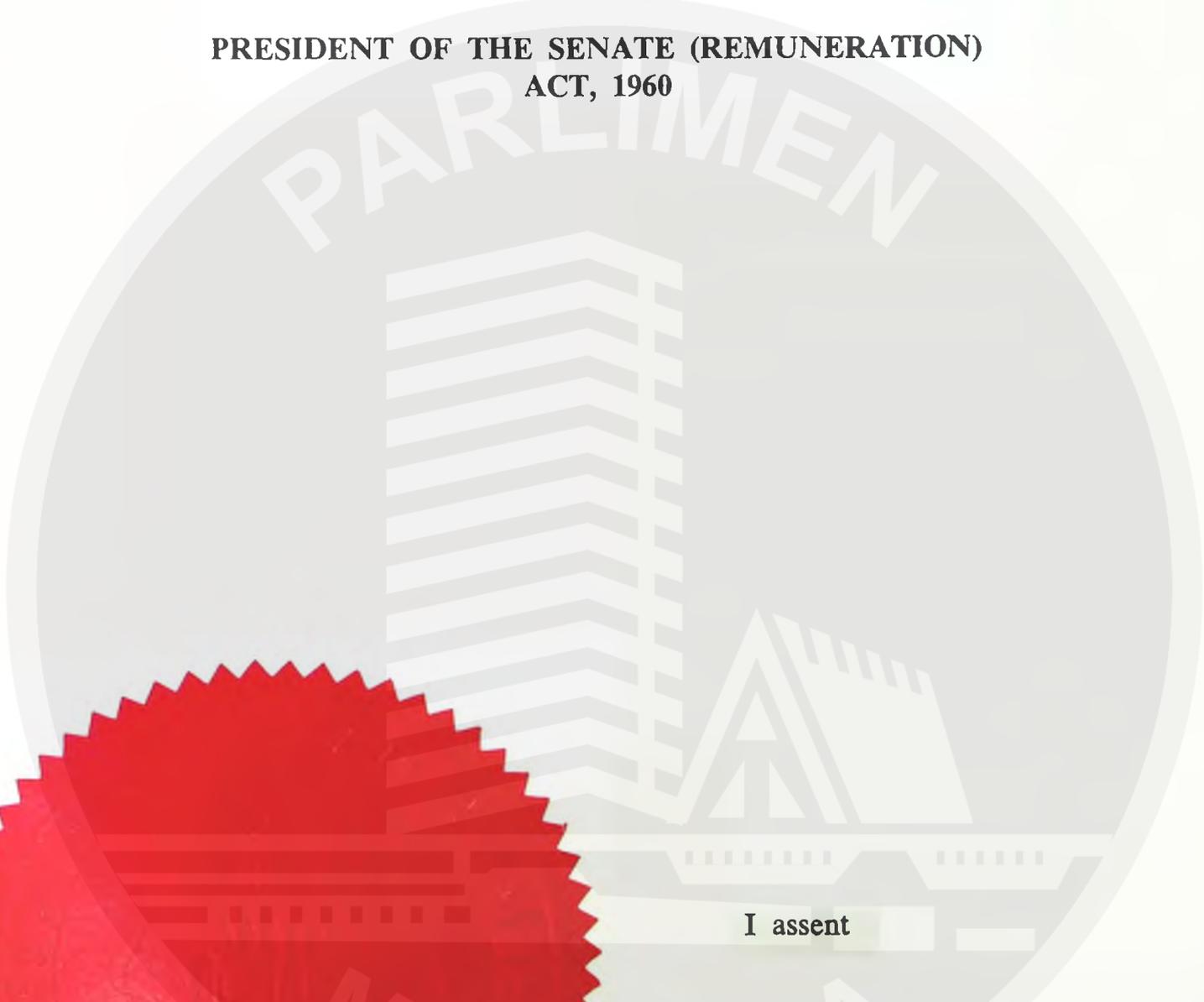
State	Law	Extent of repeal
Kedah	Enactment No. 67 (Mining)	In sub-section (i) of section 20 the words "to the satisfaction of the Superintendent"
Kelantan	Mining Enactment, 1939	Schedule 6. The words "Part 14. The whole"
Perlis	The Mining Enactment, 1340	In sub-section (i) of section 33. The words "Chapter XIV Attestation. The whole"
Trengganu	Mining Enactment (51 of 1356)	Sub-section (iv) of section 10
Malacca and Penang ...	The Registration of Deeds Ordinance, S.S. Cap. 121	Section 13, sub-sections (5) and (6)

FEDERATION OF MALAYA

Act of Parliament

No. 2 OF 1960

**PRESIDENT OF THE SENATE (REMUNERATION)
ACT, 1960**



I assent

A handwritten signature in red ink is written over a light grey rectangular background. The signature is cursive and appears to be the name of the Yang di-Pertuan Agong.

.....
Yang di-Pertuan Agong

23.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 2 OF 1960

PRESIDENT OF THE SENATE (REMUNERATION) ACT, 1960

An Act to provide for the remuneration of the Yang di-Pertua Dewan Negara (President of the Senate).

[11th September, 1959.]

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 President of the Senate (Remuneration) Act, 1960, and shall be deemed to have come into force on the eleventh day of September, 1959. Short title and commencement.

2. (1) The remuneration of the President of the Senate shall consist of— Remuneration of President of the Senate.
(a) the monthly salary of two thousand dollars;
(b) the allowances and privileges specified in the Schedule to the Parliament (Members' Remuneration) Act, 1960; and
(c) the yearly sums specified in the Schedule.

(2) The remuneration payable under paragraph (a) of sub-section (1) shall—

(a) commence from the date of election as President of the Senate;

(b) accrue from day to day;

(c) be payable monthly on the last day of each month, or such other day as the Minister of Finance may from time to time determine.

3. (1) Payments in respect of the remuneration payable under paragraph (a) of sub-section (1) of section 2 shall be made to the President of the Senate. Payment.

(2) Payments in respect of the yearly sums specified in the Schedule shall be made to the Clerk to the Senate.

4. (1) In the application of the sums paid in respect of any year under paragraph (c) of sub-section (1) of section 2 the amounts specified in the Schedule shall be appropriated to the classes of expenditure specified therein respectively in that year. Appropriation.

(2) If it appears that the sum appropriated to any class of expenditure in any year will not be wholly required for expenditure of that class in that year the Prime Minister, after consultation with the Minister of Finance, may direct that the amount not so required may be applied as an addition to the sum available for any other class.

(3) The sums paid to the Clerk to the Senate under subsection (2) of section 3 for any year shall be expended in that year by the Clerk to the Senate in conformity as far as possible with estimates for that year submitted by him to and approved by the Minister of Finance.

Yearly sums to be maximum sums payable.

5. The yearly sums specified in the Schedule shall be taken as the maximum sums payable under paragraph (c) of subsection (1) of section 2, and accordingly, notwithstanding the provisions of this Act as to any such sums, the yearly sums payable in any year may be of a lesser amount than those so specified.

Change in office of President of the Senate.

6. In the event of there being a change of holder of the office of President of the Senate there shall be made such adjustments and distribution of the annual payment specified for Class I of the Schedule as the circumstances of the case may require.

Charge on Consolidated Fund.

7. The sums required for the remuneration of the President of the Senate under this Act shall be charged on the Consolidated Fund.

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SCHEDULE
(Section 2)

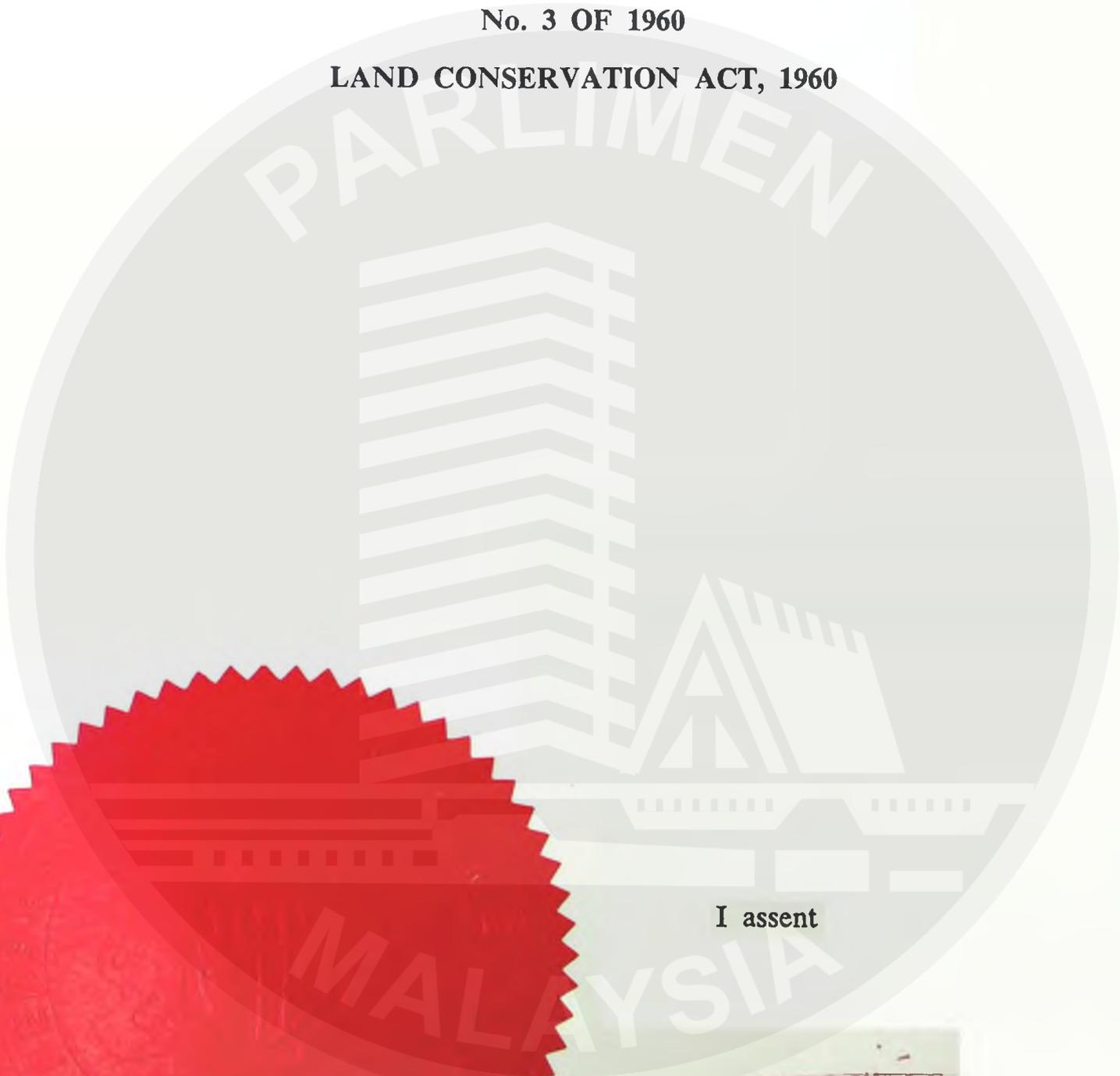
Class							
I	...	Entertainment	\$4,200
II	...	Salaries of Staff	7,000
III	...	Expenses of Household	7,500
IV	...	Transporting and Travelling	...	...	...	...	7,000

FEDERATION OF MALAYA

Act of Parliament

No. 3 OF 1960

LAND CONSERVATION ACT, 1960



I assent


.....
Yang di-Pertuan Agong

23.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 3 OF 1960

LAND CONSERVATION ACT, 1960

An Act to consolidate the law relating to the conservation of hill land and the protection of soil from erosion and the inroad of silt.

[]

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:

PART I
INTRODUCTORY

1. (1) This Act may be cited as the Land Conservation Act, 1960. Short title and application.

(2) This Act shall not come into operation in any State until it has been adopted by a law made by the Legislature of that State pursuant to the provisions of Clause (3) of Article 76 of the Constitution.

2. (1) In this Act, unless the context otherwise requires— Interpretation.
“Collector” means—

(a) as regards the States of Negri Sembilan, Pahang, Perak and Selangor, a Collector of Land Revenue as defined in the Land Code of the Federated Malay States; F.M.S.
Cap. 138.

(b) as regards the State of Johore, a Collector as defined in the Land Enactment of that State; Johore No. 1.

(c) as regards the State of Trengganu, a Collector of Land Revenue under the Land Enactment of that State; Trengganu
No. 3 of
1357.

(d) as regards the State of Kedah, a Land Officer and also a Settlement Officer appointed under the Land Enactment of that State; Kedah
No. 56.

(e) as regards the State of Perlis, the Commissioner or a Land Officer appointed under the Land Enactment of that State; Perlis No. 11
of 1356.

(f) as regards the State of Kelantan, a District Officer appointed under the Land Enactment of that State; and Kelantan
No. 26 of
1938.

(g) as regards the States of Malacca and Penang means a Collector of Land Revenue of the State concerned;

“hill land” means any land declared to be hill land in accordance with the provisions of section 3;

“owner” means the person for the time being receiving the rent of land in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or as receiver, or who would receive the rent if the land were let to a tenant, but does not include the Government of the Federation or the Government of any State in the Federation;

“occupier” means the person in occupation of land in connection with which the word is used, or having the charge, management or control thereof, either on his own account or as agent of another person, and includes a lessee of land, a person occupying land consequent upon an approved application, an approved occupant in the State of Johore, and any person occupying land under section 9 of the Lands Ordinance of the Straits Settlements;

S.S.Cap.113.

“Registrar” means—

*F.M.S.
Cap. 138.*

(a) as regards the States of Negri Sembilan, Pahang, Perak and Selangor, a Registrar or Collector as defined in the Land Code of the Federated Malay States;

Johore No. 1.

(b) as regards the State of Johore, a Commissioner or a Collector as defined in the Land Enactment of that State;

*Trengganu
No. 3 of
1357.*

(c) as regards the State of Trengganu, a Registrar as defined in the Land Enactment of that State;

*Kedah
No. 56.*

(d) as regards the State of Kedah, the Director or Land Officer as defined in Enactment No. 56 (Land) of that State;

*Perlis No. 11
of 1356.*

(e) as regards the State of Perlis, the Commissioner or Land Officer as defined in the Land Enactment of that State;

*Kelantan
No. 26 of
1938.
S.S.Cap. 126.*

(f) as regards the State of Kelantan, a Land Registrar as defined in the Land Enactment of that State;

(g) as regards the State of Malacca, the Registrar as defined in the Mutations in Titles to Land Ordinance of the Straits Settlements;

S.S.Cap. 121.

(h) as regards the State of Penang, the Registrar as defined in the Registration of Deeds Ordinance of the Straits Settlements;

“short-term crops” means any crops which normally complete their life cycle within two years after planting, and includes pineapples, bananas and derris.

(2) Nothing in this Act contained—

(a) refers to land held under mining lease or other mining title;

- (b) shall in any manner whatsoever affect the rights of the Yang di-Pertuan Agong or of the Government or of the Ruler or Governor or of the Government of any State.

—
PART II

CONTROL OF HILL LAND

3. The Ruler in Council or the Governor in Council of a State may, by notification in the *Gazette*, declare any area or class or description of land in the State to be hill land for the purposes of this Act.

Declaration of hill land.

4. The Collector shall, upon the making of any declaration under section 3 cause to be presented to the Registrar a memorandum containing a complete list of all the lands affected by such declaration, and the Registrar shall note in the register against all such lands the fact that such declaration has been made.

Entry of declaration on the register.

5. No person shall plant any hill land with short-term crops:

Prohibition of short-term crops except under permit.

Provided that the Collector may issue an annual permit to plant specified short-term crops to any applicant who satisfies him that such cultivation will not cause appreciable soil erosion, and in such permit may prescribe the area of the land and the terms and conditions under which such cultivation is permitted.

6. (1) No person shall clear any hill land or interfere with, destroy or remove any trees, plants, undergrowth, weeds, grass or vegetation on or from any hill land:

Restrictions on clearing and cultivation of hill land.

Provided that it shall be lawful for the Collector, on the application of the owner or occupier of any hill land, to authorise by permit in writing under his hand, subject to such terms and conditions and to such extent and in such manner as may be specified in such permit—

- (a) the clearing of such hill land for the purpose of cultivation;
- (b) the clearing or weeding of such hill land under lawful cultivation.

(2) Any person who fails to comply with any terms or conditions prescribed in a permit issued under sub-section (1) shall be deemed to have contravened the provisions of this Act.

(3) Whenever the Collector declines to issue a permit under this section in terms acceptable to the applicant he shall, on being requested so to do by the applicant, forthwith issue to him a certificate under his hand setting forth

the nature of the permit asked for and the grounds of such refusal and the date of issue of such certificate.

Appeal.

7. (1) Any applicant aggrieved by the refusal of the Collector to issue a permit under section 6 in terms acceptable to such applicant may, within fifteen days of the issue of the Collector's certificate under sub-section (3) of section 6, or within such further time as the Ruler in Council or the Governor in Council, as the case may be, may in any case allow, appeal to the Ruler in Council or the Governor in Council, against such refusal and the Ruler in Council or the Governor in Council, after hearing such person, or in his absence, as the Ruler in Council or the Governor in Council shall think fit, may confirm such refusal or order the Collector to issue such permit with or without modifications.

(2) Every such appeal shall be by notice in writing signed by the appellant or his advocate and solicitor and shall be delivered to the Collector, who shall forthwith transmit such notice to the State Secretary, together with a copy of the certificate issued under sub-section (3) of section 6.

(3) In deciding any such appeal it shall be lawful for the Ruler in Council or the Governor in Council to receive and take into consideration any signed statement or report of any person as to the condition of the land in question and the desirability or otherwise of the issue of a permit therefor.

(4) The order of the Ruler in Council or the Governor in Council under this section shall be final and no Court shall call in question any such order.

Acquisition
of hill land.

8. Whenever it appears desirable to the Ruler in Council or the Governor in Council, as the case may be, to acquire any hill land for the purpose of preventing soil erosion, it shall be lawful for the Ruler in Council or the Governor in Council to direct that such hill land be acquired either by private treaty or under the written law relating to the compulsory acquisition of land for a public purpose in force in the State; and for the purpose of such written law the land to be acquired shall be deemed to be required for a public purpose.

Power to
require
statements
as to persons
interested.

9. (1) The Collector may by order in writing require the owner or occupier of any hill land to deliver to him within a time to be specified in the order, being not less than fifteen days from the service thereof, a statement in writing containing to the best of his knowledge and ability the name and address of every person who possesses or has possessed

: the

within one year preceding the date of service of the order any interest in the land or any part thereof, whether as co-owner, mortgagee, lessee, sub-lessee, tenant, squatter or otherwise, and the nature of any such interest.

(2) Every such order shall be personally served on the owner or occupier, as the case may be.

(3) Every owner or occupier required to deliver a statement under this section shall be legally bound to do so within the meaning of sections 176 and 177 of the Penal Code.

*F.M.S.
Cap. 45.*

10. (1) Whenever any owner or occupier of hill land fails to comply with any term or condition imposed by a permit issued under section 5 or 6 the Collector, or any person authorised by him in writing generally or specially in that behalf, may enter upon such hill land with such assistants and things as are necessary, and may perform and do thereon and therein all acts and things required to conform with the terms and conditions of such permit, and the cost thereof shall be recoverable from such owner or occupier; and the amount of such cost may be reported to the Court of a Magistrate and recovered in the same manner as if it were a fine imposed by such Court, notwithstanding that such amount may be in excess of the ordinary jurisdiction of such Court.

Enforce-
ment of
terms and
conditions
of permits.

(2) Nothing in this section shall affect the liability of any person to prosecution and punishment under section 18.

PART III

CONTROL OF SILT AND EROSION

11. Whenever it appears to a Collector on grounds to be recorded by him in writing with reference to land owned by any person—

Notice to
show cause
against
order.

(a) that earth, mud, silt, gravel or stone from such land has caused or is likely to cause damage to other land, whether alienated or not, or to any water-course, whether natural or artificial, or has interfered or is likely to interfere with the due cultivation of other land, whether alienated or not; or

(b) that by reason of the steepness of the slope of such land, damage has been or is likely to be caused to such land by erosion or displacement of earth, mud, silt, gravel or stone upon or from such land,

the Collector may, by notice served on the owner or occupier of such land, require him to shew cause, at a time

and place to be stated in such notice, why an order should not be made under this Act prohibiting him from doing, or requiring him to do, any act or thing which may under section 14 be prohibited or required to be done.

Appearance to show cause.

12. Any owner or occupier of land who is required to show cause why an order under section 11 should not be made in respect of such land may attend and show cause either in person, or by his agent duly authorised by power of attorney in that behalf, or by an advocate and solicitor or, with the permission of the Collector, by any other person.

Procedure on appearance.

13. (1) If an owner or occupier of land who is required to show cause as aforesaid attends in person, or by any representative referred to in section 12, at the time and place stated in the notice, the Collector shall—

- (a) inform such owner or occupier or representative, as the case may be, of the grounds on which the notice was issued;
- (b) in the presence of such owner or occupier or representative, make any enquiry and take and record any evidence which the Collector thinks necessary as to the facts and circumstances of the case;
- (c) hear and record the statement (if any) of such owner or occupier or representative; and
- (d) take and record the evidence of all persons attending at the instance of such owner or occupier or representative whom such owner or occupier or representative desires to examine.

(2) For the purpose of carrying out the provisions of this section the Collector shall have the same powers of summoning and enforcing the attendance of witnesses and of compelling the production of documents and of adjourning proceedings from time to time as the Court of a Magistrate has in civil suits.

Powers to make orders and nature of orders.

14. (1) If an owner or occupier of land who is required to show cause as aforesaid fails without reasonable excuse (to be allowed by the Collector) to attend in person or by any representative referred to in section 12 at the time and place mentioned in the notice, or, having so attended, fails to show cause to the satisfaction of the Collector why an order in respect of the land referred to in the notice should not be made, the Collector may—

- (a) make an order in writing under his hand prohibiting, either absolutely or to such extent as may be prescribed in the order, interference with

or destruction or removal of any trees, plants, undergrowth, weeds or grass within or from such parts of the said land as are specified in the order;

- (b) with the sanction of the State Secretary, make an order in writing under his hand requiring the making on the said land of drains and water-courses, and the construction thereon of dams and retaining walls, of such character and dimensions and in such positions as are specified in the order;
- (c) with the sanction of the State Secretary, make an order in writing under his hand requiring the doing on or in respect of the said land of any act or thing which appears to the Collector likely to prevent, and prohibiting the doing on or in respect of the said land of any act or thing which appears to the Collector likely to facilitate the passage of earth, mud, silt, sand, gravel or stone from the said land to other land, whether owned by any person or not, or to any river, canal or drain.

(2) Any order made under this section may prescribe the time within which any work, act or thing required by such order to be made or done shall be completed.

15. (1) Any order made under section 14 may be varied or revoked by the Collector by writing under his hand :

Provided that—

- (i) no such order or part thereof made with the sanction of the State Secretary shall be varied or revoked save with the sanction of the State Secretary;
- (ii) no such order shall be varied so as to prohibit or require anything not authorised by section 14 to be prohibited or required;
- (iii) the sanction of the State Secretary shall be required for any variation of such an order which, if contained in an original order under section 14, would require the sanction of the State Secretary;
- (iv) no such order shall, except with the express consent of the owner or occupier of the land in respect whereof the order was made, or of some person duly empowered so to consent on behalf of the owner or occupier, be varied unless reasonable opportunity shall first have been given to such owner or occupier to show cause why the order should not be varied.

Variation
and
revocation
of orders.

(2) Such notice shall refer to the subsisting order and to the date whereon the same was made and shall contain particulars of the manner in which the same is proposed to be varied.

(3) After service of such notice the procedure prescribed by sections 12 and 13 shall, subject to necessary modifications, apply; and the provisions of this Act applicable to an order made under section 14 shall apply also to any such order as varied under this section.

Operation
of orders.

16. Subject to the judgment of the High Court, every order made under section 14 shall after service thereof upon the owner or occupier of the land in respect whereof the same is made be, so long as the same remains unrevoked, binding upon all persons who are from time to time registered as owner or occupier of such land and upon all persons who are from time to time in lawful occupation thereof.

Appeal.

17. (1) Every order under section 14 or part thereof which is—

(a) mandatory, and where the cost of the work ordered to be done does not exceed two thousand dollars; or

(b) prohibitory:

shall be final and there shall be no appeal therefrom.

(2) Subject to the provisions of sub-section (1) an appeal shall lie to the High Court from any order made under section 14:

Provided that—

(a) no such appeal shall be brought after the expiration of fourteen days from the time when the order appealed against was made;

(b) the obligation to comply with an order made under section 14 shall not be affected by the fact of an appeal having been preferred against the order, but the High Court may for sufficient cause suspend the obligation.

(3) The procedure governing such appeals to the High Court shall be the same as for appeals to the High Court from decisions of subordinate courts in civil matters:

Provided that the decision of the High Court shall be final and there shall be no appeal therefrom.

Penalty.

18. (1) Any person who without reasonable excuse fails to comply with any order made under, or any provision of this Ordinance, requiring him to do or prohibiting him

from doing any act or thing shall be liable to a fine of not exceeding five thousand dollars and in default of payment thereof to imprisonment for a term which may, subject to the provisions of section 283 of the Criminal Procedure Code of the Federated Malay States or section 279 of the Criminal Procedure Code of the Straits Settlements, as the circumstances may require, extend to six months.

*F.M.S.
Cap. 6.*

*S.S.
Cap. 21.*

(2) Notwithstanding anything in any other written law, any penalty authorised by this section may be imposed by a Court of a Magistrate of the First Class.

19. Where any drain, water-course, dam, wall or other work has in pursuance of an order under section 14 been made on any land, all persons who are from time to time registered as owners or occupiers of such land shall, so long as such order remains unrevoked, at his or their own expense maintain such work in good and efficient order to the satisfaction of the Collector.

Maintenance of work.

20. (1) Where by virtue of an order made under section 14 any prohibition or requirement is under this Ordinance imposed on an owner or occupier of land, the Collector may certify under his hand and official seal the terms of the order and the particulars of the document or documents of title under which such land is held, and the Registrar having custody of the register wherein the title to such land is recorded shall on production to him of such certificate enter in the said register a memorandum of the making of such order and shall file such certificate.

Record of orders in the register.

(2) Where any order of the making whereof a memorandum has been entered under sub-section (1) is varied or revoked or is affected by a judgment of the High Court, such variation or revocation or the effect of such judgment may in like manner be certified and a memorandum thereof entered in the register and the certificate thereof filled.

PART IV GENERAL

21. (1) If any person who is by any order made under or by any provision of this Act required to do any act or thing fails to comply with such requirements, the Collector may cause such act or thing to be done by such persons and in such manner as he may direct, and the cost thereof shall be recoverable from the person making default as aforesaid by the Collector in civil suit.

Power to cause effect to be given to orders and recovery of cost.

(2) Nothing in this section contained shall affect any liability of any person to prosecution and punishment under section 18.

Liability of owner or occupier for acts done on land.

22. Where by this Act the doing of any act upon any land by any person is forbidden, any owner or occupier of such land who causes or permits such act to be done shall be deemed to have contravened the provisions of this Act unless he proves that such act was done without his knowledge and consent and that he had taken all reasonable precautions against the doing of such act.

Service of notices and orders.

23. Notices and orders issued and made in any State under this Act may be served in manner following, and such service shall be equivalent to personal service upon the person on whom service is to be effected :

- (a) if the person on whom service is to be effected be within such State, the notice or order may be delivered to him or left with some adult member of his family (other than a servant) residing with him within such State;
- (b) if the person on whom service is to be effected has an agent within such State duly authorised by power of attorney to accept service on his behalf, the notice or order may be delivered to such agent;
- (c) if service cannot be effected in the manner described in paragraph (a) or paragraph (b), the notice or order may be sent by registered post addressed to the person on whom service is to be effected at his address in any part of Malaya;
- (d) where service is to be effected on a corporation, the notice or order may be—
 - (i) left at the registered office (if any) of the corporation within such State;
 - (ii) delivered to any director, secretary or other principal officer of the corporation within such State, or to any person within such State duly authorised by power of attorney to accept service on behalf of the corporation, or to any person having, on behalf of the corporation, powers of control or management over the land to which the notice or order relates; or
 - (iii) sent by registered post addressed to the corporation at its principal office wherever situate; or
- (e) if service cannot be effected in accordance with the preceding paragraphs of this section, the notice or order may be put up in a conspicuous position on the land to which it relates.

24. The Ruler in Council or the Governor in Council, as the case may be, may make rules for carrying out the purposes of this Act. Rules.

25. Nothing in this Act contained shall debar any owner or occupier of land which is affected or likely to be affected by inroad of earth, mud, silt, sand, gravel or stone from other land from instituting any suit or proceedings in respect thereof or shall relieve any person of any liability to which he would have been subject if this Act had not been passed: Private suits not affected.

Provided that a person shall not be liable for any act or omission, or the consequences of any act or omission required by an order under this Act to be done or omitted by him.

26. The Silt Control Enactment of the Federated Malay States, the Hill Lands Ordinance, 1937, of the Straits Settlements, Enactment No. 110 (Silt Control) of the State of Kedah, the Prevention of Soil Erosion Enactment, 1940, of the State of Kelantan and the Hill Lands Enactment, 1951, of the State of Pahang, are hereby repealed: Repeal.
F.M.S.
Cap. 143.
S.S. 44 of
1937;
Kedah 110;
Kel. 23 of
1940;
Phg. 4 of
1951.

Provided that—

- (a) any permit, order, sanction or prohibition made, given, granted or imposed or thing done under any of the written laws hereby repealed shall, in so far as the same is not inconsistent with the provisions of this Act, continue in force and have effect as if it had been made, given, granted or imposed under this Act; and
- (b) any register kept under any former written law hereby repealed shall be deemed part of the register to be kept under the corresponding provisions of this Act.

MALAYSIA

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FEDERATION OF MALAYA

Act of Parliament

No. 4 OF 1960

PARLIAMENT (MEMBERS' REMUNERATION)
ACT, 1960



I assent

.....
Yang di-Pertuan Agong

23.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 4 OF 1960

PARLIAMENT (MEMBERS' REMUNERATION)
ACT, 1960

An Act to provide for the remuneration of members of each House of Parliament.

[15th July, 1959.]

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 Parliament (Members' Remuneration) Act, 1960, and shall be deemed to have come into operation on the 15th day of July, 1959. Short title and commencement.
2. In this Act "member" means a member of the Dewan Negara or the Dewan Ra'ayat, as the circumstances may require. Interpretation.
3. (1) The remuneration of a member shall consist of— Remuneration of members.
 - (a) a monthly allowance of five hundred dollars; and
 - (b) the allowances and privileges specified in the Schedule.

(2) The remuneration of a member payable under paragraph (a) of sub-section (1) shall—

 - (a) commence from the date of his election or appointment;
 - (b) accrue from day to day; and
 - (c) be payable monthly on the last day of each month, or on such other day as the Minister of Finance may from time to time determine.
4. The Schedule may be added to, varied or amended by a resolution passed by both Houses of Parliament. Power to amend Schedule.
5. The allowances payable under this Act shall be paid out of monies provided by Parliament. Provision for salaries, etc.

SCHEDULE

(Sections 3 and 4)

1. *Correspondence:* Members are authorised to transmit free of charge within the Federation all correspondence relating to Government or Parliamentary business in accordance with such rules as the President and the Speaker may from time to time prescribe.

2. *Government Publications:* The Government will supply free of charge to each member one copy of all current Federal Government *Gazettes*.
3. *Motor Car Licence:* A member shall be entitled to exemption from any fee payable for a motor car licence granted under the Motor Vehicles (Registration and Licensing) Rules, 1959, in respect of any one motor car of which he is the registered owner.
4. *Motor Car Badges:* Members shall be supplied with and may carry on their motor cars a distinctive badge, in such form as may from time to time be authorised by the House Committee.
5. *Travel by Rail:* Each member shall be supplied with two free railway passes (first class including sleeper) one for use by the member and the other for use by the wife or husband of the member, or by any person accompanying the member, or by any person travelling in connection with Parliamentary business on the written authority of the member.
6. *Travel by Sea or Air:* Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof.
7. *Travel by Road:* Members (other than Ministers and Assistant Ministers) attending meetings of the House or any Committee thereof shall be entitled to mileage and driver's allowance where applicable at the rates payable to officers of Division I of the general public service of the Federation or, if they are not travelling in their own cars, the actual cost of transport for the purpose of attending such meetings.
8. *Telephone:*
 - (a) Each member shall be entitled (if he is not already in possession of a telephone in his private residence) to the cost of the installation of a telephone in such residence as an individual subscriber.
 - (b) Each member who has a telephone installed in his private residence as an individual subscriber may recover the cost of the rental thereof.
 - (c) Members shall be allowed free use of the telephones installed in Parliament House and may recover the cost of trunk calls made elsewhere on Parliamentary business.
9. *Medical facilities:* Members shall be entitled to the same medical facilities as for Division I officers of the general public service of the Federation.
10. *Subsistence:* Members (other than Ministers and Assistant Ministers) attending meetings of the House or any Committee thereof—
 - (a) away from the town where they reside shall be paid thirty-five dollars for every twenty-four hours or part thereof during which they are away from such town;
 - (b) in the town where they reside shall be paid the actual expenditure incurred.

FEDERATION OF MALAYA

Act of Parliament

No. 5 OF 1960

ASSISTANT MINISTERS ACT, 1960



I assent

.....
Yang di-Pertuan Agong

23.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 5 OF 1960

ASSISTANT MINISTERS ACT, 1960

An Act to provide for the appointment, remuneration and functions of Assistant Ministers.

[13th October, 1959.]

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 Assistant Ministers Act, 1960, and shall be deemed to have come into operation on the 13th day of October, 1959.

Short title and commencement.

2. In this Act—

“Assistant Minister” means a person who has been appointed to be an Assistant Minister under section 3.

Interpretation.

3. (1) The Yang di-Pertuan Agong may, on the advice of the Prime Minister, appoint a member of either House of Parliament to be an Assistant Minister:

Appointment of Assistant Ministers.

Provided that if an appointment is made while Parliament is dissolved a person who was a member of the last House of Representatives may be appointed but shall not continue to hold office after the beginning of the next session of Parliament unless he is a member either of that House or of the Senate.

(2) The provisions of Clauses (5) and (6) of Article 43 of the Constitution shall apply to Assistant Ministers as they apply to Ministers.

4. Assistant Ministers shall assist Ministers in the exercise of their powers and the performance of their duties.

Functions of Assistant Ministers.

5. An Assistant Minister shall, subject to the provisions of section 3, vacate his office—

Tenure of office.

(a) on a dissolution of Parliament;

(b) on a resignation of the Cabinet under Clause (4) of Article 43 of the Constitution;

(c) if he becomes disqualified for membership of either House of Parliament, or if his seat therein is declared vacant.

6. (1) The remuneration of each Assistant Minister shall consist of the annual salary of twenty-four thousand dollars together with the allowances and privileges specified in the Schedule.

Remuneration of Assistant Ministers.

- (2) The salary of an Assistant Minister shall—
- (a) commence from the date of his appointment;
 - (b) accrue from day to day; and
 - (c) be payable monthly on the last day of each month, or on such other day as the Minister of Finance may from time to time determine.

(3) If an Assistant Minister performs any Government duty outside the Federation he may receive such allowances and privileges in respect of the performance of such duties as the House of Representatives may by resolution determine, and any such resolution may provide that any such allowances or privileges shall be wholly or partly in addition to or in substitution for any of the allowances or privileges specified in the Schedule.

Provision against duplicate salaries.

7. A person to whom any salary or allowance is payable under this Act shall be entitled to receive only one such salary and allowances.

Provision for payment of salaries and allowances.

8. The salaries and allowances payable under this Act shall be paid out of monies provided by Parliament.

Reduction of salaries and allowances by Parliament.

9. The amount specified in this Act as being the amount of any salary payable thereunder out of monies provided by Parliament shall be taken to be the maximum amount so payable, and accordingly, notwithstanding the provisions of this Act as to any such amount, the salary and allowances so payable in any year in respect of any office may be of a lesser amount than that so specified.

Consequential amendment of Delegation of Powers Ordinance, 1956.

10. Section 2 of the Delegation of Powers Ordinance, 1956, is hereby amended by adding the following new sub-section:

“(2) In this Ordinance ‘Assistant Minister’ means a person who has been appointed to be an Assistant Minister under section 3 of the Assistant Ministers Act, 1960.”

SCHEDULE

(Section 6)

ALLOWANCES AND PRIVILEGES

1. Quarters:

Furnished quarters shall be provided and maintained free of charge, or an allowance of two hundred dollars per month shall be paid in lieu thereof.

2. *Medical Facilities:*

The same facilities shall be provided as for officers in Division I of the general public service.

3. *Subsistence Allowance:*

Thirty-five dollars for every 24 hours or part of 24 hours that the Assistant Minister is away from the District of Kuala Lumpur on Government duty, shall be paid.

4. *Advances to purchase motor cars:*

Subject to the approval of the Prime Minister, the same facilities shall be provided as for officers of Division I of the general public service.

5. *Mileage Allowance:*

Mileage and driver's allowances where applicable, at the rates payable to officers in Division I of the general public service shall be paid for journeys on official duty (journeys between house and office excepted).

6. *Entertainment Allowance:*

A monthly entertainment allowance of one hundred and fifty dollars shall be paid.

7. *Leave:*

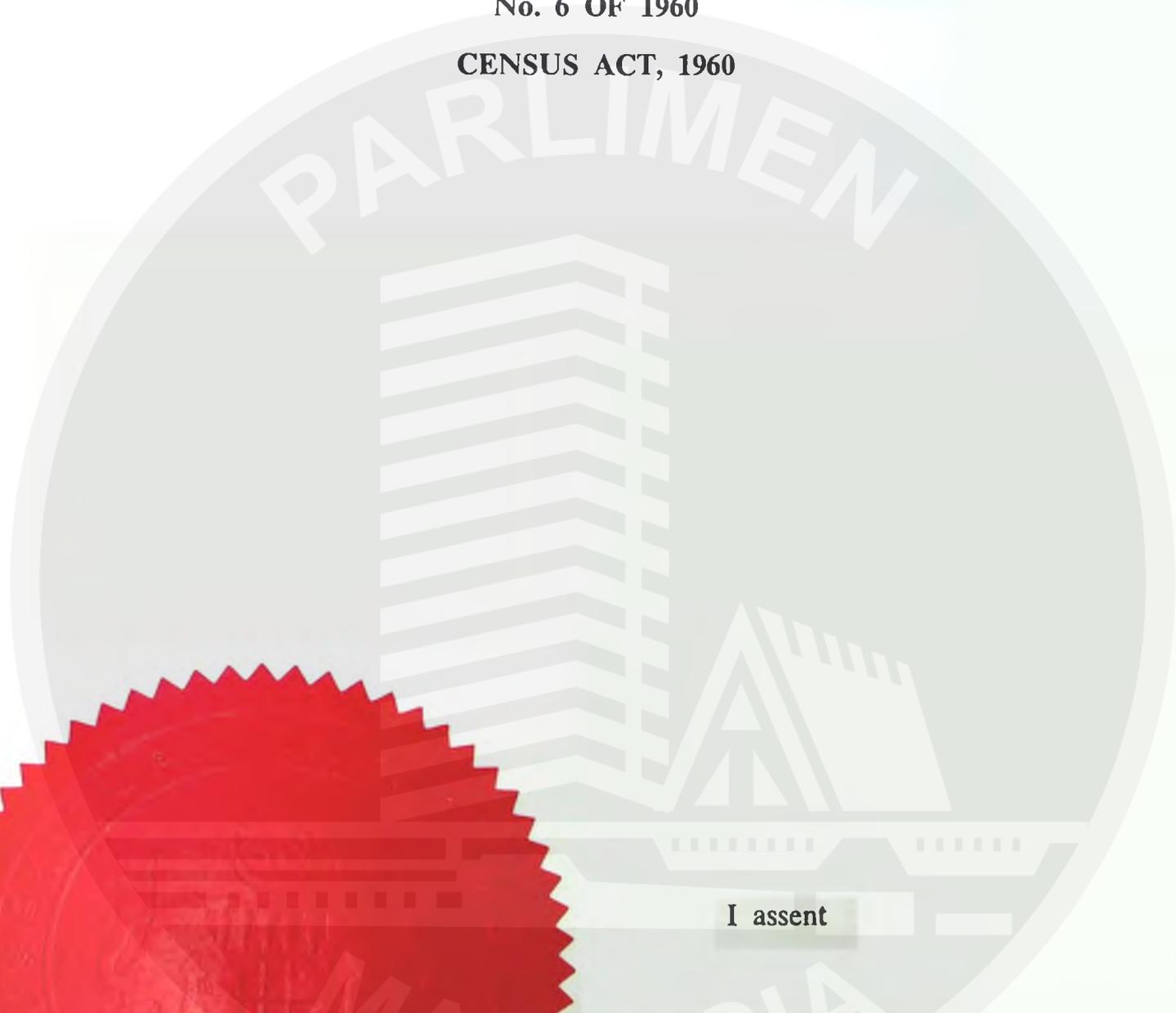
One month's vacation leave in each year, which leave may be accumulated for two years with the approval of the Prime Minister, shall be granted.

FEDERATION OF MALAYA

Act of Parliament

No. 6 OF 1960

CENSUS ACT, 1960



I assent

A handwritten signature in red ink is written over a small rectangular area. The signature is cursive and appears to be 'S. Yusoff'.

.....
Yang di-Pertuan Agong

23.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 6 OF 1960

CENSUS ACT, 1960

An Act to provide for the taking of a Census from time to time.

[]

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 Census Act, 1960.

Short title.

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

Interpretation.

“Assistant Commissioner” means an Assistant Commissioner appointed under section 4;

“census officer” means any person appointed under section 4 as Commissioner, Deputy Commissioner, Assistant Commissioner, Supervisor, house numberer or enumerator, acting within the local limits of any area for which he may have been so appointed;

“Commissioner” means the Commissioner appointed under sub-section (1) of section 4, and includes a Deputy Commissioner;

“Schedule” means a schedule in the prescribed form in which are, or are to be, entered the prescribed particulars required for the purposes of a census.

3. The Yang di-Pertuan Agong may, by order notified in the *Gazette*, from time to time direct that a census be taken throughout the Federation or any specified area of the Federation of the population, agriculture (including animal husbandry), trade, labour, industry, commerce, orphanhood, widowhood, blindness or other specified infirmity, disease or affliction, or such other matters as he may consider necessary or desirable in order to ascertain the social, civil or economic condition or state of health of the inhabitants of the Federation.

Power to direct Census to be taken.

4. (1) The Yang di-Pertuan Agong may, from time to time, by notification in the *Gazette* appoint a Commissioner and such Deputy Commissioners and Assistant Commissioners in and for the Federation or any part thereof, and with such titles relating to the nature of the census in respect of which they are appointed, as he may consider necessary for the purposes of any order under section 3.

Appointment of officers.

(2) The Commissioner, any Assistant Commissioner, and any census officer authorised by the Commissioner in that behalf, may by writing under his hand appoint any person as a supervisor, house numberer or enumerator to supervise or take or aid in the taking of a census within any specified area.

(3) Every census officer shall, before embarking upon his duties, take and subscribe an oath in the form set out in the Schedule.

(4) Every census officer shall be deemed to be a public servant within the meaning of the Penal Code.

Census officers to carry proof of appointment.

5. (1) Every census officer, other than a census officer appointed by notification in the *Gazette*, shall carry with him at all times when on census duty the writing under the hand of the Commissioner, Assistant Commissioner or other census officer authorised by the Commissioner in that behalf appointing him a census officer under sub-section (2) of section 4, and shall produce the same for inspection by any person who may in good faith question his authority as a census officer.

(2) Every census officer appointed by notification in the *Gazette* shall carry with him at all times when on census duty a copy of the notification in the *Gazette* appointing him a census officer.

Rules.

6. (1) The Yang di-Pertuan Agong may from time to time make rules to give effect to the provisions of this Act and, without prejudice to the generality of such powers, such rules may provide for—

- (a) the duties of census officers;
- (b) the particulars regarding which, the persons from whom, and the mode in which, information shall be obtained for the purposes of any census;
- (c) the forms of schedules to be used in obtaining such particulars;
- (d) the form of requisition to be addressed to employers of labour under section 12;
- (e) such other matters as may be prescribed.

(2) Such rules shall be published in the *Gazette*.

Occupier to allow access and permit affixing of numbers.

7. Every person occupying any land, house, enclosure, vessel or other place shall allow any census officer such access thereto for the purposes of the census as, having regard to the customs of the country, may be reasonable, and shall allow him to paint, mark, or affix on or to the property in the occupation of such person, such letters, marks or numbers as the Commissioner may deem necessary for the purposes of the census.

8. Every census officer may ask all such questions of all persons within the limits of the area for which he is appointed as may be necessary to obtain the information required for the purposes of the census, and every person of whom any such question is asked shall be bound to answer such question truthfully to the best of his knowledge and belief.

Questions
by census
officers.

9. (1) Any census officer may leave or cause to be left at any dwelling-house within the area for which he is appointed a schedule in the prescribed form to be filled in by the occupier of such dwelling-house or of any specified part of such dwelling-house.

Delivery
and filling
in of
schedules.

(2) Such occupier shall, within the time mentioned therein, fill in the said schedule, or cause it to be filled in, in the manner prescribed and shall thereafter deliver the schedule so filled in to the enumerator or supervisor appointed for the area in which such dwelling-house is situate or to such other person as the Assistant Commissioner may direct.

(3) If unable either to fill in the schedule in the prescribed manner or cause some other person so to fill it in, such occupier shall preserve it in the condition in which he received it and shall deliver it to such enumerator, supervisor or other person as aforesaid who shall then exercise the powers conferred upon him by section 8 and shall fill in the schedule in the prescribed manner.

(4) At any time before or within twelve months (or such longer period as may be prescribed) after the date directed for the taking of the census, if instructed by any Assistant Commissioner so to do, any census officer may visit any dwelling-house within the area for which he is appointed for the purpose of checking any information obtained or of obtaining further information for the purposes of the census, in which event, after exercising the powers conferred upon him by section 8, he shall

(a) if satisfied that a schedule relating to any dwelling-house contains the name of any person who was not within that dwelling-house at the time of the taking of the census, delete from such schedule the name of, and all particulars relating to, the said person; and

(b) if satisfied that any person was within any dwelling-house at the time of the taking of the census whose name is not written in a schedule relating to that dwelling-house, enter the name of, and all particulars relating to, the said person in such

schedule or in a separate schedule, as the Commissioner may direct; and

- (c) if satisfied that any schedule is incorrect in any other material particular make any necessary correction thereto.

Collective
schedules to
be filled in
by persons
in charge of
institutions,
etc.

10. (1) An Assistant Commissioner may deliver or cause to be delivered to—

- (a) the person in charge of any mental hospital, hospital, work-house, prison, police station, reformatory or lock-up, or any Government, co-operative, collective or tribal farm, or any charitable, religious, educational or other public or private institution or organisation; or to

- (b) the keeper, secretary or manager or other person in charge of any hotel, boarding-house, lodging-house, club or other residential establishment;

a schedule or schedules in the prescribed form to be filled in in respect of such premises.

(2) The person to whom any such schedule is so delivered shall fill in the same or cause the same to be filled in, to the best of his knowledge and belief, with the prescribed particulars in respect of the premises at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule or schedules so filled in and signed to the enumerator or supervisor appointed for the area in which such premises are situate or to such other person as the Assistant Commissioner may direct.

Enumera-
tion of
naval,
military and
air forces
and
travellers.

11. The Commissioner shall obtain, by such lawful means as shall appear to him best adapted for the purpose, the prescribed particulars regarding—

- (a) any military or air force or any body of men belonging to a vessel of war, and

- (b) all persons who at the time when the census is being taken are travelling, or on shipboard, or for any other reason not abiding in any premises of which account is to be taken in the census,

and shall include such information in the abstracts to be made by him as provided in section 15.

Employers
of labour
may be
required to
be enume-
rators.

12. (1) Every employer—

- (a) of ten or more labourers who reside upon any agricultural estate or mining property, or in any factory or work-shop, or

- (b) of such other class or description of labourers as may be prescribed,

shall, upon receipt of a written requisition in that behalf in the prescribed form signed by an Assistant Commissioner, act or appoint an agent to act as enumerator in respect of all persons employed or residing upon or in such estate, mining property, factory or workshop.

(2) Every such employer or agent shall enter or cause to be entered, in the schedules delivered to him for such purpose, the prescribed particulars regarding all persons referred to in sub-section (1) and shall deliver such schedules filled in to the best of his knowledge and belief, to the enumerator or supervisor appointed, for the area within which such estate, mining property, factory or workshop is situate, or to such other person as the Assistant Commissioner may direct.

13. All Government servants shall assist in the work of taking the census, if and when so required by the Commissioner or by an Assistant Commissioner.

Government servants to assist in taking census.

14. Every enumerator shall deliver to the supervisor of the area for which he is appointed all schedules, and all such returns as may be required by the Commissioner, on a day or days to be appointed for that purpose by the Assistant Commissioner for such area, and such supervisor shall forthwith verify them and transmit them, together with any other schedules and returns in his custody, to the Assistant Commissioner who shall forthwith forward the same to the Commissioner, or to such other person as the Commissioner may direct.

Delivery of schedules and returns

15. (1) The Commissioner shall, upon receipt of the schedules and returns forwarded pursuant to this Act, cause an abstract to be made of the same for each State and an abstract for the whole of the Federation, and such abstracts shall be printed and published for general information.

Abstract to be made and published.

(2) In any abstract prepared under sub-section (1) with reference to any trade or industry the particulars and information comprised in such abstract shall not be arranged in any way which would enable any person to identify any particulars or information so published as being particulars or information relating to any individual person or business.

16. (1) Any census officer and any person employed in the preparation of the abstracts required to be made under section 15 who—

Offences by census officers.

(a) without sufficient cause, refuses or neglects to comply with any instruction or requisition addressed to him by the Commissioner or an

Assistant Commissioner, or fails to use reasonable diligence in performing any duty imposed on him;
or

- (b) wilfully puts an offensive or improper question; or
- (c) knowingly makes any false return; or
- (d) asks, receives, or takes from any person other than an authorised officer of the Government any payment or reward;

shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term which may extend to one month, or to both such fine and imprisonment.

(2) Any census officer and any person employed in the preparation of the abstracts required to be made under section 15 who discloses or makes use of, except for the purposes of this Act, any information which has come to his knowledge in the course of his duty as such shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine.

Other
Offences.

17. (1) Any person who—

- (a) refuses to answer truthfully, to the best of his knowledge and belief, any question asked of him by a census officer which he is legally bound so to answer or wilfully makes a false answer thereto; or
- (b) makes, signs, delivers or causes to be made, signed, or delivered any wilfully false or incorrect schedule, statement, or return; or
- (c) refuses to allow a census officer such reasonable access to any house, land, enclosure, vessel, or other place as he is required by this Act to allow; or
- (d) removes, obliterates, alters or injures, before the expiry of twelve months from the time of taking the census, any letters, marks or numbers which have been painted, marked or affixed for the purposes of the census; or
- (e) refuses or neglects to comply with any provision of this Act or of any rule made thereunder;

shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term which may extend to one month, or to both such fine and imprisonment.

(2) Any person who impersonates a census officer shall be guilty of an offence and liable to a fine not exceeding

one thousand dollars or to imprisonment for a term which may extend to six months or to both such fine and imprisonment.

18. No prosecution shall be instituted under this Act without the previous sanction in writing of the Public Prosecutor.

No prosecution without sanction of the Public Prosecutor.

19. (1) No individual return of particulars or information, and no part thereof furnished relating to any business, occupation or work shall, without the previous consent in writing of the person having the control, management or superintendence thereof, be published nor, except for the purposes of a prosecution under this Act or under such conditions as may be prescribed, shall any person not engaged in connection with a census be permitted to see any such individual return or part thereof.

Individual returns not to be disclosed.

(2) In making rules and prescribing forms under section 6 due regard shall be had to the circumstances of various trades and industries, and in particular to the importance of avoiding the disclosure in any return of any trade secret or of trading profits, or of any other particulars or information the disclosure of which would be likely to tend to the prejudice of the person furnishing the return.

20. No entry in any book, register, or record made by a census officer or by any person in the discharge of his duty under this Act shall be admissible in evidence in any civil or criminal proceeding, save and except a prosecution instituted under this Act in respect of such entry against the person who made, signed or delivered the same, or caused the same to be made, signed or delivered.

Census records secret and not admissible in evidence.

21. The Census Ordinance, 1947, is hereby repealed.

Repeal.
10 of 1947.

MALAYSIA

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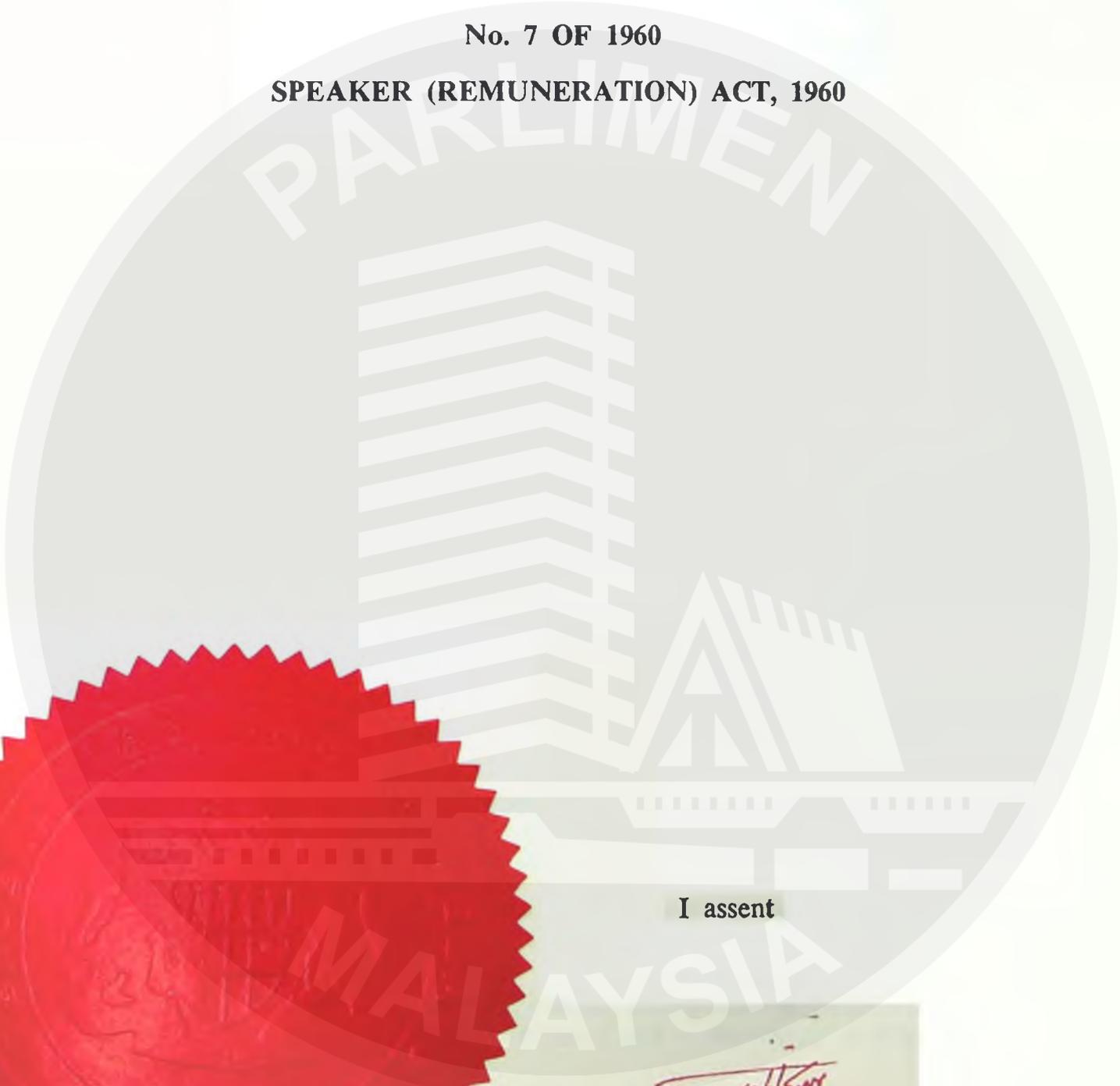
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FEDERATION OF MALAYA

Act of Parliament

No. 7 OF 1960

SPEAKER (REMUNERATION) ACT, 1960



I assent

.....
Yang di-Pertuan Agong

25.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 7 OF 1960

SPEAKER (REMUNERATION) ACT, 1960

An Act to provide for the remuneration of the Yang di-Pertua Dewan Ra'ayat (Speaker of the House of Representatives).

[11th September, 1959.]

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 Speaker (Remuneration) Act, 1960, and shall be deemed to have come into force on the eleventh day of September, 1959. Short title and commencement.

2. (1) The remuneration of the Speaker shall consist of— Remuneration of Speaker.
(a) the monthly salary of two thousand two hundred and fifty dollars;
(b) the allowances and privileges specified in the Schedule to the Parliament (Members' Remuneration) Act, 1960; and
(c) the yearly sums specified in the Schedule.

(2) The remuneration payable under paragraph (a) of sub-section (1) shall—

- (a) commence from the date of election as Speaker;
- (b) accrue from day to day;
- (c) be payable monthly on the last day of each month, or such other day as the Minister of Finance may from time to time determine.

3. (1) Payments in respect of the remuneration payable under paragraph (a) of sub-section (1) of section 2 shall be made to the Speaker. Payment.

(2) Payments in respect of the yearly sums specified in the Schedule shall be made to the Clerk to the House of Representatives.

4. (1) In the application of the sums payable in respect of any year under paragraph (c) of sub-section (1) of section 2 the amounts specified in the Schedule shall be appropriated to the classes of expenditure specified therein respectively in that year. Appropriation.

(2) If it appears that the sum appropriated to any class of expenditure in any year will not be wholly required for expenditure of that class in that year the Prime Minister, after consultation with the Minister of Finance, may direct that the amount not so required may be applied as an addition to the sum available for any other class.

(3) The sums paid to the Clerk to the House of Representatives under sub-section (2) of section 3 for any year shall be expended in that year by the Clerk to the House of Representatives in conformity as far as possible with estimates for that year submitted by him to and approved by the Minister of Finance.

Yearly sums to be maximum sums payable.

5. The yearly sums specified in the Schedule shall be taken to be the maximum sums payable under paragraph (c) of sub-section (1) of section 2, and accordingly, notwithstanding the provisions of this Act as to any such sums, the yearly sums payable in any year may be of a lesser amount than those so specified.

Change in office of Speaker.

6. In the event of there being a change of holder of the office of Speaker there shall be made such adjustments and distribution of the annual payment specified for Class I of the Schedule as the circumstances of the case may require.

Charge on Consolidated Fund.

7. The sums required for the remuneration of the Speaker under this Act shall be charged on the Consolidated Fund.

SCHEDULE
(Section 2)

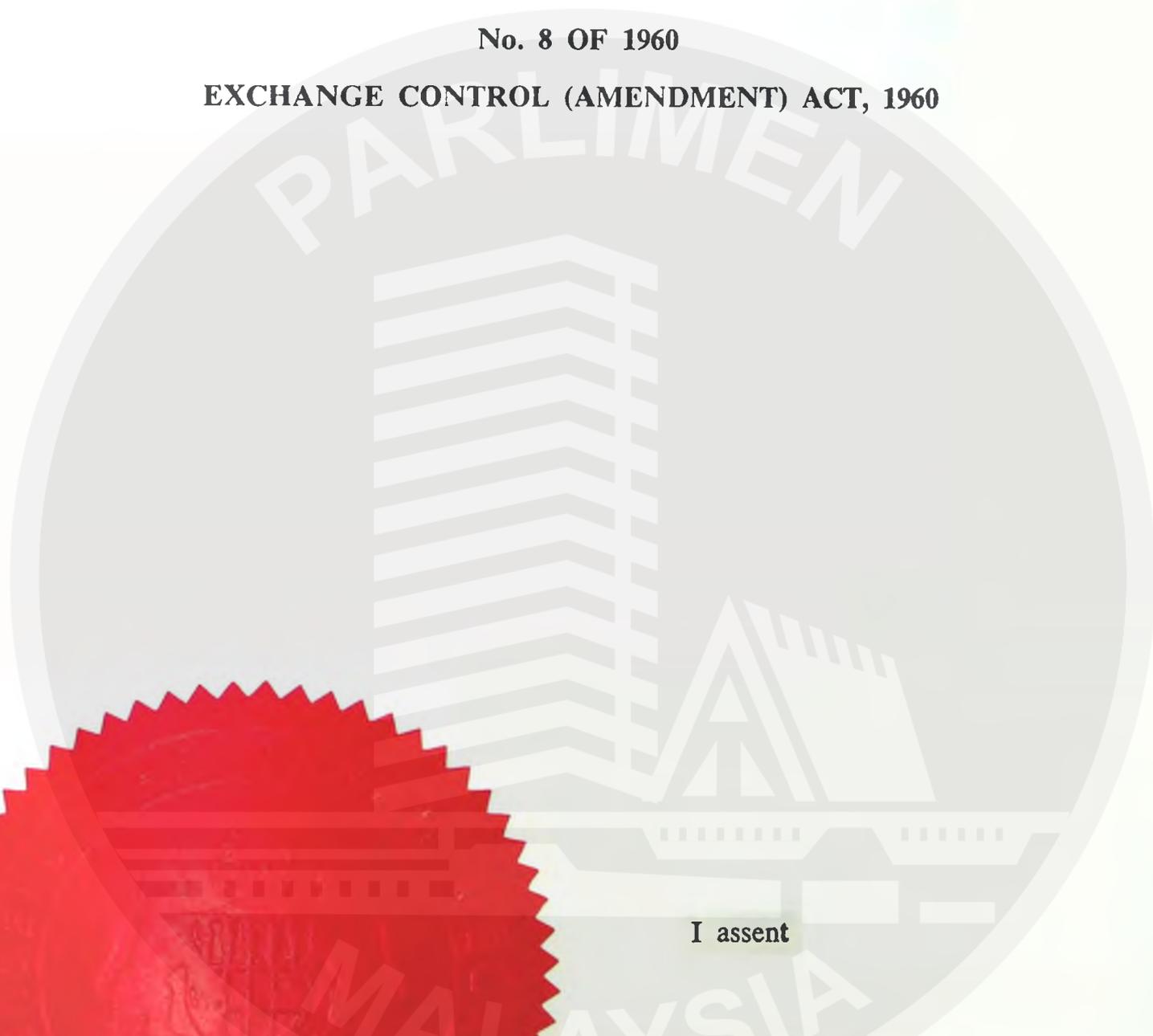
Class							
I	...	Entertainment	...	...	...	...	\$6,000
II	...	Salaries of Staff	...	...	...	...	7,000
III	...	Expenses of Household	...	...	...	...	7,500
IV	...	Transport and Travelling	...	...	...	...	7,000

FEDERATION OF MALAYA

Act of Parliament

No. 8 OF 1960

EXCHANGE CONTROL (AMENDMENT) ACT, 1960



I assent

.....
Yang di-Pertuan Agong

23.....April, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 8 OF 1960

EXCHANGE CONTROL (AMENDMENT) ACT, 1960

An Act to amend the Exchange Control Ordinance, 1953.

[]

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 Exchange Control (Amendment) Act, 1960. Short title.

2. Section 2 of the Exchange Control Ordinance, 1953 (hereinafter in this Act referred to as "the principal Ordinance") is hereby amended— Amendment of section 2. 57 of 1953.

(a) by substituting for the definition of "Bank" or "banker" appearing in sub-section (1) thereof the following new definition:

62 of 1958. "Bank" or "banker" in so far as it refers to a Bank or banker in the Federation means any bank licensed under the Banking Ordinance, 1958;"

(b) by substituting for the words "they are not British subjects" appearing in sub-section (5) thereof the words "they are not in the Federation and are not citizens of the Federation".

3. Sub-section (1) of section 24 of the principal Ordinance is hereby amended— Amendment of section 24.

(a) by re-lettering paragraph (c) thereof as paragraph (d);

(b) by inserting immediately after paragraph (b) thereof the following new paragraph:
"(c) any Treasury bills; and".

4. Sub-section (1) of section 25 of the principal Ordinance is hereby amended— Amendment of section 25.

(a) by re-lettering paragraphs (c), (d) and (e) thereof as paragraphs (d), (e) and (f) respectively;

(b) by inserting immediately after paragraph (b) thereof the following new paragraph:
"(c) any Treasury bills; and".

Amendment of section 33. 5. Section 33 of the principal Ordinance is hereby amended—

(a) by inserting immediately before the word “securities” appearing in paragraph (v) of sub-section (1) thereof the words “Treasury bills or”;

(b) by inserting immediately after the word “money” appearing in sub-section (3) thereof a comma and the words “Treasury bills”.

Amendment of section 42. 6. Section 42 of the principal Ordinance is hereby amended by inserting immediately before the words “securities or secondary securities” appearing therein the words and comma “Treasury bills,”.

Amendment of Fifth Schedule. 7. Part III of the Fifth Schedule to the principal Ordinance is hereby amended by substituting for the words “Part IV” wherever they appear in paragraphs 5, 6 and 7 thereof the words “Part V”.

MALAYSIA

FEDERATION OF MALAYA

Act of Parliament

No. 9 OF 1960

SERVICE COMMISSIONS (AMENDMENT) ACT, 1960

PARLIMEN

I assent

.....
Yang di-Pertuan Agong

26.....May, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 9 OF 1960

**SERVICE COMMISSIONS (AMENDMENT)
ACT, 1960**

An Act to amend the Service Commissions Ordinance, 1957.

[]

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 Service Commissions (Amendment) Act, 1960. Short title.

2. Section 2 of the Service Commissions Ordinance, 1957, is hereby amended— Amendment of section 2. 74 of 1957.

(a) by inserting immediately before the words "In this Ordinance" the figure and brackets "(1)";

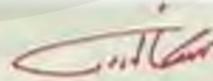
(b) by adding thereto the following sub-section:

"(2) In Parts II and III references to a Commission shall be construed as including references to any Commission of a State, corresponding in status and jurisdiction to the Public Services Commission, whose jurisdiction extends to persons in the public service of the State; and in such context references to the Yang di-Pertuan Agong and to the Government shall be construed as including references to the Ruler and to the Government of the State, as the circumstances may require."

MALAYSIA

FEDERATION OF MALAYA
Act of Parliament
No. 10 OF 1960
CONSTITUTION (AMENDMENT) ACT, 1960

I assent


.....
Yang di-Pertuan Agong

26.....May, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 10 OF 1960

CONSTITUTION (AMENDMENT) ACT, 1960

An Act to amend the Constitution of the Federation.

[]

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 Constitution (Amendment) Act, 1960, and shall come into operation on such date as the Yang di-Pertuan Agong may by notification in the *Gazette* appoint; and the Yang di-Pertuan Agong may appoint different dates for the coming into operation of different provisions of this Act.

Short title
and com-
mencement.

2. Part III of the Constitution is hereby amended—

(a) by substituting for the words “registration authority” wherever they occur in Clauses (1) and (2) of Article 15, Article 16, Article 17, Clause (1) of Article 23 and Clause (1) of Article 30 of the Constitution the words “Federal Government”;

Miscella-
neous
amendments
in Part III.

(b) by substituting for the words “that authority” wherever they occur in Clause (2) of Article 15, Article 16 and Article 17 of the Constitution the words “the Federal Government”;

(c) by deleting the comma and words “, but except as aforesaid the registration authority shall register any declaration duly made thereunder” appearing in Clause (2) of Article 23 of the Constitution.

3. (1) Article 34 of the Constitution is hereby amended by adding thereto the following new Clause:

Amendment
of Article 34.

“(8) Nothing in Clause (1) shall prevent the Yang di-Pertuan Agong exercising as Ruler of his State any power vested in him either alone or in conjunction with any other authority—

(a) to amend the Constitution of the State; or

(b) to appoint a Regent or member of a Council of Regency in the place of any Regent or member, as the case may be, who has died or has become incapable for any reason of performing the duties of the office of Regent or member of the Council of Regency respectively.”.

(2) This section shall come into operation at the expiration of the period of twelve months beginning with the day on which Parliament as constituted in accordance with Part IV of the Constitution first met.

Amendment
of Article 42.

4. Article 42 of the Constitution is hereby amended—

(a) by substituting for the word “Any” appearing in the first line of Clause (2) thereof the words “Subject to Clause (10), any”;

(b) by adding thereto the following new Clause :

“(10) Notwithstanding anything in this Article, the power to grant pardons, reprieves and respites in respect of, or to remit, suspend or commute sentences imposed by any Court established under any law regulating Muslim religious affairs in the State of Malacca or Penang shall be exercisable by the Yang di-Pertuan Agong as Head of the Muslim religion in the State.”.

Amendment
of Article 43.

5. Article 43 of the Constitution is hereby amended by inserting immediately after the words “Yang di-Pertuan Agong,” appearing in Clause (5) thereof the words “unless the appointment of any Minister shall have been revoked by the Yang di-Pertuan Agong on the advice of the Prime Minister”.

New Article
43A.

6. The following new Article is inserted in the Constitution immediately after Article 43 thereof :

“Assistant
Ministers.

43A. (1) The Yang di-Pertuan Agong may on the advice of the Prime Minister appoint Assistant Ministers from among the members of either House of Parliament; but if an appointment is made while Parliament is dissolved a person who was a member of the last House of Representatives may be appointed but shall not hold office after the beginning of the next session of Parliament unless he is a member either of that House or of the Senate.

(2) Assistant Ministers shall assist Ministers in the discharge of their duties and functions.

(3) The provisions of Clauses (5), (6) and (8) of Article 43 shall apply to Assistant Ministers as they apply to Ministers.

(4) Parliament shall by law make provision for the remuneration of Assistant Ministers.”.

7. Article 48 of the Constitution is hereby amended— Amendment
of Article 48.

(a) by inserting immediately after the words “House of Parliament” appearing in paragraph (d) of Clause (1) thereof the words “or to the Legislative Assembly of a State”;

(b) by substituting for the words “two years” appearing in paragraph (e) of Clause (1) thereof the words “one year or to a fine of not less than two thousand dollars”;

(c) by inserting immediately after the word “custody” appearing in Clause (3) thereof the words “or the date on which the fine mentioned in the said paragraph (e) was imposed on such person”.

8. Article 56 of the Constitution is hereby amended by adding thereto the following new Clause: Amendment
of Article 56.

“(4) If a member of the Legislative Assembly of a State is chosen to be President he shall resign from the Assembly before exercising the functions of his office.”.

9. Article 57 of the Constitution is hereby amended by adding thereto the following new Clause: Amendment
of Article 57.

“(4) If a member of the Legislative Assembly of a State is chosen to be Speaker he shall resign from the Assembly before exercising the functions of his office.”.

10. Article 61 of the Constitution is hereby amended by adding thereto the following new Clause: Amendment
of Article 61.

“(4) In this Article “member of the Cabinet” includes an Assistant Minister.”.

11. Article 76 of the Constitution is hereby amended by deleting the words “for the purposes of Article 75” appearing in Clause (3) thereof. Amendment
of Article 76.

12. Part VI of the Constitution is hereby amended by adding thereto, immediately after Article 95 of the Constitution, the following new Chapter and Article: New Article
95A.

“CHAPTER 7—NATIONAL COUNCIL FOR LOCAL
GOVERNMENT

The
National
Council for
Local
Govern-
ment.

95A. (1) There shall be a National Council for Local Government consisting of a Minister as Chairman, one representative from each of the States, who shall be appointed by the Ruler or Governor, and such number, not exceeding ten, of representatives of the Federal Government as that Government may appoint.

(2) The Chairman may vote on any question before the National Council for Local Government and shall have a casting vote.

(3) The National Council for Local Government shall be summoned to meet by the Chairman as often as he considers necessary but there shall be at least one meeting in every year.

(4) If the Chairman or a representative of a State or of the Federal Government is unable to attend a meeting, the authority by whom he was appointed may appoint another person to take his place at that meeting.

(5) It shall be the duty of the National Council for Local Government to formulate from time to time in consultation with the Federal Government and the State Governments a national policy for the promotion, development and control of local government throughout the Federation and for the administration of any laws relating thereto; and the Federal and State Governments shall follow the policy so formulated.

(6) It shall also be the duty of the Federal Government and the Government of any State to consult the National Council for Local Government in respect of any proposed legislation dealing with local government, and it shall be the duty of the National Council for Local Government to advise those Governments on any such matter.

(7) The Federal Government or the Government of any State may consult the National Council for Local Government in respect of any other matter relating to local government, and it shall be the duty of the National Council for Local Government to advise that Government on any such matter.”

Amendment
of Article
114.

13. Article 114 of the Constitution is hereby amended by repealing Clause (4) thereof and substituting therefor the following new Clause:

“(4) Notwithstanding anything in Clause (3), the Yang di-Pertuan Agong may by order remove from office any member of the Election Commission if such member—

- (a) is an undischarged bankrupt; or
- (b) engages in any paid office or employment outside the duties of his office; or
- (c) is a member of either House of Parliament or of the Legislative Assembly of a State.”

- 14.** Article 119 of the Constitution is hereby amended— Amendment of Article 119.
 (a) by repealing Clause (1) thereof and substituting therefor the following new Clause:

“(1) Every citizen who—

(a) has attained the age of twenty-one years on the qualifying date; and

(b) is resident in a constituency on such qualifying date or, if not so resident, is an absent voter,

is entitled to vote in that constituency in any election to the House of Representatives or the Legislative Assembly unless he is disqualified under Clause (3) or under any law relating to offences committed in connection with elections; but no person shall in the same election vote in more than one constituency.”;

- (b) by substituting a comma for the full-stop at the end of Clause (4) thereof and inserting immediately thereafter the words “and “absent voter” means in relation to any constituency any citizen who is registered as an absent voter in respect of that constituency under the provisions of any law relating to elections.”.

- 15.** Article 122 of the Constitution is hereby amended— Amendment of Article 122.
 (a) by repealing Clause (3) thereof and substituting therefor the following new Clause:

“(3) In appointing the Chief Justice the Yang di-Pertuan Agong shall act on the advice of the Prime Minister, after consulting the Conference of Rulers; and in appointing the other judges of the Supreme Court he shall act on the advice of the Prime Minister, after consulting the Conference of Rulers and considering the advice of the Chief Justice.”;

- (b) by repealing Clause (4) thereof.

- 16.** Article 125 of the Constitution is hereby amended— Amendment of Article 125.
 (a) by deleting the words “appointed on the recommendation of the Judicial and Legal Service Commission, being persons” appearing in Clause (4) thereof;
 (b) by substituting for the words “Commission expedient so to recommend” appearing in Clause (4) thereof the words “Yang di-Pertuan Agong expedient to make such appointment”;

- (c) by substituting for the words “Judicial and Legal Service Commission” appearing in Clause (5) thereof the words “Prime Minister, or the Prime Minister after consulting the Chief Justice,”.

Amendment
of Article
132.

17. Article 132 of the Constitution is hereby amended—

- (a) by substituting for the words “police service” appearing in paragraph (d) of Clause (1) thereof the words “police force”;
- (b) by inserting immediately after Clause (2) thereof the following new Clause:

“(2A) Except as expressly provided by this Constitution, every person who is a member of any of the services mentioned in paragraphs (a), (b), (c), (d), (e) and (f) of Clause (1) holds office during the pleasure of the Yang di-Pertuan Agong, and, except as expressly provided by the Constitution of the State, every person who is a member of the public service of a State holds office during the pleasure of the Ruler or Governor.”;

- (c) by inserting immediately after the words “any Minister” appearing in paragraph (a) of Clause (3) thereof the words “or Assistant Minister”;
- (d) by inserting immediately after paragraph (e) of Clause (3) thereof the following new paragraph:
- “(f) persons holding such diplomatic posts in the general public service of the Federation as the Yang di-Pertuan Agong may by order prescribe;”.

Amendment
of Article
135.

18. Article 135 of the Constitution is hereby amended by repealing Clause (3) thereof.

Amendment
of Article
137.

19. Article 137 of the Constitution is hereby amended by repealing Clause (3) thereof and substituting therefor the following new Clause:

“(3) The Armed Forces Council shall consist of the following members, that is to say,—

- (a) the Minister for the time being charged with responsibility for defence, who shall be Chairman;
- (b) one member representing Their Highnesses, who shall be appointed by the Conference of Rulers;
- (c) the Chief of the Armed Forces Staff who shall be appointed by the Yang di-Pertuan Agong;

- (d) a civilian member, being the person performing the duties of the office of Secretary for Defence, who shall act as Secretary to the Council;
- (e) two senior staff officers of the Federation Armed Forces, appointed by the Yang di-Pertuan Agong;
- (f) a senior officer of the Royal Malayan Navy, appointed by the Yang di-Pertuan Agong;
- (g) a senior officer of the Royal Malayan Air Force, appointed by the Yang di-Pertuan Agong;
- (h) two, if any, additional members, whether military or civilian, appointed by the Yang di-Pertuan Agong.”.

20. Article 138 of the Constitution is hereby repealed.

Repeal of Article 138.

21. Article 139 of the Constitution is hereby amended—

Amendment of Article 139.

- (a) by inserting immediately after the word “paragraphs” appearing in Clause (1) thereof the letter, brackets and comma “(b),”;
- (b) by substituting for the words “or members of the public service of the State of Malacca or the State of Penang” appearing in Clause (1) thereof the words “to members of the public services of the State of Malacca and the State of Penang”.

22. Article 140 of the Constitution is hereby repealed and the following new Article substituted therefor :

New Article 140.

“Police Force Commission.

140. (1) There shall be a Police Force Commission whose jurisdiction shall extend to all persons who are members of the police force and which, subject to the provisions of any existing law, shall be responsible for the appointment, confirmation, emplacement on the permanent or pensionable establishment, promotion, transfer and exercise of disciplinary control over members of the police force.

(2) Federal law may provide for the exercise of other functions by the Police Force Commission.

(3) The Police Force Commission shall consist of the following members, that is to say,—

- (a) the Minister for the time being charged with responsibility for the police, who shall be Chairman;
- (b) the Commissioner of Police;

- (c) the person performing the duties of the office of Secretary to the Ministry under the Minister for the time being charged with responsibility for the police;
- (d) a member of the Public Services Commission, appointed by the Yang di-Pertuan Agong;
- (e) two other members, appointed by the Yang di-Pertuan Agong.

(4) The Yang di-Pertuan Agong may designate as special posts the posts of Commissioner of Police, Deputy Commissioner of Police and any other posts in the police force which in his opinion are of similar status; and the appointment to any post so designated shall not be made in accordance with Clause (1) but shall be made by the Yang di-Pertuan Agong on the recommendation of the Police Force Commission.

(5) Before acting in accordance with Clause (4) on the recommendation of the Police Force Commission, the Yang di-Pertuan Agong shall consider the advice of the Prime Minister, and may once refer the recommendation back to the Commission in order that it may be reconsidered.

(6) The Police Force Commission may provide for all or any of the following matters—

- (a) the organisation of its work and the manner in which its functions are to be performed, and the keeping of records and minutes;
- (b) the duties and responsibilities of the several members of the Commission, including the delegation to any member of the Commission or the police force or board of officers of such force of its powers or duties;
- (c) the consultation by the Commission with persons other than its members;
- (d) the procedure to be followed by the Commission in conducting its business (including the fixing of a quorum), the appointment, at its option, of a vice-chairman from among its members, and the functions of the vice-chairman;
- (e) any other matters for which the Commission considers it necessary or expedient to provide for the better performance of its functions.

(7) In this Article “transfer” does not include transfer without change of rank within the police force.”.

Amendment
of Article
141.

23. Article 141 of the Constitution is hereby amended by inserting immediately after the words “Yang di-Pertuan Agong” appearing in Clause (2) thereof the words “in his

discretion but after considering the advice of the Prime Minister and after consultation with the Conference of Rulers”.

24. Article 142 of the Constitution is hereby amended by substituting for the words “A member” appearing in Clause (1) thereof the words “Subject to paragraph (a) of Clause (3) of Article 140, a member”.

Amendment
of Article
142.

25. Article 144 of the Constitution is hereby amended—
(a) by deleting the comma and words “, other than posts in the judicial and legal service” appearing in Clause (3) thereof;

Amendment
of Article
144.

(b) by inserting immediately after Clause (5) thereof the following new Clause:

“(5A) Federal law and, subject to the provisions of any such law, regulations made by the Yang di-Pertuan Agong may, notwithstanding the provisions of Clause (1) of Article 135, provide for the exercise by any officer in a service to which the jurisdiction of a Commission to which this Part applies extends, or by any board of such officers, of any of the functions of the Commission under Clause (1):

Provided that—

(a) no such law or regulation may provide for the exercise by any such officer or board of officers of any power of first appointment to the permanent or pensionable establishment, or to any power of promotion (other than promotion to an acting appointment); and

(b) any person aggrieved by the exercise by any such officer or board of officers of any power of disciplinary control may appeal to the Commission within such time and in such manner as may be prescribed by any such law or regulations, and the Commission may make such order thereon as it may consider just.”.

26. Article 145 of the Constitution is hereby repealed and the following new Article substituted therefor:

New Article
145.

“The
Attorney-
General.

145. (1) The Yang di-Pertuan Agong shall, on the advice of the Prime Minister, appoint a person who is qualified to be a judge of the Supreme Court to be the Attorney-General for the Federation.

(2) It shall be the duty of the Attorney-General to advise the Yang di-Pertuan Agong or the Cabinet or any Minister upon such legal matters, and to perform

such other duties of a legal character, as may from time to time be referred or assigned to him by the Yang di-Pertuan Agong or the Cabinet, and to discharge the functions conferred on him by or under this Constitution or any other written law.

(3) The Attorney-General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a Muslim court or a court-martial.

(4) In the performance of his duties the Attorney-General shall have the right of audience in, and shall take precedence over any other person appearing before, any court or tribunal in the Federation.

(5) Subject to Clause (6), the Attorney-General shall hold office during the pleasure of the Yang di-Pertuan Agong and may at any time resign his office and, unless he is a member of the Cabinet, shall receive such remuneration as the Yang di-Pertuan Agong may determine.

(6) The person holding the office of Attorney-General immediately prior to the coming into operation of this Article shall continue to hold the office on terms and conditions not less favourable than those applicable to him immediately before such coming into operation and shall not be removed from office except on the like grounds and in the like manner as a judge of the Supreme Court.”.

Amendment
of Article
148.

27. Article 148 of the Constitution is hereby amended—

- (a) by inserting immediately after the word “are” appearing in Clause (1) thereof the words and commas “, unless the context otherwise requires,”;
- (b) by substituting for the number “138” appearing in Clause (1) thereof the number “139”;
- (c) by inserting immediately after the word “includes” appearing in Clause (2) thereof the words and comma “a Minister,”.

Amendment
of Article
149.

28. Article 149 of the Constitution is hereby amended—

- (a) by repealing Clause (1) thereof and substituting therefor the following new Clause:

“(1) If an Act of Parliament recites that action has been taken or threatened by any substantial body of persons, whether inside or outside the Federation—

- (a) to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property; or

(b) to excite disaffection against the Yang di-Pertuan Agong or any Government in the Federation; or

(c) to promote feelings of ill-will and hostility between different races or other classes of the population likely to cause violence; or

(d) to procure the alteration, otherwise than by lawful means, of anything by law established; or

(e) which is prejudicial to the security of the Federation or any part thereof,

any provision of that law designed to stop or prevent that action is valid notwithstanding that it is inconsistent with any of the provisions of Article 5, 9, or 10, or would apart from this Article be outside the legislative power of Parliament; and Article 79 shall not apply to a Bill for such an Act or any amendment to such a Bill.”.

(b) by substituting for Clause (2) thereof the following new Clause:

“(2) A law containing such a recital as is mentioned in Clause (1) shall, if not sooner repealed, cease to have effect if resolutions are passed by both Houses of Parliament annulling such law, but without prejudice to anything previously done by virtue thereof or to the power of Parliament to make a new law under this Article.”.

29. Article 150 of the Constitution is hereby amended by substituting for Clause (3) thereof the following new Clause: Amendment
of Article
150.

“(3) A Proclamation of Emergency and any ordinance promulgated under Clause (2) shall be laid before both Houses of Parliament and, if not sooner revoked, shall cease to have effect if resolutions are passed by both Houses annulling such Proclamation or ordinance, but without prejudice to anything previously done by virtue thereof or to the power of the Yang di-Pertuan Agong to issue a new Proclamation under Clause (1) or promulgate any ordinance under Clause (2).”.

Amendment
of Article
151.

30. Article 151 of the Constitution is hereby amended by repealing paragraph (b) of Clause (1) thereof and substituting therefor the following new paragraph :

“(b) no citizen shall be detained under that law or ordinance for a period exceeding three months unless an advisory board constituted as mentioned in Clause (2) has considered any representations made by him under paragraph (a) and made recommendations thereon to the Yang di-Pertuan Agong.”.

Amendment
of Article
154.

31. Article 154 of the Constitution is hereby amended—
(a) by deleting the words “but subject to Clause (3)” appearing in Clause (2) thereof;
(b) by repealing Clause (3) thereof.

Amendment
of Article
174.

32. Article 174 of the Constitution is hereby amended by substituting for the word “five” appearing in the first line of Clause (4) thereof the word “ten”.

Amendment
of the
Second
Schedule.

33. The Second Schedule to the Constitution is hereby amended—

- (a) by deleting the heading “*The registration authority*” appearing above section 3 thereof;
- (b) by deleting section 3 thereof;
- (c) by substituting for section 4 thereof the following new section :

“4. The Minister may delegate to any officer of the Federal Government or, with the consent of the Ruler or Governor of any State, to any officer of the Government of that State, any of his functions under Part III of this Schedule; but any person aggrieved by the decision of a person to whom the functions of the Minister are so delegated may appeal to the Minister.”;

- (d) by deleting section 5 thereof;
- (e) by deleting the words “*and registration authority*” appearing in the heading above section 6 thereof;
- (f) by substituting for section 6 thereof the following new section :

“6. Subject to Federal law, the Minister may make rules and prescribe forms for the purpose of the exercise of his functions under Part III and this Schedule.”;

- (g) by deleting section 8 thereof;

(h) by substituting for section 10 thereof the following new section:

“10. (1) It shall be the duty of the Minister to compile and maintain—

- (a) a register of citizens by registration;
- (b) a register of citizens by naturalisation;
- (c) a register of persons to whom certificates have been issued under Article 30;
- (d) a register of persons who have renounced or been deprived of citizenship under any provision of Part III;
- (e) an alphabetical index of all persons referred to in paragraphs (a), (b), (c) and (d) of this paragraph.

(2) For the purposes of this section—

“citizen by registration” includes a citizen to whom any paragraph (other than paragraph (c)) of Clause (1) of Article 28 applies and a citizen by registration under Article 170;

“citizen by naturalisation” includes a citizen to whom paragraph (c) of Clause (1) of Article 28 applies.”;

(i) by deleting sections 13, 14 and 15 thereof;

(j) by substituting for section 16 thereof the following new section:

“16. (1) It shall be an offence punishable with imprisonment for two years or a fine of one thousand dollars or both for any person—

- (a) knowingly to make any false statement with a view to inducing the Minister to grant or refuse any application under Part III, including any application to determine whether the applicant is a citizen by operation of law; or
- (b) to forge or without lawful authority alter any certificate, whether issued or granted in the Federation or elsewhere, or without lawful authority use or have in his possession any certificate which has been so forged or altered; or

- (c) to fail to comply with any requirement imposed upon him by any rules made under section 6 with respect to the delivering up of certificates;
- (d) to personate or falsely represent himself to be or not to be a person to whom a certificate, whether issued in the Federation or elsewhere, has been duly issued or granted.

(2) In this section "certificate" means—

- (a) any certificate of registration as a citizen granted under Article 15, 16, 17 or 170;
- (b) any certificate of registration of a birth at a Malayan Consulate under paragraph (d) of Clause (1) of Article 14;
- (c) any certificate of naturalisation granted under Article 19 or 20;
- (d) any certificate of citizenship issued under Article 30."

Special provision relating to Article 145.

34. In the event of section 20 coming into operation at any date prior to the date of the coming into operation of section 26 Article 145 of the Constitution shall, until the coming into operation of section 26, be construed as if for the reference to the Judicial and Legal Service Commission appearing in Clause (1) thereof there were substituted a reference to the Public Services Commission.

Repeal. 32 of 1959. 5 of 1960.

35. The Citizenship Certificates (Offences) Ordinance, 1959, and section 3 of the Assistant Ministers Act, 1960, are hereby repealed.

FEDERATION OF MALAYA

Act of Parliament

No. 11 OF 1960

LOCAL GOVERNMENT ELECTIONS ACT, 1960

PARLIMEN



I assent

MALAYSIA
[Signature]

.....
Yang di-Pertuan Agong

26...May, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 11 OF 1960

LOCAL GOVERNMENT ELECTIONS ACT, 1960

An Act for the purpose of ensuring uniformity of law and policy in respect of local government elections throughout the Federation and for matters incidental thereto.

[]

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:

PART I

PRELIMINARY

1. This Act may be cited as the Local Government Elections Act, 1960, and shall come into operation on the first day of June, 1960. Short title and operation.

2. In this Act, unless the context otherwise requires— Interpretation.
“ballot paper” means any paper referred to in sub-section (2) of section 19;

“candidate” means a person who is nominated, in accordance with any regulations applicable to such nomination, as a candidate for election;

“Constitution” in relation to any municipality means the Constitution for the time being in force granted to such municipality;

“Councillor” means, in respect of—

(a) a City Council, the Mayor, Deputy Mayor and any Councillor of such Council;

(b) a Municipal Council, the President, Deputy President and any Councillor of such Council;

(c) a Town Council or Rural District Council, the President, Deputy President and any Councillor or member of such Council;

“contested election” means an election at which more candidates have been nominated than there are vacancies to be filled;

“Deputy President” includes a Deputy Mayor or Deputy Chairman;

“election” means an election for the purpose of electing a Councillor;

“elector” means a person qualified as an elector in accordance with section 17 and entitled to be registered as an elector to vote at an election;

“electoral roll” means an electoral roll kept and maintained under regulations made under section 20;

“electoral ward” means a division of the local area made by the Election Commission under section 16;

“general election” means an election held pursuant to section 13 or 23;

“local area” means the area under the jurisdiction of a local authority;

“local authority” means the Council of any municipality to which a Constitution has been granted or any Town Board or Rural Board to which a direction has been given under the Local Authorities Elections Ordinance, 1950, or this Act, as the case may be;

52 of 1950.

“municipality” means a municipality created under the provisions of the Municipal Ordinance;

*S.S. Cap.
133.*

“Municipal Ordinance” means the Municipal Ordinance of the Straits Settlements in force in the States of Malacca and Penang and as applicable to the States of Johore, Kedah, Kelantan, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu by the Municipal Ordinance (Extended Application) Ordinance, 1948;

*F.M. 3 of
1948.*

“President” includes a Mayor or Chairman;

“registered elector” means in relation to any electoral ward or division an elector whose name at the date of the election appears on the electoral roll for such ward or division; and “registering officer”, “revising officer”, “returning officer” and “Supervisor of Elections” or “Supervisor” in relation to the local area or an electoral ward or division mean respectively a registering officer, a revising officer, a returning officer and the Supervisor of Elections appointed under section 14 in respect of the local area or an electoral ward or division of the local area;

“State Authority” means the Ruler or Governor of the State, as the case may require;

“voter” means a person who, whether his name does or does not appear in an electoral roll, applies to vote or votes at an election.

PART II

CONSTITUTIONS OF MUNICIPALITIES

3. (1) Notwithstanding any provision of the Municipal Ordinance to the contrary the municipal affairs of every municipality in a State shall be administered by a Council consisting of a President and a Deputy President (if one be appointed) and such number of elected or of elected and of appointed Councillors as may be prescribed by the Constitution granted to such municipality.

Adminis-
tration of
municipali-
ties.

(2) Such Constitution may provide for the election of the President and of all the Councillors, and shall in all cases provide that—

- (a) the total number of Councillors (exclusive of the President) shall be not less than six and not more than twenty-four; and
- (b) the number of elected Councillors shall be at least a majority of the total number of Councillors (exclusive of the President).

4. (1) The State Authority shall, after consultation with the Election Commission in respect of the boundaries of the local area and the number of Councillors to be elected to such municipality, by order grant to each municipality created within the State under the provisions of the Municipal Ordinance at any time after the coming into operation of this Act, and within three months of the date of the notification creating such municipality, a Constitution under this Act.

Grant of
Constitu-
tion of
municipi-
pality.

(2) Subject to the provisions of sub-section (3), every Constitution granted under this Part may—

- (a) prescribe the total number of Councillors;
- (b) prescribe the number of Councillors to be elected and the number (if any) to be appointed;
- (c) prescribe the manner in which the President and Deputy President of the Council shall be appointed or elected;
- (d) prescribe the powers and duties of the Deputy President of the Council;
- (e) subject to the provisions of this Act, prescribe the disqualifications of Councillors and candidates for election as Councillors;
- (f) prescribe the manner in which appointed Councillors shall be appointed and, subject to the provisions of this Act, the term of office of appointed Councillors;

- (g) subject to the provisions of this Act, prescribe the circumstances in which the seat of any Councillor shall become vacant and the manner in which such vacancy shall be filled;
- (h) prescribe the number of Councillors present at any meeting which shall constitute a quorum;
- (i) provide for the payment to Councillors of allowances and other privileges and of a salary or allowance to the Councillor for the time being performing the duties of President or Deputy President;
- (j) regulate or authorise the making of rules by the Council of the municipality to regulate the procedure at meetings.

(3) Every Constitution granted under this section shall be laid on the table of the Legislative Assembly of the State concerned and shall not come into operation until it has been approved, with or without amendment, by a resolution of such Legislative Assembly.

(4) Upon a Constitution being approved under sub-section (3) it shall, together with any amendments so approved, be published in the *Gazette* of the State within which the municipality is situate.

(5) Every Constitution published under sub-section (4) shall have the force of law and shall have effect notwithstanding any provision in the Municipal Ordinance to the contrary; and on and after the date of the coming into operation of any such Constitution any reference in any written law to the President or Deputy President or to the Municipal Commissioners or to the Municipal Commissioner or Commissioners of a municipality to which such Constitution refers shall be deemed to be a reference to the President or to the Deputy President or to the Municipal Councillor or Councillors respectively appointed or elected under the provisions of such Constitution; and such Councillors shall be deemed to be the successors of any Commissioners appointed for such municipality under the Municipal Ordinance without any break in such succession, as if such Councillors had been duly appointed under the provisions of such Ordinance.

(6) Subject to the provisions of Article 76 of the Constitution, no Constitution in operation under this Act shall be amended, modified or repealed otherwise than by a law passed by the Legislature of a State.

PART III

TOWN AND RURAL BOARDS

5. (1) Notwithstanding anything to the contrary contained in the provisions of any written law which relates to Town Boards or Rural Boards in force in any State, the State Authority may, after consultation with the Election Commission in respect of the boundaries of the local area and the number of Councillors to be elected to the Town Council, Town Board or Rural Board having jurisdiction in such area, by order published in the *Gazette* of the State direct that the whole or a majority of the members of a Town Council, Town Board or Rural Board established in the State under the provisions of any such written law shall be elected instead of appointed or nominated by the State Authority; and where any such order is made in respect of a Town Board or Rural Board such Board shall thereupon be called a Town Council or Rural District Council, as the case may be, and every member thereof shall be styled a Councillor.

Elections of
members of
Town and
Rural
Boards.

(2) Subject to the provisions of sub-section (3) every order made under this Part may—

- (a) prescribe the total number of Councillors;
- (b) prescribe the number of Councillors to be elected and the number (if any) to be appointed;
- (c) prescribe the manner in which the President and Deputy President of the Council shall be appointed or elected;
- (d) prescribe the powers and duties of the Deputy President of the Council;
- (e) subject to the provisions of this Act, prescribe the disqualifications of Councillors and candidates for election as Councillors;
- (f) prescribe the manner in which appointed Councillors shall be appointed and, subject to the provisions of this Act, the term of office of appointed Councillors;
- (g) subject to the provisions of this Act, prescribe the circumstances in which the seat of any Councillor shall become vacant and the manner in which such vacancy shall be filled;
- (h) provide for the payment to Councillors of allowances and other privileges.

(3) The State Authority may at any time amend, modify or repeal any order made under this section.

PART IV
COUNCILLORS

- Qualifications of Councillor.** 6. Every person with the qualifications specified in the First Schedule is qualified to be a Councillor unless he is disqualified under the said Schedule.
- Provision against double membership.** 7. A person shall not be elected as a Councillor for more than one electoral ward, nor be both an elected and appointed Councillor.
- Effect of disqualification, and prohibition of nomination or appointment without consent.** 8. (1) If a Councillor becomes disqualified for membership of a local authority, or dies, his seat shall become vacant.
(2) If a person disqualified for being a Councillor is elected or appointed to a local authority, or if an election or appointment is contrary to section 7, the election or appointment shall be void.
(3) If the election of any person would or might be void under sub-section (2) his nomination for the election shall be void.
(4) A person cannot be validly nominated for election or appointed as a Councillor without his consent.
(5) The provisions of sub-section (4) shall not apply to any public officer who is appointed as an official or ex officio Councillor.
- Resignation.** 9. (1) A Councillor may resign his office by writing under his hand addressed to the President of the local authority.
(2) Any Councillor so resigning shall, subject to the provisions of this Part, be eligible for re-election or re-appointment.
- Absence of Councillor.** 10. If a Councillor is without leave of the President of the local authority absent from three consecutive ordinary meetings of the local authority or fails during a period of three consecutive months to attend at least one meeting of any standing committee to which he may have been appointed the local authority may by resolution declare his seat vacant.
- Decision as to disqualification.** 11. If any question arises whether a Councillor has become disqualified for membership of a local authority, the decision of the local authority shall be taken by resolution, and such resolution, when approved by the State Authority, shall be final.
- Casual vacancies.** 12. (1) Whenever there is a casual vacancy among the Councillors of a local authority it shall, subject to the provisions of this section, be filled within sixty days from the date on which it occurs, and an election shall be held or an appointment made accordingly.

(2) Whenever a casual vacancy among the elected Councillors of a local authority occurs within six months before the date of the next general election, an election shall not be held to fill the vacancy but the vacancy shall be filled at such general election :

Provided that if upon a vacancy or a number of simultaneous vacancies so occurring more than three months before the date of the next general election the total number of unfilled vacancies exceeds one-third of the total number of elected Councillors this sub-section shall not apply and a Councillor shall be elected to fill each of such vacancies.

(3) A person elected to fill a casual vacancy in the seat of an elected Councillor shall hold office until the date upon which the Councillor in whose place he is elected would regularly have retired.

(4) Notwithstanding the preceding provisions of this section, if at any time within three months before the date of the next general election the number of seats of the elected Councillors of a local authority which are vacant from any cause whatever exceeds one-half of the total number of seats of such elected Councillors the State Authority may if he shall think it necessary for the due discharge of the functions of the authority, appoint persons to fill all or any of such vacant seats :

Provided that every such appointment shall determine upon the date of the next general election following the appointment.

13. (1) The Councillors elected at each general election to a local authority shall, subject to the provisions of this Act, hold office for a period of three years from the date of such election.

General
election.

(2) A general election in respect of all the elected seats of a local authority shall be held within sixty days of the expiration of the period of three years referred to in sub-section (1), and the local authority shall meet on such date, being not later than thirty days from the date of such general election, as the State Authority may appoint.

(3) The Councillors elected or appointed to any local authority who are members of such authority immediately prior to the expiration of the three years prescribed in sub-section (1) may continue in office until the day preceding the date appointed under sub-section (2).

PART V

SUPERVISION OF ELECTIONS

Appoint-
ment of
Supervisor
of Elec-
tions and
other
officers.

14. (1) The Election Commission may appoint in respect of each local authority a Supervisor of Elections and such registering, revising and returning officers, assistant returning officers and other election officers for the local area as may be necessary.

(2) The Election Commission may, from time to time, appoint such number of clerks and interpreters as may be necessary for the purposes of this Act.

Powers of
Supervisor
of Elections.

15. The Supervisor of Elections shall, subject to the general direction and control of the Election Commission, in regard to the local authority—

- (a) have general direction and supervision over the administrative conduct of elections of Councillors and enforce on the part of all registering, revising and returning officers, presiding officers and other election officers fairness, impartiality and compliance with the provisions of this Act and of any regulations made thereunder applicable to such elections;
- (b) have power to issue to registering, revising and returning officers, presiding officers, and other election officers such directions as he may deem necessary to ensure effective execution of the provisions of this Act or of any regulations made thereunder applicable thereto;
- (c) have power to administer any oaths required to be taken under this Act or under any regulations made thereunder;
- (d) exercise and perform all other powers and duties which are conferred and imposed upon him by this Act or by any regulations made thereunder.

Powers of
Election
Commission
relating to
wards, etc.

16. (1) The Election Commission shall by notification in the *Gazette* of the State concerned, in respect of each local area—

- (a) divide the local area into electoral wards and such other divisions as the Commission may consider necessary or expedient for election purposes;
- (b) specify the names of the wards and other divisions of the local area and assign a distinguishing letter or letters to each such ward and division;
- (c) appoint a place and, where the Commission considers it necessary or expedient so to do in the special circumstances of the case two or more

places as the polling station or stations for each ward and division.

(2) The Election Commission may use free of charge as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made, out of monies provided by any Government in the Federation.

(3) The Election Commission shall make good any damage done to, and defray any expenses incurred by the persons having control over any school or portion thereof by reason of its being used as a polling station under sub-section (2).

PART VI
ELECTIONS

17. (1) Every citizen with the qualifications specified in the Second Schedule is entitled to vote in an electoral ward in any election to a local authority unless he is disqualified under the said Schedule.

Qualifica-
tions of
electors.

(2) No person shall in the same election to any local authority vote in more than one electoral ward.

(3) If a person is in an electoral ward by reason only of being a patient in an establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or of being detained in custody he shall for the purposes of sub-section (1) be deemed not to be resident in that ward.

18. The electoral rolls shall, unless the Election Commission shall otherwise direct, be combined with the register for Parliamentary electors and State electors maintained under the Elections Ordinance, 1958.

Electoral
rolls.

33 of 1958.

19. (1) Subject to the provisions of the Election Offences Ordinance, 1954, the candidate for an electoral ward who polls the greatest number of valid votes cast by the registered electors of such ward shall be deemed to be the elected Councillor for such ward:

Elections.
9 of 1954.

Provided that if more than one Councillor is required to be elected for such ward, candidates shall be deemed to be elected Councillors in accordance with the relative number of such valid votes polled by them.

(2) In any poll in a contested election the vote of each voter shall be given by means of a paper marked by the voter to indicate his vote, which shall be inserted by the voter in a closed ballot box provided for the purpose in

such manner that the vote given by such voter shall be secret:

Provided that if any voter is unable to read, his vote may be given in any such manner as may be prescribed.

(3) No person shall be entitled to more than one vote at any election:

Provided that if more than one Councillor is required to be elected for an electoral ward each voter shall be entitled to a vote in respect of each vacancy to be filled at such election.

Power of
the Election
Commission
to make
regulations
for the
registration
of electors.

20. (1) The Election Commission may make regulations for the registration of electors and for all matters incidental thereto.

(2) Without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe the keeping and maintenance of electoral rolls in the local area or in any electoral ward or division of the local area and the form of such rolls;
- (b) prescribe the procedure to be followed in the preparation and publication of electoral rolls therein;
- (c) prescribe the time at which any electoral rolls shall be revised and the procedure to be followed in making such revision;
- (d) prescribe the procedure to be followed in the preparation and publication of new electoral rolls of any electoral ward or division where the boundaries of such ward or division have been altered or where such ward or division has been created after the preparation of electoral rolls;
- (e) prescribe the procedure to be followed in the making and determination of claims to have any name inserted in an electoral roll or in a new or revised electoral roll and of objections to the insertion or inclusion of any name therein;
- (f) provide for the payment of compensation, not exceeding fifty dollars, to any person aggrieved by the making without reasonable cause of an objection to the insertion or inclusion of his name in any electoral roll;
- (g) prescribe any form of application, notice or other document which it may be necessary or desirable to use in connection with any of the matters dealt with in this section;

- (h) authorise any registering officer or revising officer, for the purpose of considering or determining any application, claim, objection or appeal which he is required to consider or determine under any regulations made under this section, to summon any person to appear before him and to give evidence on oath or affirmation and to administer any such oath or affirmation for such purpose and to order the production of any document relevant to any issue which such officer is required to consider and determine;
- (i) prescribe the fees to be paid upon any application, notice, claim or objection and the manner in which such fees shall be disposed of;
- (j) prescribe the manner in which any electoral roll or new or revised electoral roll shall be certified and provide that such electoral roll shall be conclusive evidence, in such manner and subject to such exceptions and limitations as may be so provided, of the right or non-existence of the right of any person to vote at any election in the electoral ward or division to which such roll relates;
- (k) provide for the correction of clerical errors in any electoral roll;
- (l) prescribe the form of notices and certificates to be used under the Second Schedule.

21. (1) Subject to the provisions of section 17, the Election Commission may make regulations for the conduct of elections and for all matters incidental thereto.

(2) Without prejudice to the generality of the foregoing power such regulations may—

- (a) prescribe the date of the holding of any election and the manner in which notice of the holding of such election shall be given;
- (b) prescribe the procedure for the nomination of candidates and for the making of, and decision on, objections to any nomination;
- (c) prescribe the amount of any deposit, not exceeding two hundred and fifty dollars in each case, to be made by or on behalf of candidates and the circumstances in which such deposit may be forfeited;
- (d) provide for the publication of notice of the date on which a poll in the case of a contested election will be taken;

Powers of the Election Commission to make regulations for the conduct of elections.

- (e) prescribe the facilities to be provided at polling stations, and the persons who may be admitted to polling stations on the date at which a poll is taken and provide for the appointment of presiding officers in respect of polling stations;
- (f) prescribe the manner in which votes may be cast and the construction and sealing of ballot boxes used in such elections and for the issue of ballot papers to electors;
- (g) provide for the manner in which, and the persons by whom, any question as to the identity of any person claiming to vote shall be determined;
- (h) prescribe the form of any ballot papers and counterfoils to be used in elections;
- (i) prescribe the manner in which ballot boxes, unused or spoilt ballot papers, marked copies of the register of electors, counterfoils of ballot papers, and other documents shall be dealt with upon the closing of the poll;
- (j) prescribe the procedure to be followed in the counting of votes and the circumstances in which votes may be rejected by a returning officer as invalid;
- (k) provide for the making and publication of returns by the returning officer and of a statement of the poll in regard to any election;
- (l) prescribe such forms as may be necessary or desirable to be used in connection with the matters dealt with in this section or any regulations made thereunder;
- (m) provide that certain acts are to be deemed illegal or corrupt practices for the purposes of the Election Offences Ordinance, 1954.

9 of 1954.

PART VII
GENERAL

Cesser of application of certain laws.

52 of 1950.

Penang
14 of 1958.

- 22.** (1) On the coming into operation of this Act—
- (a) in any State other than the States of Penang and Johore, Parts I, II, III, IV, VII and VIII of the Local Authorities Elections Ordinance, 1950, shall, subject to the provisions of this Part, cease to apply to such State;
 - (b) in the State of Penang, Parts I, II, VII and VIII of the Local Authorities Elections Ordinance, 1950, and the Penang Conduct of Elections Authorisation Enactment, 1958, shall, subject to

the provisions of this Part, cease to apply to such State;

- (c) in the State of Johore, Parts I, II, VII and VIII of the Local Authorities Elections Ordinance, 1950, and the Johore Conduct of Town Council Elections Enactment, 1959, shall, subject to the provisions of this Part, cease to apply to such State,

*Johore
1 of 1959.*

and such cesser shall be deemed to be a repeal for the purposes of the Interpretation and General Clauses Ordinance, 1948.

*M.U.
7 of 1948.*

(2) All orders, directions, appointments, notifications and regulations made under the provisions of the laws referred to in sub-section (1) and still subsisting or in force immediately before the coming into operation of this Act in any State shall, insofar as they apply to the State and are not inconsistent with the provisions of this Act, be deemed to have been made under this Act and shall continue in force until other provision shall be made under this Act or until the date upon which they expire.

(3) Within three months of the coming into operation of this Act the State Authority shall, after consultation with the Election Commission in respect of the boundaries of the local area and the number of Councillors to be elected to such municipality, by order grant to each municipality created within the State under the provisions of the Municipal Ordinance and in respect of which an order under section 4 of the Local Authorities Elections Ordinance, 1950, is in force immediately before the coming into operation of this Act a constitution under this Act; and the provisions of Part II (other than sub-section (1) of section 4) shall apply to every such Constitution as if it were a Constitution granted under that Part.

52 of 1950.

23. (1) Upon the expiry of any order made under section 52 of the Local Authorities Elections Ordinance, 1950, and in force in any State in relation to any local authority in the State immediately before the date of the coming into operation of this Act the term of office of all Councillors of such authority shall determine and a general election shall be held in respect of the vacancies in the seats of such Councillors or, in the case of appointed Councillors, appointments thereto shall be made, within sixty days from the date of such determination, and the local authority shall meet on such date, being not later than thirty days from the date of such general election, as the State Authority may appoint.

*Special
provision
relating to
orders under
section 52 of
the Local
Authorities
Elections
Ordinance,
1950.*

(2) Notwithstanding the provisions of sub-section (1) of section 13, the Councillors elected under sub-section (1) shall, subject to the other provisions of this Act, hold office for a period of two years from the date of the general election referred to in sub-section (1); and the provisions of sub-section (3) of section 13 shall have effect as if for the reference to the three years contained therein there were a reference to a period of two years.

Saving
concerning
the Federal
Capital.
Sel. G.N.
351/51.
32 of 1958.

24. Nothing in this Act shall affect the provisions of the Constitution of the Municipality of Kuala Lumpur, as from time to time amended, or the Federal Capital (Municipal Elections) Ordinance, 1958.

FIRST SCHEDULE

(Section 6)

QUALIFICATIONS OF COUNCILLOR

1. A person shall be qualified to be a Councillor under section 6 if—
 - (a) he is not less than twenty-one years old;
 - (b) in the case of an elected Councillor, he is a citizen; and
 - (c) he is not disqualified under paragraph 2 of this Schedule.
2. A person shall be disqualified for being a Councillor if—
 - (a) he is and has been found or declared to be of unsound mind; or
 - (b) he is an undischarged bankrupt; or
 - (c) he has been convicted of an offence under the Election Offences Ordinance, 1954, or has in proceedings relating to any election in the Federation been proved guilty of an act constituting such offence; or
 - (d) having been nominated for election to either House of Parliament or the Legislative Assembly of a State or a local authority, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required; or
 - (e) he has been convicted of an offence by a court of law in the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon; or
 - (f) he has voluntarily acquired citizenship of, or exercised rights of citizenship in a foreign country or has made a declaration of allegiance to a foreign country; or
 - (g) in the case of an elected Councillor, he holds any whole-time office in any public service in the Federation; or
 - (h) without the written permission of the Ruler or Governor of the State he is concerned or interested in any contract or work made with or done for the local authority:

Provided that—

 - (i) a person shall not be deemed to be so concerned or interested merely by reason of his being a shareholder in or a director (other than the chairman or managing director) of a duly incorporated company which has a contract with or executes work for the local authority;

9 of 1954.

(ii) this paragraph shall not apply to contracts made with a local authority for the supply to a Councillor of water, gas, electricity or other local authority services;

(iii) this paragraph shall not apply to contracts the consideration for which does not exceed one hundred and fifty dollars; or

(i) he is subject to such other disqualification as may be prescribed in the Constitution granted under Part II or the order made under Part III in respect of the local authority.

3. The disqualification of a person under sub-paragraphs (c), (d) or (e) of paragraph 2 may be removed by the Ruler or Governor of the State and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the person convicted as mentioned in the said paragraph (c) was convicted or released from imprisonment or proved guilty, whichever shall be the later, or the date on which the return mentioned in the said sub-paragraph (d) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in the said sub-paragraph (e) was released from custody or the date on which the fine mentioned in the said sub-paragraph (e) was imposed on such person, and a person shall not be disqualified under sub-paragraph (f) of paragraph 2 by reason only of anything done by him before he became a citizen.

4. In paragraph 2 "foreign country" does not include any part of the Commonwealth or the Republic of Ireland.

SECOND SCHEDULE
(Section 17)

QUALIFICATIONS OF ELECTOR

1. A citizen shall be entitled to vote in an electoral ward under section 17 if—

(a) he has attained the age of twenty-one years on the qualifying date; and

(b) he is resident within the electoral ward on the qualifying date or, if he is not so resident, if—

(i) he is the owner of immovable property within such ward with an assessed net annual value of at least sixty dollars or an improved value of at least five hundred dollars; and

(ii) he has paid such rates as have been assessed thereon and are payable thereon, in accordance with the provisions of any law relating to rating for the time being in force, for the year or half-year ending on December 31 of the year preceding such qualifying date; and

(iii) he has filed with the Election Commission within the registration or revision period notice in the prescribed form of his desire to have his name placed on or retained in the electoral roll for such ward, together with a certificate in the prescribed form that he has complied with the qualification specified in sub-paragraphs (i) and (ii) of this paragraph; and

(c) his name is on the current electoral roll relating to such ward in accordance with the provisions of this Act and any regulations made thereunder; and

(d) he is not disqualified under paragraph 2 of this Schedule.

2. A citizen shall be disqualified for voting if—

(a) on the qualifying date he is detained as a person of unsound mind or is serving a sentence of imprisonment; or

(b) having before the qualifying date been convicted in any part of the Commonwealth of an offence and sentenced to death or imprisonment for a term exceeding twelve months, he remains liable on the qualifying date to suffer any punishment for that offence; or

(c) he is disqualified under any law relating to offences committed in connection with elections.

3. In this Schedule—

“qualifying date” means the date by reference to which the electoral rolls are prepared or revised;

“registration period” or “revision period” means the period within which electors may apply for registration or within which the electoral rolls are revised, as the case may be.

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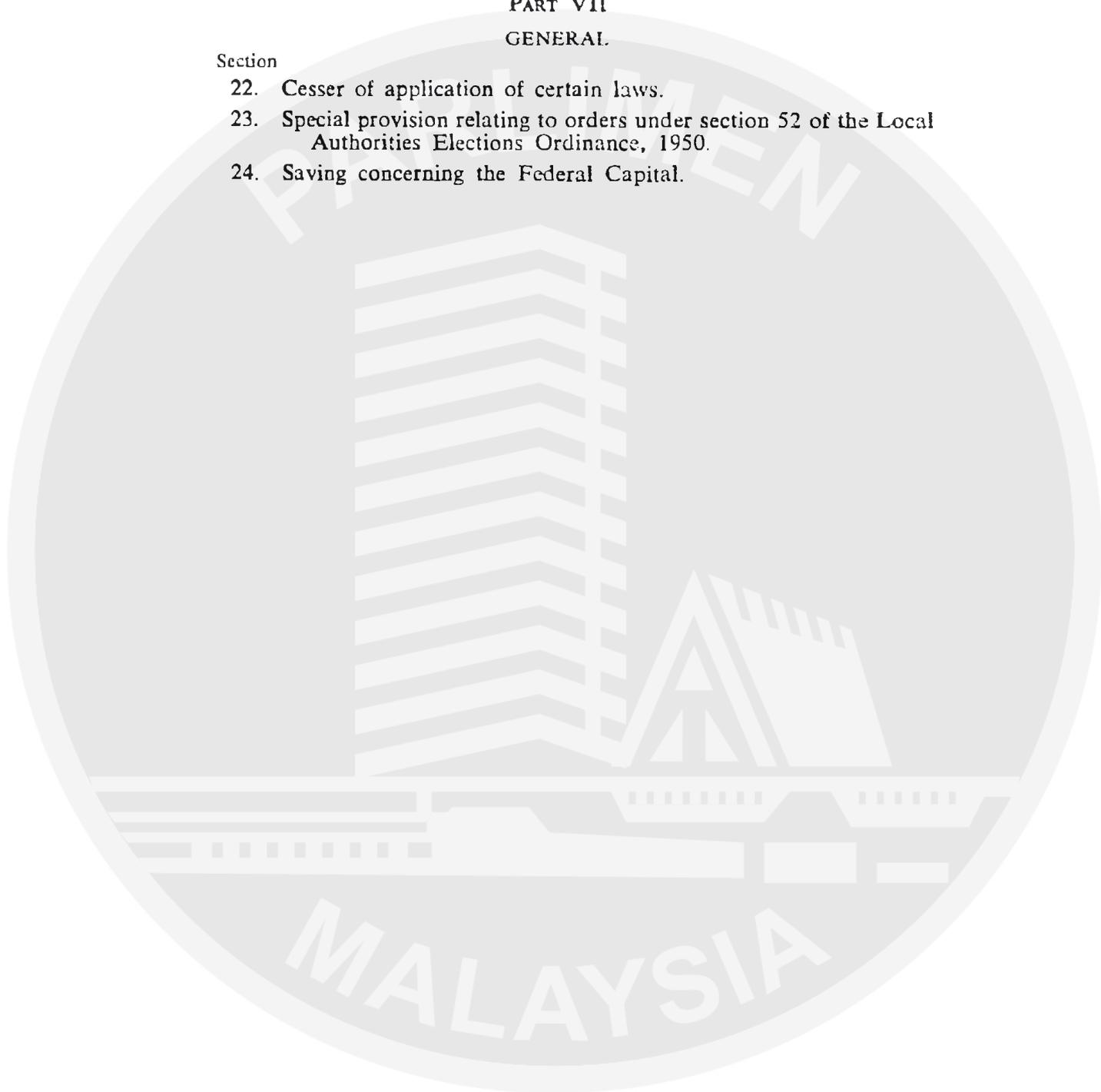
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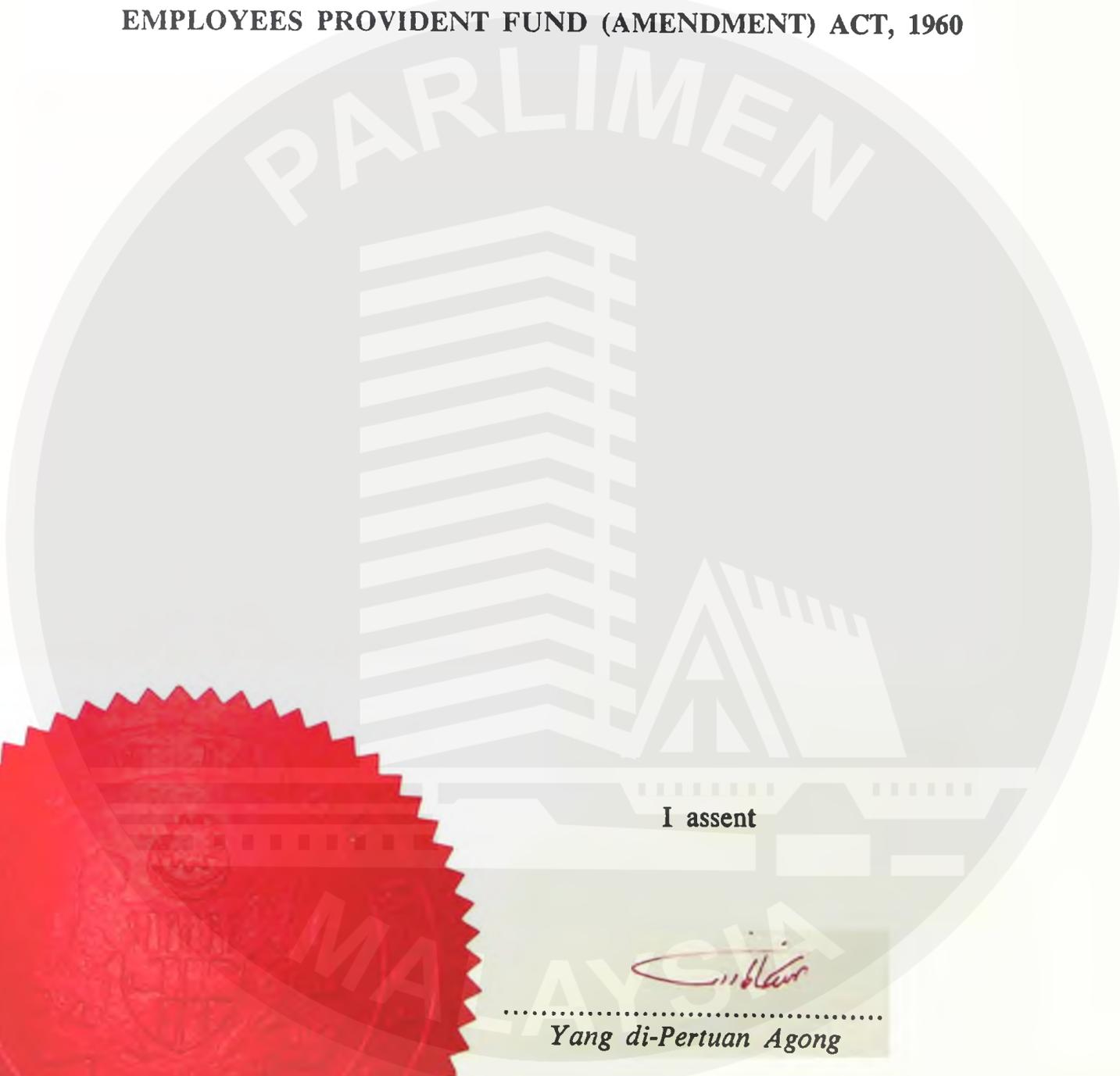


FEDERATION OF MALAYA

Act of Parliament

No. 12 OF 1960

EMPLOYEES PROVIDENT FUND (AMENDMENT) ACT, 1960



I assent

A handwritten signature in red ink, written in the Malay script.

.....
Yang di-Pertuan Agong

26.....May, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 12 OF 1960

**EMPLOYEES PROVIDENT FUND (AMENDMENT)
ACT, 1960**

An Act to amend the Employees Provident Fund Ordinance, 1951.

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 Employees Provident Fund (Amendment) Act, 1960. Short title.

2. Sub-section (1) of section 3 of the Employees Provident Fund Ordinance, 1951, is hereby amended by substituting for the words "and the persons so appointed shall elect one of their number" appearing therein the comma and words ", who shall appoint one of such persons". Amendment of sub-section (1) of section 3. 21 of 1951.

MALAYSIA

FEDERATION OF MALAYA

Act of Parliament

No. 13 OF 1960

LAND (GROUP SETTLEMENT AREAS) ACT, 1960



I assent

[Signature]
.....
Yang di-Pertuan Agong

26.....May, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 13 OF 1960

LAND (GROUP SETTLEMENT AREAS) ACT, 1960

An Act for the purpose of ensuring uniformity of law and policy in respect of the establishment of group settlement areas and the conditions of alienation and occupation of land in such areas and for other matters incidental thereto.

[]

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:

PART I

PRELIMINARY

1. This Act may be cited as the Land (Group Settlement Areas) Act, 1960. Short title.

2. (1) In the application of this Act in a State, words and expressions used in this Act shall, unless the context otherwise requires or it is herein otherwise expressly provided, have the meaning assigned to them by the State land law. Interpretation.

(2) In this Act unless the context otherwise requires—

“appropriate crop” means the crop specified under section 5 or, if no crop is so specified, by the Collector;

“Collector” means any Collector of Land Revenue, Land Officer, District Officer or other officer appointed under the State land law and includes an Assistant Collector, Assistant Land Officer or Assistant District Officer;

“Commissioner” means the officer designated by the Ruler in Council to be the Commissioner in the State for the purposes of this Act;

“consolidated annual charge” means a consolidated annual charge by way of rent imposed in accordance with the provisions of section 20;

“designated area” means an area declared to be a designated area in accordance with the provisions of section 3;

“group settlement area” means an area declared to be a group settlement area in accordance with the provisions of section 4;

“holder” means a person to whom a holding has been alienated or approved for alienation;

“holding” means a holding constituted in accordance with the provisions of this Act;

“public authority” means any government in the Federation, a local authority or a statutory authority exercising powers vested in it by Federal or State law;

“register of holdings” means a register of holdings in respect of which no document of title has for the time being been issued under the State land law, maintained in accordance with the provisions of section 12;

“rural holding” means a rural holding constituted in accordance with the provisions of section 7;

“rural settlement area” means an area declared to be a rural settlement area in accordance with the provisions of section 5;

“State land law” means the State law for the time being in force relating to land and the registration of title thereto and the collection of revenue therefrom;

“to alienate” has the meaning assigned to it in the State land law but includes a disposal of State land in accordance with the provisions of this Act in consideration of the obligation to pay a consolidated annual charge by way of rent commencing on a date subsequent to the date of occupation.

“urban holding” means an urban holding constituted in accordance with the provisions of section 7;

“urban settlement area” means an area declared to be an urban settlement area in accordance with the provisions of section 6.

PART II

GROUP SETTLEMENT

Designated
areas.

3. (1) The Ruler in Council may by notification in the *Gazette* declare any area of land within the State to be a designated area for the purposes of this Act.

(2) No State land in a designated area shall be alienated or occupied except in accordance with the provisions of this Act relating to land within a group settlement area or the provisions of any written law for the time being in force relating to mining land.

(3) Nothing in the provisions of sub-section (2) shall prejudice the rights of any person in lawful occupation immediately prior to the coming into operation of a notification under sub-section (1) of State land included in a designated area.

4. The Ruler in Council may by notification in the *Gazette* declare any area of State land, whether or not included in a designated area, to be a group settlement area for the purposes of this Act.

Group
settlement
areas.

5. (1) The Ruler in Council may by notification in the *Gazette* declare any land within a group settlement area to be a rural settlement area for the purposes of this Act.

Rural
settlement
areas.

(2) Any such *Gazette* Notification may specify the appropriate crop to be planted in accordance with the provisions of sub-section (2) (c) of section 25.

6. The Ruler in Council may by notification in the *Gazette* declare any land within a group settlement area to be an urban settlement area for the purposes of this Act.

Urban
settlement
areas.

7. (1) The Commissioner may, in accordance with the provisions of this section, divide any land within a group settlement area into a number of holdings.

Holdings.

(2) A rural holding shall be of such area as the Ruler in Council may approve and shall comprise one or more parcels of land within a rural settlement area for occupation by one individual holder and all rural holdings shall, as far as possible, be of equal area :

Provided that there may be included in a rural holding one parcel of land within an urban settlement area for occupation by the holder for residential purposes exclusively.

(3) An urban holding shall comprise one or more parcels of land in an urban settlement area for occupation by a person, persons or corporation for such one or more of the following purposes as may be specified by the Commissioner with the approval of the Ruler in Council, namely, commercial, industrial or residential purposes or purposes of public utility.

8. The Commissioner may by notification in the *Gazette* reserve any land in a group settlement area which is needed for any public purpose and the provisions of the State land law relating to the reservation of land for public purposes shall apply *mutatis mutandis* to any such reservation.

Reservation
of land
for public
purposes.

9. (1) The Ruler in Council may direct that the whole or any part of a group settlement area shall be cleared at the public expense by felling or other means in such manner and to such extent as the Ruler in Council thinks fit.

Clearance.

(2) The cost of such clearing shall be paid out of monies provided by the State Legislature and may be recovered from the persons to whom land in the area is alienated and any

public authorities having control of land within the area which has been reserved for a public purpose in such proportion as the Ruler in Council may direct.

Alienation.

10. (1) Subject to the provisions of this Act, the Collector may, on behalf of the Ruler in Council—

(a) alienate any rural holding; and

(b) permit the occupation of any rural or urban holding in expectation of title.

(2) Subject to the provisions of this Act the Commissioner may, on behalf of the Ruler in Council, alienate any urban holding.

Titles and conditions.

11. (1) The document of title to a holding shall be that which is provided in the State land law in respect of country land not exceeding ten acres in area and such document shall state whether the title is in perpetuity or for a term of years.

(2) In every document of title to a holding there shall be implied the obligations that the holder will duly pay the rent or consolidated annual charge by way of rent reserved in respect of such holding, will preserve all boundary marks and will give immediate notice to the Collector or to the nearest Penghulu if any boundary marks are injured, destroyed or removed.

(3) Express conditions imposed under, and conditions and obligations implied by virtue of the provisions of, this Act shall run with the land and shall bind the holder thereof and shall commence to run from the date of occupation in expectation of title authorised by entry in the register of holdings or from the date of alienation, whichever is the earlier.

(4) There shall by virtue of this section be implied in every document of title to a holding the condition that a breach of or default in the observance of any of the conditions of the said document of title, whether expressed in the document or implied by this Act or by the State land law, shall render the holding liable to re-entry and the title liable to forfeiture in the manner provided in the State land law in respect of such breach or default.

Occupation in expectation of title.

12. (1) Authority to occupy any land within a group settlement area in expectation of title shall be given by an entry in the register of holdings to be maintained by the Collector in the Form A in the Schedule.

(2) Before entering in the register of holdings the name of any person in respect of an urban holding, the Collector may require the payment of all sums due in respect of the holding

whether by way of premium, survey fees or otherwise together with the amount of the rent payable in respect of the first year of occupation.

(3) No person shall by making any payment or deposit of any kind or by being recorded in a register of holdings or in any other way than by occupying a holding with the authority of the Collector in expectation of title be taken or deemed to have acquired any right to registration of title to such holding and such authority may be cancelled by the Collector at any time before title has been registered.

13. (1) The Commissioner, with the approval of the Ruler in Council, may in respect of the occupation or alienation of any land in a group settlement area fix rates of premium, including a proportion of the cost of clearing land reserved for a public purpose within the area, rent, survey and other fees:

Premia.
rent, etc.

Provided that the Ruler in Council may direct that any urban holding shall be alienated by auction.

(2) The first revision of the rent of land in a group settlement area may take place on or after the expiration of a period of thirty years from the date upon which such rent was first fixed in accordance with the provisions of subsection (1) or, in the case of a consolidated annual charge by way of rent, after the expiration of the period during which such charge is payable and subsequent revisions may take place at intervals of not less than thirty years.

PART III

RURAL HOLDINGS

14. A rural holding may be alienated only to one individual person qualified in accordance with the provisions of section 19 and no joint ownership of a rural holding shall at any time be permitted.

Restrictions
on alienation
of rural
holdings.

15. (1) No land comprised in a rural holding may at any time be subdivided.

Restriction
of dealings.

(2) No land comprised in a rural holding may be held by way of undivided shares.

(3) No rural holding may be leased or sublet in whole or in part.

16. Where, but for the provisions of section 15 the land comprised in any rural holding would on the death of the holder or otherwise be liable to transmission by way

Transmis-
sion on
death, etc.

of subdivision or in undivided shares, the persons entitled to interests in the holding may assign their interests to a single holder, and, in default of such assignment, the holding shall be disposed of on the order of the Collector and the proceeds of sale of the holding or any interest therein shall be dealt with according to law.

Conditions
and
obligations.

17. There shall by virtue of this section be implied in every document of title to a rural holding the following conditions and obligations—

- (a) the whole area of the holding, other than that part which is used for residential purposes as provided in paragraph (d) shall be brought fully under cultivation with the appropriate crops by the date specified by the Collector and shall thereafter at all times be maintained and cultivated according to the rules of good husbandry;
- (b) no crops, other than the appropriate crops, shall at any time be planted upon any portion of the holding;
- (c) the holding shall not at any time be used for the erection of any building, other than a building together with the out-buildings and appurtenances thereof used solely as a dwelling house by the holder;
- (d) any such dwelling house shall be erected upon such part of the holding as the Collector may direct and no other part of the holding shall be used for residential purposes.

Rights of
access.

18. (1) The holder of any rural holding which does not have direct access to a public road or access reserve shall have at all times a right of way across intervening holdings.

(2) Such right of way shall extend to the right of carrying agricultural produce and the necessary implements and materials for agricultural purposes by the most direct route between the holding and the public road or access reserve but shall not extend to the use of any vehicle other than a bicycle, tricycle or handcart:

Provided that the Collector may determine the situation of any such right of way and his decision shall be final.

(3) Any holder using such right of way across other holdings shall be liable for any damage directly resulting from such use and, in the event of any dispute, the amount of the damage shall be assessed by the Collector whose decision shall be final.

PART IV

OCCUPATION OF RURAL HOLDINGS IN
EXPECTATION OF TITLE

19. (1) No person, other than a citizen, shall be eligible to occupy a rural holding so long as such holding continues to be State land.

Qualifica-
tions for
holding
rural
holdings.

(2) No person who is a proprietor or co-proprietor of any land other than—

(a) country land not exceeding two acres in area; or

(b) a single plot of town land used solely for his own residential purposes; or

(c) both such country and town land,

shall be eligible to occupy a rural holding so long as such holding continues to be State land :

Provided that, where a group settlement area is declared for the purpose of supplementing existing uneconomic small holdings, the Ruler in Council may direct that the maximum of two acres specified in paragraph (a) of this sub-section be increased to not more than six acres:

And provided that for the purposes of this sub-section the word "person" includes the husband or wife of a person and in calculating the area of country land referred to in sub-section (2) (a) any land held separately by a husband and wife shall be aggregated :

And provided further that any person who is in occupation of a rural holding shall not be disqualified from continuing in occupation by reason only of subsequent acquisition of any land or interest therein by inheritance or gift *inter vivos*.

20. (1) The Commissioner, with the approval of the Ruler in Council, may, in respect of the occupation of a rural holding in expectation of title in place of premium, rent, survey and other fees fixed in accordance with the provisions of sub-section (1) of section 13, impose a consolidated annual charge by way of rent for such period as may be specified.

Consoli-
dated
annual
charge.

(2) In determining the amount of such consolidated annual charge by way of rent there may be taken into account the cost of any service, material or equipment supplied to the holder together with such charges in respect of interest as may be approved by the Ruler in Council.

(3) The payment of any such consolidated annual charge shall commence on such date as the Commissioner may, with the approval of the Ruler in Council, direct.

(4) So long as any such consolidated annual charge by way of rent is payable in respect of any holding such holding shall remain State land.

Recovery
of rent.

21. (1) As from the date upon which the payment of any consolidated annual charge shall be due to commence such charge in respect of any year shall fall due in full on the first day of January in that year.

(2) Such consolidated annual charge, if not sooner paid, becomes an arrear on the first day of June in the year in respect of which it is due.

(3) It shall be a condition of occupation of a rural holding that default in payment of any consolidated annual charge shall be a breach of the conditions of occupation.

Breach or
default.

22. (1) There shall by virtue of this section be implied in the terms of occupation of any rural holding in expectation of title authorised by entry in the register of holdings the condition that, in case of a breach of or a default in the observance of any of the conditions or obligations of such occupation, whether express or implied, the Commissioner or any officer authorised by him in writing may, on behalf of the Ruler of the State, re-enter upon the land comprising such holding and upon a note thereof being made in the register of holdings all rights in expectation of title of any person shall cease and be extinguished, and the entire property in and control of such land shall vest solely in the Ruler of the State.

(2) Before re-entering on any land as provided by subsection (1) the Commissioner or such officer shall serve or cause to be served on the holder of the land a notice in the form B in the Schedule.

(3) Unless the holder within the period specified in the notice repairs or makes good such breach or default or shows cause to the satisfaction of the Commissioner or such officer why the land should not be re-entered, the Commissioner or such officer shall on the expiration of such period re-enter upon the land.

(4) If a holder refuses service of a notice under subsection (2) or cannot with reasonable diligence be found the notice shall be deemed to have been duly served if a copy is posted on the land and further copies are posted on the Land Office notice board and in such public places in the mukim in which the land is situated as the Commissioner or such officer shall think fit.

23. (1) Where any rural holding is re-entered in accordance with the provisions of section 22 no compensation shall be payable to the holder except in accordance with the provisions of sub-section (3) of this section. Compensation.

(2) A holder whose holding has been re-entered in accordance with the provisions of section 22 may, if he so desires, with the approval of the Collector, remove a dwelling house which he has erected on the land at his own sole expense.

(3) The Collector shall make a valuation of any dwelling house remaining on any land which has been re-entered in accordance with the provisions of section 22 and shall pay as compensation to the former holder the amount of such valuation after deducting the cost of any material or other service supplied to the holder for the erection of such dwelling house and such sum for expenses as the Collector, with the approval of the Ruler in Council, shall fix.

(4) The amount of any such compensation may be recovered from any subsequent holder who is duly authorised to enter upon the holding in accordance with the provisions of this Act.

24. (1) Subject to the provisions of this Act, a holder in occupation of a rural holding in expectation of title may assign his rights in that holding to any individual person qualified in accordance with the provisions of section 19 and approved by the Collector, unless proceedings for re-entry under section 22 shall have been commenced. Assignment of rights of occupier in expectation of title.

(2) The assignment shall be in the Form C in the Schedule and shall be submitted to the Collector who shall enter the name of the assignee in the register of holdings.

25. (1) There shall be implied in the terms of occupation of any rural holding in expectation of title the conditions and obligations contained in this section. Implied conditions and obligations.

(2) The holder shall, if so required, do all or any of the following things—

- (a) clear the boundaries of the holding in accordance with any directions of a Survey Officer or Settlement Officer or of the Collector;

- (b) clear the whole or any part of the holding in accordance with any directions of the Collector;
- (c) plant with the appropriate crop the whole or any specified part of the holding at such times and in such manner as the Collector shall from time to time direct;
- (d) from time to time in accordance with any directions of the Collector to carry out any necessary maintenance, fertilising, replanting or other work required on the holding;
- (e) refrain from tapping any rubber planted on the holding until the Collector shall have certified that the rubber is mature.

(3) The Collector may direct that any of the requirements of paragraph (a), (b) or (c) of sub-section (2) shall be carried out by a holder in conjunction with the holders of contiguous holdings or on a co-operative basis of joint working on contiguous holdings.

PART V

URBAN HOLDINGS

Persons to whom urban holdings may be alienated.

26. An urban holding may be alienated to any person, persons or corporation to whom State land may be alienated in accordance with the State land law.

Restriction of use of urban holding.

27. Every document of title to an urban holding shall specify which of the purposes mentioned in sub-section (3) of section 7 shall apply to such holding and there shall be implied in every such document of title the condition that the holding shall be used for no other purpose.

Occupation in expectation of title.

28. Subject to the provisions of section 29, the occupier of an urban holding in expectation of title authorised by entry in the register of holdings shall be deemed for the purposes of the State land law to be in occupation of State land under approved application in expectation of registration of title.

Assignment of rights of occupier in expectation of title.

29. (1) Subject to the provisions of this Act, a holder in occupation of an urban holding in expectation of title may assign his rights in that holding to any person, persons or corporation approved by the Commissioner.

(2) The assignment shall be in the Form C in the Schedule and shall be submitted to the Collector who shall enter the name of the assignee in the register of holdings.

PART VI
GENERAL

30. (1) Any person who within a designated area or a group settlement area enters upon or occupies any land whether by residing on or by erecting any building or by clearing, enclosing or cultivating any part thereof or cutting timber or produce thereof or by grazing animals or by cutting, digging or taking from any land any product mentioned in paragraph (vi) of sub-section (2) of section 32 without having lawful permission so to do shall be deemed to be in unlawful occupation of such land.

Unlawful
occupation
of land.

(2) Any person who is in unlawful occupation of land within a designated area or a group settlement area shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred dollars.

(3) Without prejudice to any other action which may be taken under this section, the Collector or any police officer may summarily remove from any land in a designated area or a group settlement area any person found to be in unlawful occupation thereof and may enter upon such land and remove or destroy any cultivation or building erected thereon, and where any boundary stone or mark or ditch or other feature marking a boundary line has been removed or displaced may forthwith restore such mark and re-establish the original boundary.

31. The provisions of the State land law as to offences and penalties shall apply *mutatis mutandis* in respect of alienations under this Act.

Other
offences and
penalties.

32. (1) The Commissioner may, with the approval of the Ruler in Council, make rules for carrying out the purposes of this Act and for all matters incidental thereto.

Rules.

(2) Without prejudice to the generality of the foregoing such rules may provide for—

- (i) the manner in which applications shall be made and approved;
- (ii) the temporary occupation or use of land in a designated area or a group settlement area which is unsuitable for cultivation, of unused reserves or portions of reserves and of land in an urban settlement area not immediately required for alienation;

- (iii) the method of collection of land revenue in respect of holdings occupied in expectation of title;
- (iv) the procedure to be followed under any provision of this Act;
- (v) the powers and duties of officers to whom it may be necessary to entrust duties in connection with the carrying out of the provisions of this Act or of any rules made hereunder;
- (vi) the issuing of licences to dig and remove from any land in a designated area or a group settlement area earth, gravel, stone, coral, shell, sand, loam or clay, or to remove bricks, lime, cement or other commodities manufactured from the said materials provided that no such licence shall be issued in respect of land comprised in a holding which has been alienated except to the holder or with his consent.

Savings.

33. (1) The provisions of this Act shall apply in respect of all land in a designated area or a group settlement area notwithstanding any provision of the State land law or of any other existing law to the contrary and the provisions of the State land law and any other existing law shall have effect in respect of such land only in so far as they are not inconsistent with the provisions of this Act.

(2) Nothing in this Act shall affect the operation of any existing law relating to Malay reservations.

(3) This Act shall not apply to the States of Malacca and Penang.

SCHEDULE

FORM A

(Section 12 (1))

Serial No.....

REGISTER OF HOLDINGS

Parcel	Cultivation or use	Surveyed Lot	Registered Area
--------	--------------------	--------------	-----------------

- (a)
- (b)
- (c)
- (d)

RECORD OF CHANGES

	Date	Authority for change
1. Original Holder.....		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Consolidated annual charge \$.....with effect from 1-1-

.....
Collector of Land Revenue

Entry exchanged for Title No.....

.....
Collector of Land Revenue

FORM B
(Section 22 (2))

NOTICE PRIOR TO RE-ENTRY OF RURAL HOLDING FOR
BREACH OR DEFAULT

.....
the registered holder of Holding.....

Group Settlement area of.....

Whereas you have committed

..... a breach of
a default in the observance of the condition or term of occupation specified
hereunder—

Take notice that unless within.....days from the date of this notice you repair or make good the above breach or show cause to my satisfaction why your holding should not be forfeited under the Group Settlement Areas Act, 1960, the holding and all title or rights in expectation of title will cease and be extinct.

.....
Commissioner of Lands/ Authorised Officer

FORM C

(Sections 24 (2) and 29 (2))

ASSIGNMENT OF RIGHTS IN EXPECTATION OF TITLE

I.....
the holder of Holding No.....Group Settlement Area
of.....
in consideration of.....
the receipt of which I hereby acknowledge do hereby assign
to.....
all my rights in expectation of title to the said holding.

.....
Signature of Assignor

And I.....accept this assignment.

.....
Signature of Assignee

I.....
approve the above assignment.

Commissioner of Lands
Collector

.....
Commissioner of Lands
Collector of Land Revenue

Dated this.....day of....., 19.....

Noted in the Register of Holdings for Group Settlement Area
.....Vol.....this.....day of.....
19.....at.....m.

.....
Collector of Land Revenue

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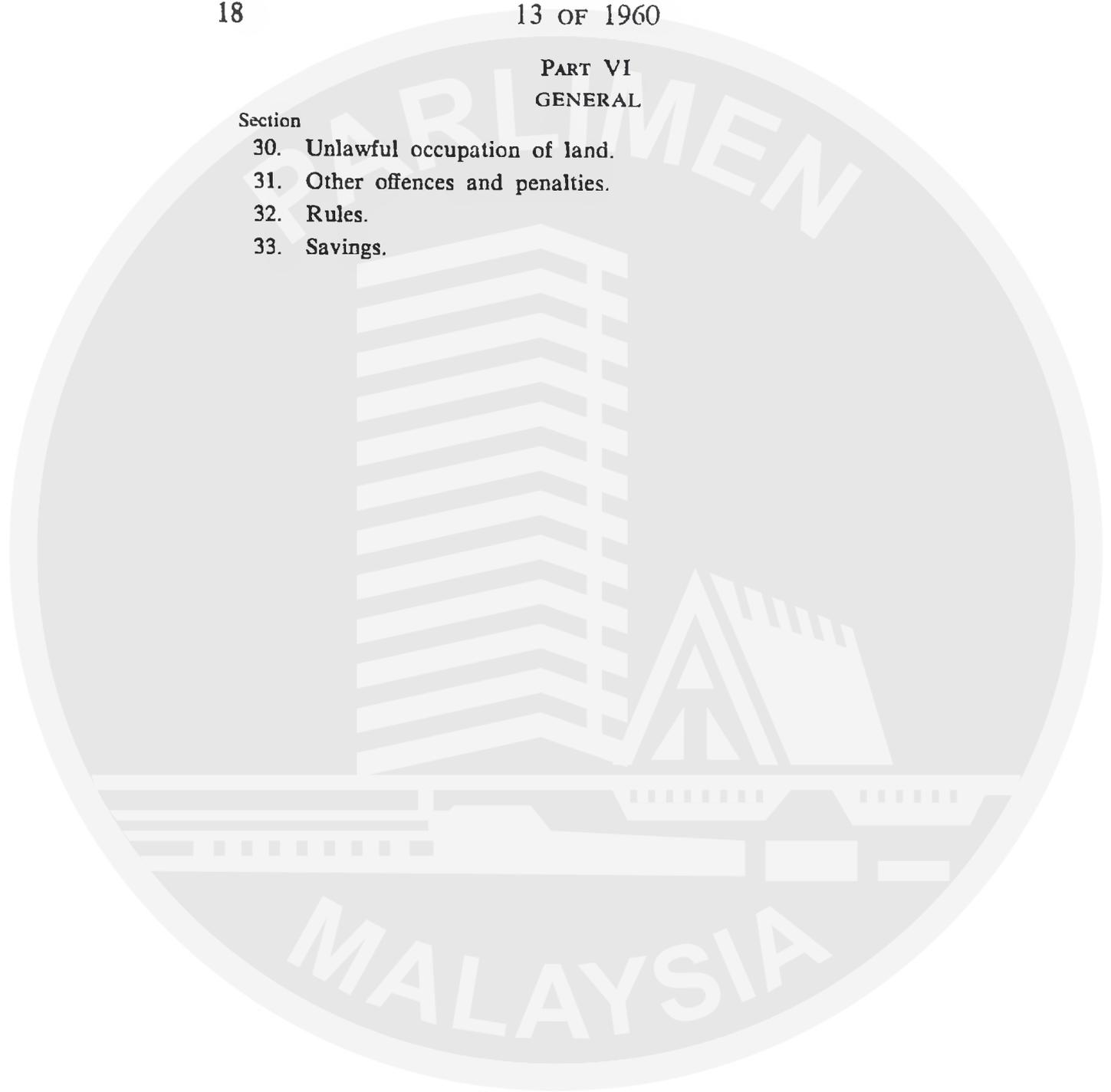
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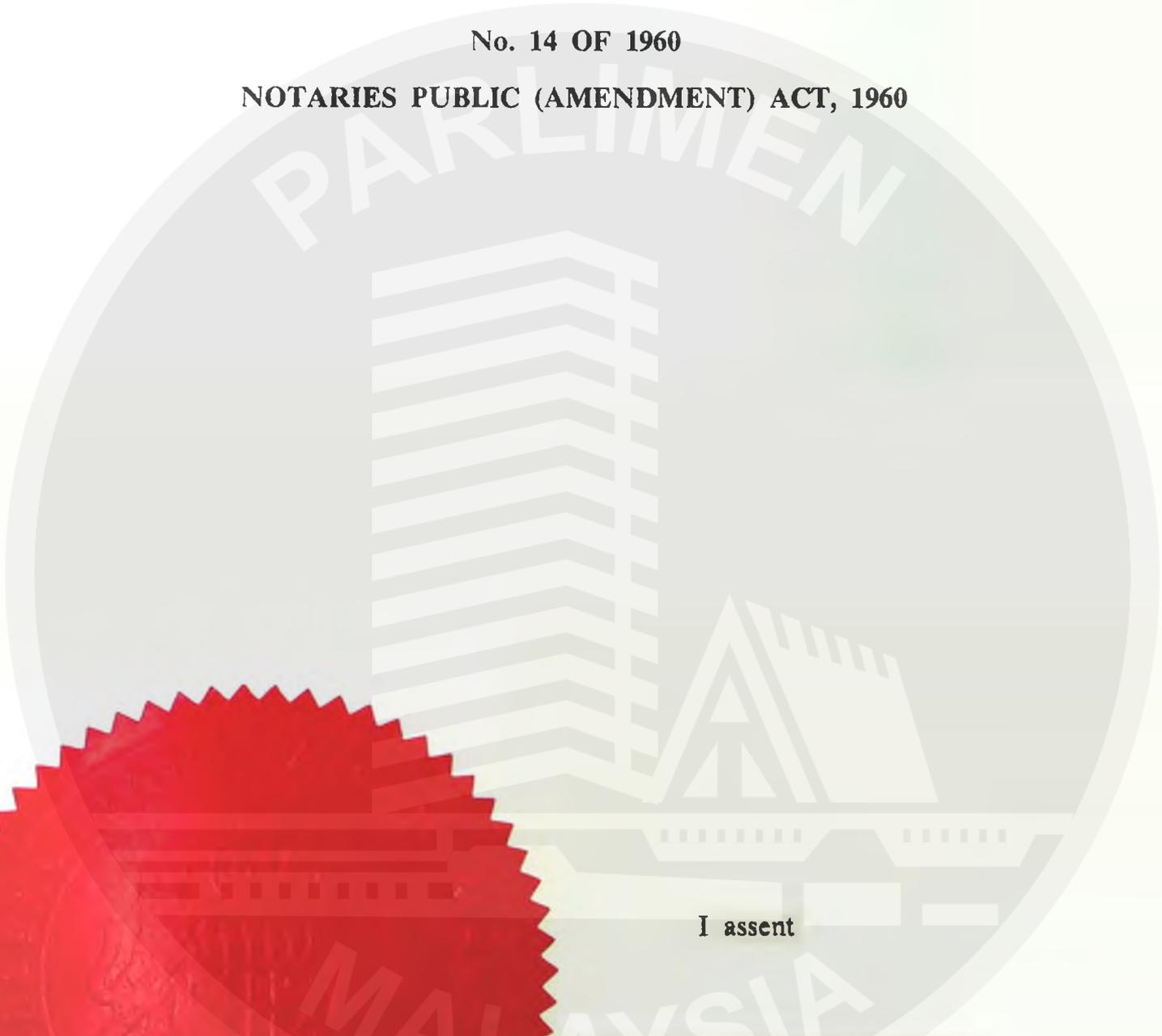


FEDERATION OF MALAYA

Act of Parliament

No. 14 OF 1960

NOTARIES PUBLIC (AMENDMENT) ACT, 1960



I assent

A handwritten signature in red ink is written on a light-colored rectangular background. The signature is cursive and appears to be 'S. M. Yusoff'.

.....
Yang di-Pertuan Agong

26.....May, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 14 OF 1960

NOTARIES PUBLIC (AMENDMENT) ACT, 1960

An Act to amend the Notaries Public Ordinance, 1959.

[]

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, 1960. Short title.

2. Sub-section (2) of section 3 of the Notaries Public Ordinance, 1959, is hereby amended by inserting immediately after the words "Supreme Court" appearing therein the words "or a pleader licensed under the provisions of the Pleaders and Petition Writers Enactment of the State of Trengganu and who was so licensed before the first day of January, 1956". Amendment of section 3. 41 of 1959. Trengganu 59 of 1956.

3. Paragraph (a) of section 5 of the Notaries Public Ordinance, 1959, is hereby amended by inserting immediately after the words "Supreme Court" appearing therein the words "or ceased to be licensed as a pleader in the State of Trengganu, as the case may be". Amendment of section 5.

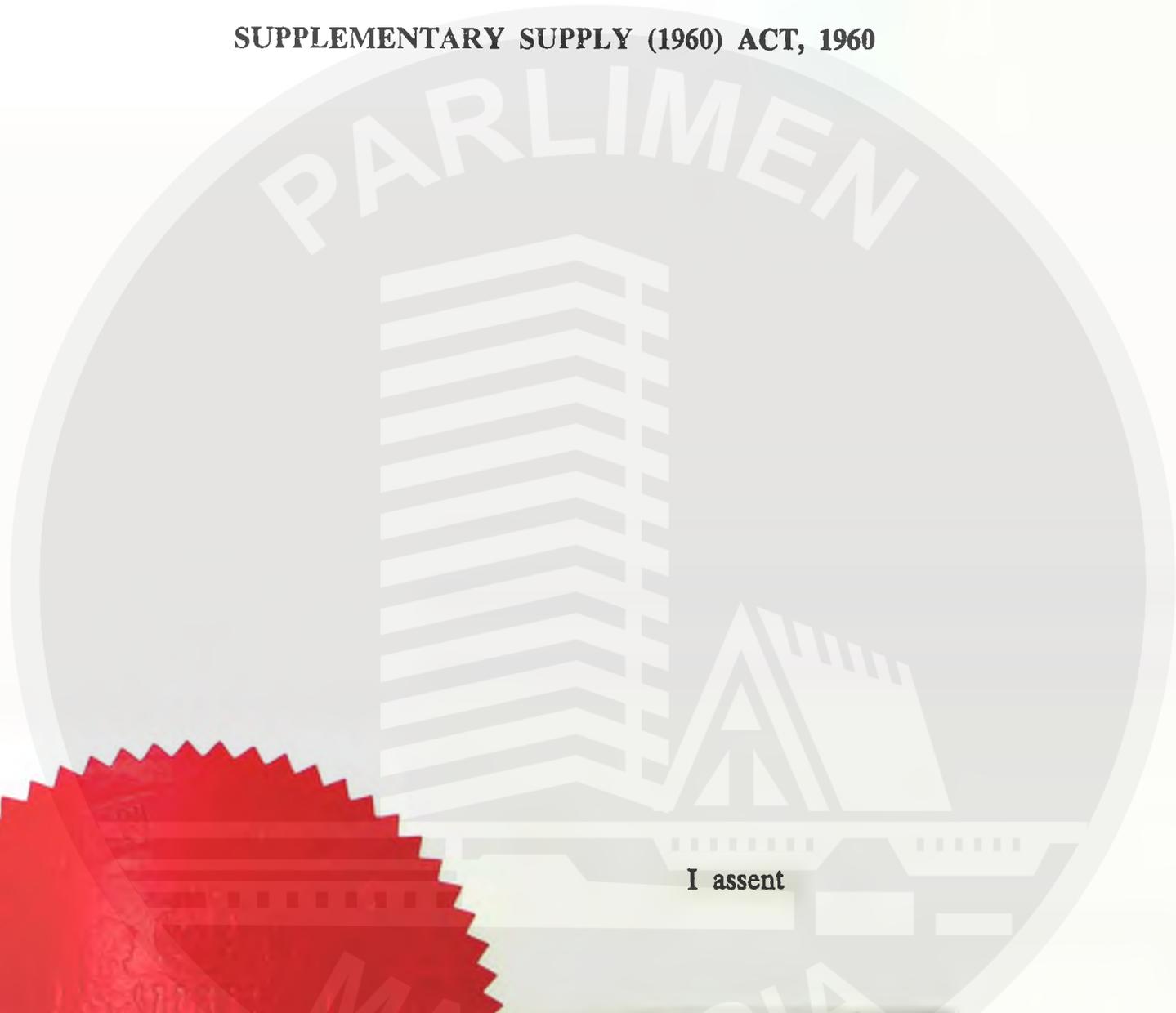
MALAYSIA

FEDERATION OF MALAYA

Act of Parliament

No. 15 OF 1960

SUPPLEMENTARY SUPPLY (1960) ACT, 1960



I assent

.....
Yang di-Pertuan Agong

..26....May, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 15 OF 1960

SUPPLEMENTARY SUPPLY (1960) ACT, 1960

An Act to apply a sum out of the Consolidated Fund for additional expenditure for the service of the year 1960, to appropriate such a sum for certain purposes and to provide for the replacement of amounts advanced from the Contingencies Fund.

[]

WHEREAS the sum of six hundred and seventy-five million seven hundred and twenty-three thousand and eighty-one dollars (\$675,723,081) has been provided by the Supply (1960) Act, 1959, for the service of the year 1960: *14 of 1959.*

AND WHEREAS it is now requisite to make a further provision of two million and ninety-two thousand four hundred and thirty-one dollars (\$2,092,431):

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 Supplementary Supply (1960) Act, 1960. *Short title.*

2. (1) The issue of a sum not exceeding two million and ninety-two thousand four hundred and thirty-one dollars (\$2,092,431) out of the Consolidated Fund for expenditure on the various services specified in the Schedule for the service of the year, 1960, not provided or not fully provided for by the said Supply (1960) Act, 1959, is hereby authorised. *Further expenditure for the year 1960. 14 of 1959.*

(2) The said sum is appropriated for the purposes specified in the Schedule. *Appropriation.*

SCHEDULE

Head No.	Title	Total appropriation to Head (3)
(1)	(2)	\$
4.	Election Commission	39,000
7.	Prime Minister	4,010
12.	Museums	15,200
13.	Statistics	189,110
14.	Ministry of Agriculture and Co-operatives	90,000
15.	Agriculture	8,640
21.	Ministry of Commerce and Industry	16,000

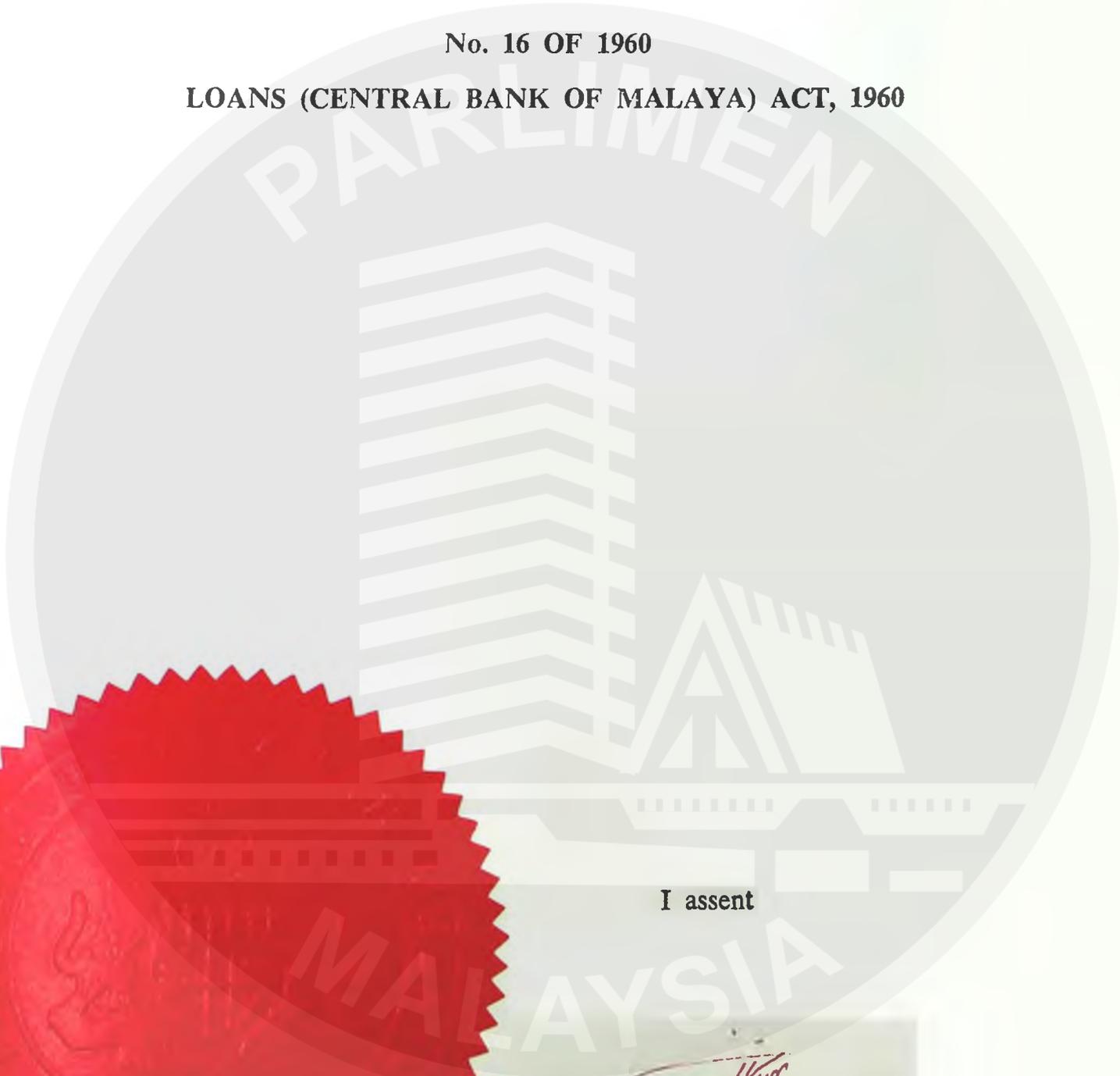
Head No. (1)	Title (2)	Total appropriation to Head (3) \$
27.	Police	10
28.	Ministry of Education	38,760
29.	Ministry of External Affairs	139,060
32.	Treasury	250,000
35.	Customs and Excise	400,000
37.	Inland Revenue	862,921
43.	Chemistry	4,000
55.	Ministry of Labour	1,570
56.	Labour and Industrial Relations	1,000
63.	Survey	11,000
69.	Road Transport	2,150
71.	Postal Services	20,000
	Total ...	<u>2,092,431</u>

FEDERATION OF MALAYA

Act of Parliament

No. 16 OF 1960

LOANS (CENTRAL BANK OF MALAYA) ACT, 1960



I assent

.....
Yang di-Pertuan Agong

26 May, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 16 OF 1960

LOANS (CENTRAL BANK OF MALAYA) ACT, 1960

An Act to provide for the issue and management by the Central Bank of Malaya of loans raised under the provisions of certain laws.

[]

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 Loans (Central Bank of Malaya) Act, 1960, and shall come into operation on such date as the Minister may by notification in the *Gazette* appoint.

Short title and commencement.

2. In this Act—

“the Bank” means the Central Bank of Malaya established by the Central Bank of Malaya Ordinance, 1958;

Interpretation.

61 of 1958.

“Minister” means the Minister of Finance.

3. On and after the date of the coming into operation of this Act the Bank shall undertake the issue and management of the loans raised under the provisions of the laws specified in the Schedule hereto; and the Minister may by order make such modifications and amendments in any such laws as appear to him necessary or expedient for the purpose of giving effect to the provisions of this section.

Bank to undertake management of loans.

4. The Minister may fix such fee as he considers reasonable for the performance by the Bank of the powers and duties conferred or imposed under the provisions of this Act, and any such fee shall be charged on the Consolidated Fund.

Power of Minister to fix fee.

5. Nothing in this Act shall take away or interfere with any right of any lawful holder of any stock issued under the provisions of any of the laws specified in the Schedule hereto.

Saving.

SCHEDULE

The Federated Malay States Loan Enactment, 1936 (F.M.S. 12 of 1936).

The Loan Ordinance, 1946 (M.U. 10 of 1946).

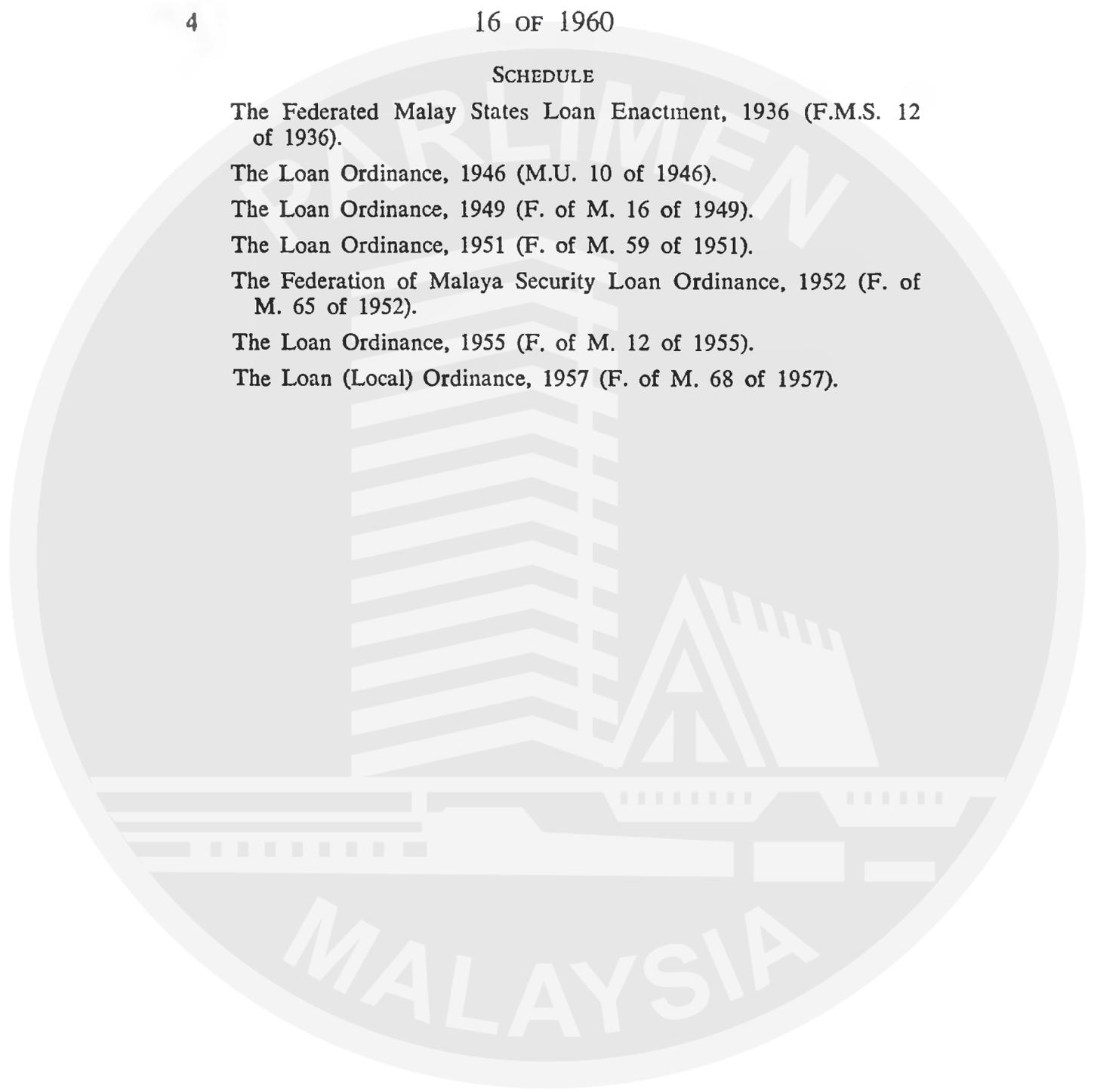
The Loan Ordinance, 1949 (F. of M. 16 of 1949).

The Loan Ordinance, 1951 (F. of M. 59 of 1951).

The Federation of Malaya Security Loan Ordinance, 1952 (F. of M. 65 of 1952).

The Loan Ordinance, 1955 (F. of M. 12 of 1955).

The Loan (Local) Ordinance, 1957 (F. of M. 68 of 1957).



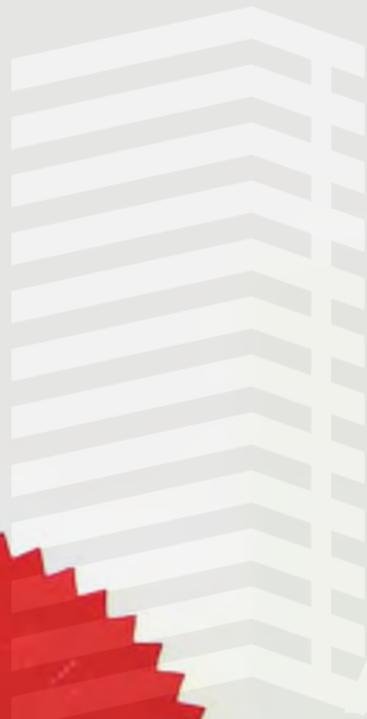
FEDERATION OF MALAYA

Act of Parliament

No. 17 OF 1960

INCOME TAX (AMENDMENT) ACT, 1960

PARLIMEN



I assent

MALAYSIA

A handwritten signature in red ink, appearing to be 'S. M. Yusoff'.

.....
Yang di-Pertuan Agong

...27... July, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 17 OF 1960

INCOME TAX (AMENDMENT) ACT, 1960

An Act to amend the Income Tax Ordinance, 1947.

[]

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 Income Tax (Amendment) Act, 1960, and, subject to the provisions of Clause (1) of Article 7 of the Constitution, shall be deemed to have come into force on the first day of January, 1960.

Short title and commencement.
M.U. Ord. No. 48 of 1947.

2. Section 2 of the Income Tax Ordinance, 1947 (in this Act referred to as "the principal Ordinance"), is hereby amended by inserting immediately before the figure "91" appearing in the definition of "Comptroller" the figure and comma "63,".

Amendment of section 2.

3. The principal Ordinance is hereby amended by inserting immediately after section 3 thereof the following new section:

New section 3A.

"Power of Minister to issue directions.

3A. The Minister of Finance may from time to time give the Comptroller-General and Comptroller directions of a general character, and not inconsistent with the provisions of this Ordinance, as to the exercise of the powers and discretions conferred on the Comptroller-General and the Comptroller by, and the duties required to be discharged by the Comptroller-General and the Comptroller under this Ordinance or any rules or regulations made thereunder, and the Comptroller-General and the Comptroller shall give effect to all such directions."

4. Section 6 of the principal Ordinance is hereby amended by inserting immediately after sub-section (7) thereof the following two new sub-sections—

Amendment of section 6.

"(8) Notwithstanding anything contained in this section, the Comptroller in his discretion may transmit to the Comptroller of Income Tax, Singapore, any document, information or return which is required in the performance of his official duties by the Comptroller of Income Tax, Singapore, in the administration

of the law for the time being in force in Singapore relating to income tax.

(9) Notwithstanding anything contained in any written law for the time being in force in the Federation relating to the proof of documents, the Comptroller may produce or cause to be produced in any Court, in any proceedings relating to income tax, a copy of any particulars contained in any document or return transmitted to him by the Comptroller of Income Tax, Singapore, under the provisions of any law in force in the State of Singapore corresponding to the provisions of sub-section (8) of this section, certified by the Comptroller or on his behalf to be a correct copy of such particulars:

Provided that—

(i) the Comptroller may produce or cause to be produced the original of any such document or return in any case when it is necessary to prove the hand-writing or the signature of the person who wrote, made, signed or furnished such return or document, but only for the purpose of such proof;

(ii) the Comptroller shall not in any case be compelled to produce in any court either the original of such document or return or a copy of any particulars contained in such document or return.”.

New section
29A.

5. The principal Ordinance is hereby amended by inserting immediately after section 29 thereof the following new section:

“Income
arising
from settle-
ments.

29A. (1) Where under the terms of any settlement and during the life of the settlor any income, or assets representing it, will or may become payable or applicable to or for the benefit of any relative of the settlor and at the commencement of the year of assessment such relative is unmarried and has not attained the age of twenty-one years, such income or assets shall be deemed to be income of the settlor and not income of any other person.

(2) If and so long as the terms of any settlement are such that—

(a) any person has or may have power, whether immediately or in the future, and whether with or without the consent of any other person, to revoke or otherwise determine the settlement or any provision thereof; and

(b) in the event of the exercise of the power, the settlor or the wife or husband of the settlor will or may become beneficially entitled to the whole or any part of the property then comprised in the settlement, or of the income arising from the whole or any part of the property so comprised,

all income arising under the settlement from the property comprised in the settlement shall be deemed to be income of the settlor and, subject to the provisions of section 47 of this Ordinance, not income of any other person :

Provided that this sub-section shall not apply by reason only that the settlor or the wife or husband of the settlor will or may become beneficially entitled to any income or property relating to the interest of any beneficiary under the settlement in the event that such beneficiary should pre-decease him.

(3) Where in any year of assessment the settlor or any relative of the settlor or any person under the direct or indirect control of the settlor or of any of his relatives, whether by borrowing or otherwise, makes use of any income arising or of any accumulated income which has arisen under a settlement to which he is not entitled thereunder, then the amount of such income or accumulated income so made use of shall be deemed to be income of such settlor for such year of assessment and not income of any other person.

(4) Where under the terms of any settlement to which this section applies any tax is charged on and paid by the person by whom the settlement is made, that person shall be entitled to recover from any trustee or other person to whom income is paid under the settlement the amount of the tax so paid, and for that purpose to require the Comptroller to furnish a certificate specifying the amount of tax so paid; and any certificate so furnished shall be conclusive evidence of the facts appearing therein.

(5) If any question arises as to the amount of any payment of income or as to any apportionment of income under this section that question shall be decided by the Comptroller, whose decision thereon shall be final.

(6) This section applies to every settlement wheresoever it was made or entered into and whether it was made or entered into before or after the date on which

this section came into force and shall (where there is more than one settlor or more than one person who made the settlement) have effect in relation to each settlor as if he were the only settlor.

(7) In this section—

‘settlement’ includes any disposition, trust, covenant, agreement, whether reciprocal or collateral, arrangement or transfer of assets or income, but does not include—

- (i) a settlement which in the opinion of the Comptroller is made for valuable and adequate consideration;
- (ii) a settlement resulting from an order of a court;
- (iii) any agreement made by an employer to pay to an employee or to the widow or any relative or dependant of such employee after his death such remuneration or pension or lump sum as in the opinion of the Comptroller is fair and reasonable;

‘settlor’, in relation to a settlement, includes any person by whom the settlement was made or entered into directly or indirectly, and any person who has provided or undertaken to provide funds or credit directly or indirectly for the purpose of the settlement, or has made with any other person a reciprocal arrangement for that other person to make or enter into the settlement;

‘relative’ means any person who is a wife, grandchild, child, brother, sister, uncle, aunt, nephew, niece or cousin of the settlor, and for the purpose of this section ‘child’ shall include a step-child, a child who has been *de facto* adopted by the settlor or by the husband or wife of the settlor, whether or not such adoption has been registered in accordance with any statutory provision, and a child of whom the settlor has the custody or whom he maintains wholly or partly at his own expense.”.

New section
61A.

6. The principal Ordinance is hereby amended by inserting immediately after section 61A thereof the following new section:

“Power of
Comptroller
to obtain
information.

61B. (1) Where the Comptroller considers it necessary in the execution of his duties under this Ordinance, the Comptroller shall at all times have full

and free access to all lands, buildings and places, and all books and documents, whether in the custody or under the control of a public officer or a body corporate or any other person whatsoever, for the purpose of ascertaining any facts or inspecting any books and documents which the Comptroller considers necessary or relevant for the purposes of this Ordinance, or considers likely to provide any information otherwise required for the purposes of this Ordinance, and may, without fee or reward, make extracts from or copies of any such books or documents.

(2) The Comptroller may require any person to give orally or in writing, as may be required, all such information concerning his or any other person's income or assets or liabilities as may be demanded of him by the Comptroller for the purposes of this Ordinance:

Provided that no person shall by virtue of this section be obliged to disclose any particulars as to which he is under any statutory obligation to observe secrecy."

7. Section 63 of the principal Ordinance is hereby repealed and the following new section substituted therefor: New section 63.

"Keeping of books of account and giving of receipts.

63. (1) Subject to the provisions of sub-section (2) of this section, every person carrying on or exercising any trade, business, profession or vocation—

(a) shall keep and retain in safe custody sufficient records to enable his income and allowable deductions under this Ordinance to be readily ascertained by the Comptroller or any officer authorised in that behalf by the Comptroller;

(b) shall, if the gross receipts from such trade, business, profession or vocation in the preceding calendar year exceeded eighteen thousand dollars from the sale of goods, or twelve thousand dollars from the performance of services, issue a printed receipt serially numbered for every sum received in respect of goods sold or services performed in the course of or in connection with such trade, business, profession or vocation, and shall retain a duplicate of every such receipt:

Provided that where a machine is used for recording sales a receipt may be dispensed with if the Comptroller is satisfied that—

(i) such machine automatically records all sales made; and

(ii) the total of all sales made in each day is transferred at the end of such day to a record of sales.

(2) The Comptroller may by notice in writing to any person carrying on or exercising any trade, business, profession or vocation, or by notice in the *Gazette* in respect of any class or description of any such person, prescribe—

(a) the form of the records to be kept under the provisions of paragraph (a) of sub-section (1) of this section, and the manner in which such records shall be kept and retained;

(b) the form of the receipts to be issued and the duplicates to be retained under the provisions of paragraph (b) of sub-section (1) of this section, and the manner in which such receipts shall be issued and such duplicates shall be retained,

and every such person shall be bound to comply with such notice.

(3) The Comptroller may waive all or any of the provisions of sub-section (1) of this section in respect of any person or records or any class or description of persons or records.

(4) For the purposes of this section “records” includes—

(a) books of account recording receipts or payments or income or expenditure;

(b) invoices, vouchers, receipts, and such other documents as in the opinion of the Comptroller are necessary to verify the entries in any books of account;

(c) any records relating to any trade, business, profession or vocation carried on or exercised on or after the first day of January, 1947.

(5) The provisions of paragraph (b) of sub-section (1) of this section shall come into force on the first day of September, 1960.”.

Amendment
of section
64.

8. Section 64 of the principal Ordinance is hereby amended by substituting for sub-section (7) thereof the following new sub-section :

“(7) Notwithstanding the provisions of any written law to the contrary, where an employer has in his possession any monies whatsoever which are or may be

payable to or for the benefit of an employee who has ceased or is about to cease to be employed by him in the Federation he shall not, without the permission of the Comptroller, pay any part of such monies to or for the benefit of such employee until the expiry of thirty days after the receipt by the Comptroller of such notice as is required to be given under sub-section (5) of this section.”.

9. Sub-section (1) of section 69 of the principal Ordinance is hereby amended by substituting for the word “six” appearing therein the word “twelve”.

Amendment
of section
69.

10. Section 81 of the principal Ordinance is hereby repealed.

Repeal of
section 81.

11. Section 82 of the principal Ordinance is hereby repealed and the following new section substituted therefor:

New section
82.

“Time
within which
payment is
to be made.

82. Subject to the provisions of section 87 of this Ordinance, tax for any year of assessment levied in accordance with the provisions of section 38 or 39 of this Ordinance shall, notwithstanding any objection or appeal against the assessment on which such tax is levied, be payable at the place stated in the notice given under section 72 of this Ordinance within one month after the service of such notice:

Provided that—

(a) where collection of tax has remained in abeyance pending the determination of any objection or appeal against an assessment made prior to the first day of January, 1960, such tax shall be payable not later than the first day of September, 1960;

(b) the Comptroller in his discretion may extend the time limit within which payment is to be made.”.

12. Section 83 of the principal Ordinance is hereby amended—

Amendment
of section
83.

(a) by substituting for sub-section (1) thereof the following new sub-section:

“(1) Where the Comptroller is of the opinion that any person is about or likely to leave Malaya without paying all tax assessed upon him, he may issue a certificate containing particulars of such tax and a direction to the Commissioner of Police, Federation of Malaya, or the Controller of Immigration, Federation of

Malaya, or both, or a request to the Comptroller of Income Tax, Singapore, to prevent such person from leaving Malaya without paying the tax or furnishing security to the satisfaction of the Comptroller for payment thereof.”;

(b) by substituting for the words “the Federation” wherever they occur in sub-section (2) thereof the word “Malaya”;

(c) by substituting for the words “the Federation” appearing in sub-section (4) thereof the word “Malaya”;

(d) by substituting for the words “the Federation” wherever they occur in sub-section (5) thereof the word “Malaya”;

(e) by re-numbering the existing sub-section (6) as sub-section (7) and inserting the following new sub-section (6):

“(6) Where the Comptroller receives a request under the provisions of any law in force in the State of Singapore corresponding to the provisions of sub-section (1) of this section to prevent any person from leaving Malaya without paying the tax assessed upon him or furnishing security to the satisfaction of the Comptroller for payment thereof he may issue a direction under the provisions of this section in respect of such person.”;

(f) by substituting for the words “the Federation” appearing in the marginal note the word “Malaya”.

New section
85.

13. Section 85 of the principal Ordinance is hereby repealed and the following new section substituted therefor:

“Change of
address.

85. (1) Every person liable to pay income tax under the provisions of this Ordinance shall inform the Comptroller in writing of any change in his address.

(2) Any notice or process given or served upon any person by posting the same or a copy thereof by registered post to him at his last known address shall, notwithstanding the provisions of sub-section (3) of section 8 of this Ordinance, be deemed to have been duly given or served and shall be conclusive evidence of the fact of service.”.

Amendment
of section
86.

14. Sub-section (1) of section 86 of the principal Ordinance is hereby amended by substituting for the words “Subject to the provisions of section 81 of this Ordinance, tax” appearing therein the words “Tax and any penalty”.

15. The principal Ordinance is hereby amended by inserting immediately after section 86 thereof the following new section:

New section
86A.

"Statement
of Comptroller
sufficient.

86A. (1) In any civil or criminal proceedings under this Ordinance, every statement purporting to be under the hand of the Comptroller contained in the information, complaint, declaration or claim shall be *prima facie* evidence of the matter stated therein.

(2) This section shall apply to any matter so stated although—

- (a) evidence in support or rebuttal of the matter stated or of any other matter is given; or
- (b) the matter stated is a mixed question of law and fact: but in such case the statement shall be *prima facie* evidence of the fact only.

(3) This section shall not apply to—

- (a) a statement of the intent of the defendant; or
- (b) proceedings for an offence punishable by imprisonment.”.

16. Section 87 of the principal Ordinance is hereby amended—

Amendment
of section
87.

- (a) by deleting the number and comma “81,” appearing in sub-section (3) thereof;
- (b) by inserting immediately after sub-section (3) thereof the following new sub-section:

“(4) An employer who fails to comply with the provisions of sub-section (7) of section 64 of this Ordinance shall be liable to pay the full amount of the tax which by reason of such failure cannot be recovered from such employee:

Provided that—

- (i) the Comptroller shall apply any amount so recovered by or paid to him in or towards payment of the tax payable by the employee; and
- (ii) the employer may recover from the employee any amount which he has paid to the Comptroller or which has been recovered from him by the Comptroller in pursuance of the provisions of this sub-section.”.

Amendment
of section
90.

17. Section 90 of the principal Ordinance is hereby amended by inserting immediately after sub-section (2) thereof the following new sub-section :

“(3) The Comptroller may compound any offence punishable under sub-section (1) or (2) of this section, and may before judgment stay or compound any proceedings thereunder.”.

Amendment
of section
91.

18. Section 91 of the principal Ordinance is hereby repealed and the following new section substituted therefor :

“Penalty
for in-
correct
return.

91. (1) Subject to the provisions of Part XII of this Ordinance, every person who—

(a) makes an incorrect return by omitting therefrom or understating therein any income of which he is required by this Ordinance to make a return; or

(b) gives any incorrect information in relation to any matter affecting his own liability to tax or the liability of any other person or of a partnership,

shall pay a penalty equal to the amount of tax which has been undercharged in consequence of such incorrect return or information, or which would have been so undercharged if the return or information had been accepted as correct.

(2) Every person who without reasonable excuse or through negligence—

(a) makes an incorrect return by omitting or understating any income of which he is required by this Ordinance to make a return; or

(b) gives any incorrect information in relation to any matter affecting his own liability to tax or the liability of any other person or of a partnership,

shall be guilty of an offence for which, on conviction, he shall pay a penalty equal to double the amount of tax which has been undercharged in consequence of such incorrect return or information, or which would have been so undercharged if the return or information had been accepted as correct, and shall also be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term of not less than six months and not exceeding three years, or to both such fine and imprisonment.

(3) The Comptroller may abate any penalty or compound any offence under sub-section (1) or (2) of this section and may before judgment stay or compound any proceedings thereunder.”.

19. Section 92 of the principal Ordinance is hereby amended by substituting for the words “and shall for each such offence be liable on conviction to a fine not exceeding ten thousand dollars and treble the amount of tax for which he is liable under this Ordinance for the year of assessment in respect of or during which the offence was committed, or to imprisonment for a term” appearing in sub-section (1) thereof the words “and on conviction shall pay a penalty of treble the amount of tax for which he is liable under this Ordinance for each year of assessment in respect of which an offence was committed, and shall also be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not less than six months and”.

Amendment
of section
92.

20. The principal Ordinance is hereby amended by inserting immediately after section 93 thereof the following new section :

New section
93A.

“Penalty for obstructing officers. 93A. Any person who obstructs or hinders any officer acting in the discharge of his duty under this Ordinance or of any rules or regulations made thereunder shall be guilty of an offence.”.

21. The principal Ordinance is hereby amended by inserting immediately after section 94 thereof the following new section :

New section
94A.

“Penalty not to be part of tax for purpose of claiming relief. 94A. Any penalty imposed under this Ordinance shall not be deemed to be part of the tax paid for the purpose of claiming relief under any of the provisions of this Ordinance.”.

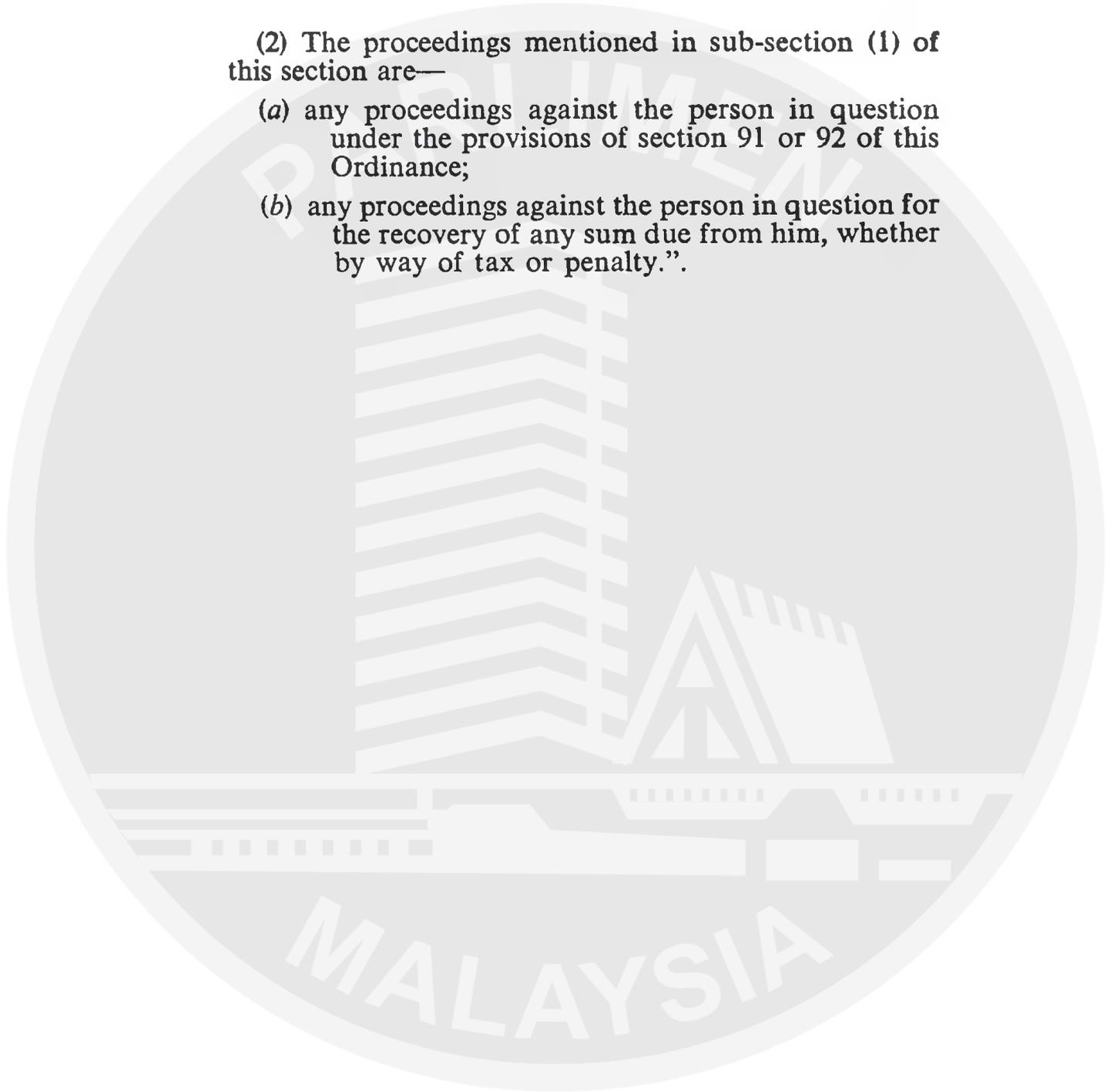
22. The principal Ordinance is hereby amended by inserting immediately after section 96 thereof the following new section :

New section
96A.

“Proceedings as to evidence in legal proceedings. 96A. (1) Statements made or documents produced by or on behalf of any person shall not be inadmissible in evidence against him in any of the proceedings specified in sub-section (2) by reason only that such person was or may have been induced to make such statements or produce such documents by any lawful inducement or promise proceeding from a person having any official duty or being employed in the administration of this Ordinance.

(2) The proceedings mentioned in sub-section (1) of this section are—

- (a) any proceedings against the person in question under the provisions of section 91 or 92 of this Ordinance;
- (b) any proceedings against the person in question for the recovery of any sum due from him, whether by way of tax or penalty.”.



FEDERATION OF MALAYA
Act of Parliament
No. 18 OF 1960
INTERNAL SECURITY ACT, 1960

PARLIMEN



I assent

A handwritten signature in red ink, likely of the Yang di-Pertuan Agong, placed over a rectangular stamp.

.....
Yang di-Pertuan Agong

27.....July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 18 OF 1960

INTERNAL SECURITY ACT, 1960

An act to provide for the internal security of the Federation, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in specified areas of the Federation, and for matters incidental thereto.

[]

WHEREAS action has been taken by a substantial body of persons to cause a substantial number of citizens to fear organised violence against persons and property:

AND WHEREAS action has been taken and threatened by a substantial body of persons which is prejudicial to the security of Malaya:

AND WHEREAS Parliament considers it necessary to stop or prevent that action:

Now therefore PURSUANT to Article 149 of the Constitution 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:

PRELIMINARY

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

Short title
and com-
mencement.

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

Interpreta-
tion.

“Advisory Board” means an advisory board constituted as mentioned in Clause (2) of Article 151 of the Constitution;

“ammunition” means ammunition for any fire-arm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such a fire-arm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“Chief Police Officer” includes a Deputy Chief Police Officer and any gazetted police officer for the time being lawfully authorised to exercise the powers and perform the duties conferred or imposed upon a Chief Police Officer by this Act;

“controlled area” means any area declared to be a controlled area under section 49;

“danger area” means any area declared to be a danger area under section 48;

“document” includes any substance on which is recorded any matter, whether by letters, figures, marks, pictorial or other representation, or by more than one of these means;

“entertainment” means any game, sport, diversion, concert or amusement of any kind to which the public has or is intended to have access and in which members of the public may or may not take part, whether on payment or otherwise;

“exhibition” includes every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise;

“explosive”—

(a) means gunpower, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined; and

(c) includes any substance declared to be deemed an explosive by notification under section 4 of the Explosives Enactment of the Federated Malay States; and

(d) includes any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, and any part of any such apparatus, machine or implement;

“fire-arm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

“Minister” means the Minister charged with responsibility for internal security;

“offence against this Act” includes an offence against any regulations made under section 71;

“Officer in Charge of a Police District” has the same meaning as in the Police Ordinance, 1952;

14 of 1952.

“periodical publication” includes every publication issued periodically or in parts or numbers at intervals, whether regular or irregular;

“police officer” includes a reserve police officer, an auxiliary police officer and a special police officer appointed in accordance with any written law for the time being in force;

“promoter”, in the case of an entertainment or exhibition promoted by a society includes the secretary and officials of such society and, in the case of a society organised or having its headquarters outside the Federation, the officials in the Federation of such society;

“proprietor” includes the owner, tenant or other person in possession or control of premises and any person who receives payment for the use of premises;

“protected place” means any place or premises in relation to which an order made under section 50 is in force;

“publication” includes all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy, translation and reproduction or substantial translation or reproduction in part or in whole thereof;

“public place” includes any highway, public street, public road, public park or garden, any sea beach, water-way, public bridge, lane, footway, square, court, alley or passage, whether a thoroughfare or not, any unalienated land, any rubber estate, any plantation, any land alienated for agricultural or mining purposes, any theatre or place of public entertainment of any kind or other place of general resort admission to which is obtained by payment or to which the public have access, and any open space to which for the

time being the public have or are permitted to have access, whether on payment or otherwise;

“public road” means any public highway or any road over which the public have a right of way or are granted access, and includes every road, street, bridge, passage, foot-way or square over which the public have a right of way or are granted access;

“security area” means any area in respect of which a proclamation under section 47 is for the time being in force;

G.N.
1694/48.

23 of 1960.

“security forces” includes the Royal Federation of Malaya Police Force, the Police Volunteer Reserve, the Auxiliary Police, persons commissioned or appointed under the Essential (Special Constabulary) Regulations, 1948, the Armed Forces of the Federation, any local forces established under any written law in force in the Federation, and any force which is a visiting force for the purposes of Part I of the Visiting Forces Act, 1960, and in respect of whom all or any of the powers exercisable by the Armed Forces of the Federation or their members under this Act have been made exercisable by an order made under any such law;

“supplies” includes ammunition, explosives, fire-arms, money, food, drink, clothing, medicines, drugs or any other stores, instruments, commodities, articles or things whatsoever;

“terrorist” means any person who—

- (a) by the use of any fire-arm, explosive or ammunition acts in a manner prejudicial to the public safety or to the maintenance of public order or incites to violence or counsels disobedience to the law or to any lawful order; or
- (b) carries or has in his possession or under his control any fire-arm, ammunition or explosive without lawful authority therefor; or
- (c) demands, collects or receives any supplies for the use of any person who intends or is about to act, or has recently acted, in a manner prejudicial to public safety or the maintenance of public order.

PART I

GENERAL PROVISIONS RELATING TO INTERNAL SECURITY

Chapter I—Prohibition of Organisations and Associations of a Political or Quasi-Military Character and Uniforms, Etc.

3. The Minister may from time to time by order prohibit the wearing in public places or at meetings or gatherings to which the public or any section of the public have access, of—

Prohibition of uniforms of political or quasi-military organisations.

- (a) any uniform or dress which signifies association with any political organisation or with the promotion of any political object; or
- (b) any uniform, dress or emblem by members or adherents of any organisation or association specified or described in the order, whether incorporated or not,
 - (i) when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the Armed Forces; or
 - (ii) when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose.

4. Every person who wears any prohibited uniform, dress or emblem in contravention of an order made under section 3 shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine.

Penalty.

5. (1) If the members or adherents of any association of persons, whether incorporated or not, are—

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the Armed Forces; or

Prohibition of quasi-military organisations.

- (b) organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose;

then any member or adherent of such association shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine; and any person who promotes or conspires with another to promote, or who takes part in the control or management of, the association, or in so organising or training as aforesaid any member or adherent thereof, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine:

Provided that in any proceedings against any person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training or equipment of any member or adherent of the association in contravention of the provisions of this section.

(2) No prosecution for any offence under this section shall be instituted except with the consent of the Public Prosecutor.

(3) If upon application being made by or on behalf of the Public Prosecutor it appears to the High Court that any association is an association of which members or adherents are organised, trained or equipped in contravention of the provisions of this section, the Court may—

- (a) make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association;
- (b) direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association;
- (c) make such further order as appears to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or, with the approval of the Court, since that date in or towards the repayment of moneys to persons who

became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding-up or dissolving the association; and

(d) order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Government.

(4) In any criminal or civil proceeding under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association were organised or trained or equipped.

(5) If a Magistrate or Chief Police Officer is satisfied by information that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a police officer not below the rank of Inspector, grant a search warrant authorising any such officer with or without assistance to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid.

(6) No woman shall, in pursuance of any warrant issued under sub-section (5), be searched except by a woman.

(7) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards at any public meeting held upon private premises with the permission of the owner of those premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

6. (1) Any person other than a member of the Armed Forces of the Federation or the Police or of a Volunteer Force or Local Force constituted under any written law in force in the Federation, or of any other force which is a visiting force for the purposes of Part I of the Visiting

Illegal
drilling.

23 of 1960.

Forces Act, 1960, or of any organisation or association specially exempted by the Minister, who—

- (a) is present at or attends any meeting or assembly of persons for the purpose of training or drilling themselves to the use of arms or of being so trained or drilled, or for the purpose of practising military exercises, movements or evolutions; or
- (b) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person or persons to the use of arms or the practice of military exercises, movements or evolutions;

shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

(2) Any person other than a member of the Armed Forces of the Federation or the police or of a volunteer force or local force constituted under any written law in force in the Federation, or of any other force lawfully present in the Federation under any law for the time being in force relating to visiting forces or of any organisation or association specially exempted by the Minister who—

- (a) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or
- (b) takes part in the control or management of any association or organisation whose members are trained or drilled in the practice of military exercises, movements or evolutions;

shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

Prohibition
of uniforms,
emblems,
etc.

7. (1) The Minister may, if he considers it in the national interest so to do, by order prohibit the manufacture, sale, use, wearing, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress or any part thereof.

(2) Any person contravening any provision of an order made under this section shall be guilty of an offence against this Part.

(3) Any article in respect of which an offence has been committed under this section may be seized and destroyed or otherwise dealt with as the Minister may direct, whether

or not the identity of the offender is known and whether or not any prosecution has been commenced in respect of the offence.

Chapter II—Powers of Preventive Detention

8. (1) If the Yang di-Pertuan Agong is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Malaya or any part thereof, it is necessary so to do, the Minister shall make an order—

Power to
order
detention.

- (a) directing that such person be detained for any period not exceeding two years; or
- (b) for all or any of the following purposes, that is to say—
 - (i) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;
 - (ii) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be so specified;
 - (iii) for requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;
 - (iv) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
 - (v) for prohibiting him from travelling beyond the limits of the Federation or any part thereof specified in the order except in accordance with permission given to him by such authority or person as may be specified in such order:

and any order made under paragraph (b) of this sub-section shall be for such period, not exceeding two years, as may be specified therein, and may by such order be required to be supported by a bond.

(2) Every person detained in pursuance of an order made under paragraph (a) of sub-section (1) shall be detained in such place as the Minister may direct and in accordance

with instructions issued by the Minister and any rules made under sub-section (3).

(3) The Minister may by rules provide for the maintenance and management of any place referred to in sub-section (2), and for the discipline of persons detained therein.

Duty to inform person detained of grounds of detention, etc.

9. Whenever any person is detained under any order made under paragraph (a) of sub-section (1) of section 8 he shall, in accordance with Article 151 of the Constitution, as soon as may be—

- (a) be informed of the grounds of his detention;
- (b) subject to Clause (3) of the said Article (which provides that no authority may be required to disclose facts whose disclosure would in its opinion be against the national interest) be informed of the allegations of fact on which the order is based; and
- (c) be given the opportunity of making representations against the order as soon as may be.

Detention order may be suspended.

10. At any time after an order has been made in respect of any person under paragraph (a) of sub-section (1) of section 8 the Minister may direct that the operation of such order be suspended subject to the execution of a bond and to such conditions—

- (a) imposing upon that person such restrictions as may be specified in the direction in respect of his activities and the places of his residence and employment;
- (b) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (c) requiring him to notify his movements in such manner at such times and to such authority or person as may be so specified;
- (d) prohibiting him from travelling beyond the limits of the Federation or any part thereof specified in the direction except in accordance with permission given to him by such authority or person as may be so specified;
- (e) prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
- (f) permitting him to return to the country to which he belongs or to any other place to which he wishes

to proceed provided that the Government of such place consents to receive him,

as the Minister sees fit; and the Minister may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed or that it is necessary in the public interest that such direction should be revoked.

11. (1) A copy of every order made by the Minister under paragraph (a) of sub-section (1) of section 8 shall as soon as may be after the making thereof be served on the person to whom it relates, and every such person shall be entitled to make representations against the order to an Advisory Board.

Representations against detention order.

(2) For the purpose of enabling a person to make representations under sub-section (1) he shall, within fourteen days of the service on him of the order—

(a) be informed of his right to make representations to an Advisory Board under sub-section (1); and

(b) be furnished by the Minister with a statement in writing—

(i) of the grounds on which the order is made;

(ii) of the allegations of fact on which the order is based; and

(iii) of such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make his representations against the order to the Advisory Board.

(3) The Yang di-Pertuan Agong may make rules as to the manner in which representations may be made under this section and for regulating the procedure of Advisory Boards.

12. (1) Whenever any person has made any representations under sub-section (1) of section 11 to an Advisory Board, the Advisory Board shall, within three months of the date on which such person was detained, consider such representations and make recommendations thereon to the Yang di-Pertuan Agong.

Report of Advisory Board.

(2) Upon considering the recommendations of the Advisory Board under this section the Yang di-Pertuan Agong may give the Minister such directions, if any, as he shall think fit regarding the order made by the Minister; and every decision of the Yang di-Pertuan Agong thereon shall, subject to the provisions of section 13, be final, and shall not be called into question in any Court.

Review.

13. (1) Every order or direction made by the Minister under section 8 or 10 shall, so long as it shall remain in force, be reviewed not less often than once in every six months by an Advisory Board.

(2) The Advisory Board shall on completing every review under sub-section (1) forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it shall think fit.

Power to
summon
witnesses.

14. Every Advisory Board shall, for the purposes of this Act, but subject to the provisions of section 16, have all the powers of a Court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production of documents.

Member of
Advisory
Board
deemed to
be a public
servant.
Cap. 45.

15. Every member of an Advisory Board shall be deemed to be a public servant within the meaning of the Penal Code, and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under the provisions of this Chapter the like protection and privileges as are by law given to a Judge in the execution of his office.

Disclosure
of
information.

16. Nothing in this Chapter or in any rules made thereunder shall require the Minister or any member of an Advisory Board or any public servant to disclose facts or to produce documents which he considers it to be against the national interest to disclose or produce.

Power to
order
removal.

17. (1) The Minister may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained in pursuance of the provisions of this Chapter, and may by arrangement with the Government of the State of Singapore direct the removal of any such person (not being a citizen of the Federation) to such State, to be there detained for the whole or any part or parts of such period for which it has been ordered that such person shall be detained.

(2) Any person in course of removal under the provisions of sub-section (1) shall be deemed to be in lawful custody.

Power to
order
production
of detained
person.

18. (1) On proof to his satisfaction that the presence at any place of any person detained under the provisions of this Chapter, or lawfully in the custody of the police or confined in any prison whether in pursuance of the provisions of this Chapter or under an order of any Court or otherwise howsoever, and notwithstanding any order of any Court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or

other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Minister may order that such person be taken to that place.

(2) Any person in course of being taken to any place in pursuance of the provisions of sub-section (1) and whilst at such place shall be kept in such custody as the Minister may direct and whilst in that custody shall be deemed to be in lawful custody.

19. (1) Any document which purports to be a warrant or an order made in the State of Singapore under any written law in force in such State and similar or equivalent to section 8 and which has been received from any police officer or other Government officer of such State shall be enforceable as if it were an order which had been duly made under section 8, and if the person named therein enters or is within the Federation shall be enforced accordingly by arrest and detention under this Chapter:

Enforcement
of warrants,
etc., made in
the State of
Singapore.

Provided that no such document shall be so enforceable unless the Minister shall have signified his approval thereto by endorsement thereon.

(2) Where any person is arrested under the provisions of this section he shall be returned in custody to the State of Singapore unless the Minister is satisfied that there are special circumstances which warrant his detention in the Federation.

(3) Without prejudice to the provisions of section 8, where any person arrested and detained under this sub-section satisfies the Minister that he is a citizen of the Federation such person shall be forthwith released.

(4) Whenever a request is made by a Minister of the State of Singapore that a person detained in such State under any written law in force in such State and similar or equivalent to section 8 should be transferred to the Federation there to be detained, the Minister may direct that such person, when delivered up in the Federation by such Government as aforesaid, be received into the custody of such police officers as the Commissioner of Police shall appoint for the purpose; and such person shall thereafter be detained in the Federation, as if the order under which he was detained in the State of Singapore had been duly made under section 8:

Provided that a copy of any objection made by such person against the order for his detention shall be lodged by the Minister with the appropriate authority in the State of Singapore, and such person shall for the purpose of prosecuting such objection be returned to the custody of the appropriate police officers of the State of Singapore.

(5) The Minister may, either at the request of a Minister of the State of Singapore or otherwise, order any person who is not a citizen of the Federation and who is detained in the Federation under the provisions of sub-section (4) to be returned to the State of Singapore, and may for that purpose direct such person to be delivered into the custody of police officers of such State.

Enforcement of orders issued in the State of Singapore.

20. (1) Any person who is not a citizen of the Federation and who has been lawfully ordered to leave and remain out of the State of Singapore is, unless the Minister shall otherwise direct, prohibited from entering or residing in the Federation so long as the order ordering him to leave and remain out of the State of Singapore remains in force; and such person brought in custody to the Federation may be detained in custody by any police officer or immigration officer in such place as the Minister may direct until he can conveniently be placed on board any ship, train, motor vehicle or aircraft, and any such person may be lawfully detained on board so long as such conveyance is within the territories and territorial waters of the Federation.

(2) Except in the case of a citizen of the Federation or a person detained under sub-section (1), any person who having left the State of Singapore in pursuance of any lawful order enters the Federation or is found therein whilst such order is in force shall be guilty of an offence against this Part and, whether or not a prosecution for that offence has been instituted against him, may be detained on board any ship, train, motor vehicle or aircraft for the purpose of removing him from the Federation.

(3) Any person who has been detained in accordance with sub-section (1) or (2) shall be deemed to be in lawful custody.

Saving in respect of prosecution of persons detained.

21. The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceeding against such person, whether during or after the period of his detention.

Chapter III—Special Powers relating to Subversive Publications, etc.

Prohibition of printing, sale, etc., of documents and publications.

22. (1) Where it appears to the Minister charged with responsibility for printing presses and publications that any document or publication—

- (a) contains any incitement to violence; or
- (b) counsels disobedience to the law or to any lawful order; or

- (c) is calculated or likely to lead to a breach of the peace, or to promote feeling of hostility between different races or classes of the population; or
- (d) is prejudicial to the national interest, public order, or security of the Federation,

he may by order published in the *Gazette* prohibit either absolutely or subject to such conditions as may be prescribed therein the printing, publication, sale, issue, circulation or possession of such document or publication.

(2) An order under sub-section (1) may, if the order so provides, be extended so as—

- (a) in the case of a periodical publication, to prohibit the publication, sale, issue, circulation, possession or importation of any past or future issue thereof;
- (b) in the case of a publication which has or appears or purports to have issued from a specified publishing house, agency or other source, to prohibit the publication, sale, issue, circulation or importation of any other publication which may at any time whether before or after the date of the order have or appear or purport to have issued from such specified publishing house, agency or other source.

23. The proprietor or agent in the Federation of the proprietor of any publication which is the subject of an order under section 22 may, within one month of the date of publication of such order in the *Gazette*, make an objection against such order to the Yang di-Pertuan Agong, whose decision thereon shall be final and shall not be called into question in any Court.

Objections
against
orders under
section 22.

24. Any person who prints, publishes, sells, issues, circulates or reproduces a document or publication which is the subject of an order under section 22, or any extract therefrom, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding two thousand dollars or to both such imprisonment and fine:

Printing,
publishing,
etc., in con-
travention
of order
under
section 22.

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the Court that the document or publication in respect of which he is charged was printed, published, sold, issued, circulated or reproduced, as the case may be, without his authority, consent and knowledge, and without any want of due care or caution on his part, and that he did not know and had no reason to suspect the nature of the document or publication.

Possession
of docu-
ments, etc.,
in contra-
vention of
order under
section 22.

25. (1) Any person who without lawful excuse has in his possession any document or publication the possession of which is prohibited by an order under section 22, or any extract therefrom, shall be guilty of an offence against this Part and shall be liable in respect of a first offence under this section to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine and, in respect of a subsequent offence, to imprisonment for a term not exceeding two years.

(2) In any proceedings against any person for an offence against this section such person shall be presumed, until the contrary is proved, to have known the contents and the nature of the contents of any document or publication immediately after such document or publication came into his possession.

Importation
in contra-
vention of
order under
section 22.

26. Any person who imports or attempts to import or abets the importation of any document or publication or without lawful excuse has in his possession any document or publication imported in contravention of an order under section 22 shall be guilty of an offence against this Part and shall be liable in respect of a first offence under this section to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine and, in respect of a subsequent offence, to imprisonment for a term not exceeding three years.

Posting of
placards, etc.

27. Any person who posts or distributes any placard, circular or other document containing any incitement to violence, or counselling disobedience to the law or to any lawful order, or likely to lead to any breach of the peace, shall be guilty of an offence against this Part.

Dissemina-
tion of false
reports.

28. Any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication or by any other means spreads false reports or makes false statements likely to cause public alarm, shall be guilty of an offence against this Part.

Possession
of subversive
documents.

29. (1) Any person who without lawful excuse carries or has in his possession or under his control any subversive document shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

(2) Any person or any office bearer of any association or any responsible member or agent of any organisation who receives any subversive document shall deliver the same without delay to a police officer; and any person, office bearer, member or agent who fails to do so, or who, unless authorised so to do by a police officer not below the rank of Superintendent of Police, communicates to any other person, or publishes or causes to be published the contents of any such document, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

(3) In this section "subversive document" means any document having in part or in whole a tendency—

- (a) to excite organised violence against persons or property in the Federation; or
- (b) to support, propagate or advocate any act prejudicial to the security of the Federation or the maintenance or restoration of public order therein or inciting to violence therein or counselling disobedience to the law thereof or to any lawful order therein; or
- (c) to invite, request or demand support for or on account of any collection, subscription, contribution or donation, whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to act, or have acted, in a manner prejudicial to the security of the Federation or to the maintenance of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein.

(4) Every document purporting to be a subversive document shall be presumed to be a subversive document until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a subversive document he shall be deemed to have known the contents and the nature of the contents of such document:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the Court—

- (a) that he was not aware of the contents and the nature of the contents of the subversive document which he was carrying or had in his possession or under his control; and

(b) that he was carrying or had the subversive document in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that such document was a subversive document.

Powers of search and seizure of documents.

30. (1) Any police officer not below the rank of Inspector may, without warrant and with or without assistance—

(a) enter and search any premises;

(b) stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not, if he suspects that any document, publication, material or article being evidence of the commission of an offence against this Chapter is likely to be found in such vehicle, vessel, train, aircraft or on such individual, and may seize any document, publication, material or article so found.

(2) Any document, publication, material or article seized under the provisions of sub-section (1) shall be destroyed or otherwise disposed of in such manner as the Commissioner of Police may order.

(3) The Commissioner of Police shall, on making an order under sub-section (2), if he has reason to believe that the owner, or person who was in possession immediately before such document, publication, material or article was seized, is in the Federation, cause a notice to be served on that person informing him of the terms of the order.

(4) Any person aggrieved by an order made under sub-section (2) may appeal against such order to the Minister :

Provided that no appeal against such order shall be allowed unless notice of appeal in writing, together with the reasons for the appeal, is given to the Commissioner of Police and to the Minister within fourteen days of service of notice of the order under sub-section (3).

(5) Where an order has been made under sub-section (2) it shall only be carried into effect if such order has not been appealed against or if any appeal against the order has been dismissed or abandoned.

(6) No woman shall be searched under this section except by a woman.

Disposal of subversive documents, etc.

31. (1) Where proceedings are taken in respect of any offence against this Chapter the Court by or before which the alleged offender is tried shall, on the request of any police officer not below the rank of Assistant Superintendent of Police, on the final determination of those proceedings order that any document, publication, material or article being an exhibit in such proceedings be delivered to such officer for disposal under sub-section (2) of section 30.

(2) For the purpose of this section any proceedings shall not be deemed to have been finally determined so long as there is pending any appeal in the matter of the proceedings; and an appeal in the matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal be duly lodged the appeal shall be deemed to be pending until it is decided or withdrawn.

Chapter IV—Control of Entertainments and Exhibitions

32. (1) The promoter and every person concerned in the promotion of any entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held shall upon the order in writing of the Minister or of any officer authorised by the Minister in that behalf furnish to the Minister or such officer such information as he may specify relating to the following matters:

Power to
require
information.

- (a) particulars of persons concerned in the promotion of such entertainment or exhibition and the interests represented by such persons;
- (b) particulars of the persons who have agreed to participate or participated in such entertainment or exhibition or have been invited to do so and the interests represented by such persons;
- (c) the purposes to which any profits from the entertainment or exhibition are intended to be or have been applied; and
- (d) such other matters as the Minister may direct.

(2) Any person furnishing as true information required under sub-section (1) which he knows or has reason to believe to be false or incomplete shall be guilty of an offence under section 41.

(3) In the event of any entertainment or exhibition in respect of which information has been furnished under sub-section (1) being conducted in any manner contrary to the information so furnished the person by whom such information was furnished shall be guilty of an offence under section 41.

33. (1) The Minister may, if he is satisfied that it is necessary to do so in order to ensure that any entertainment or exhibition shall not be an entertainment or exhibition to which the provisions of section 35 would apply, by order in writing require the promoter and every person concerned in the promotion of the entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held to

Power to
impose
conditions.

observe such conditions relating to the holding of such entertainment or exhibition as he may specify.

(2) Every person who commits any breach of or fails to comply with any condition imposed under sub-section (1) shall be guilty of an offence under section 41 :

Provided that no person shall be convicted of an offence under this section if he proves that the breach of or failure to comply with the conditions in respect of which he is charged was done without his authority, consent and knowledge, and without any want of due care or caution on his part.

(3) The Minister may, if in any particular case he shall think it necessary, require any person in respect of whom an order under sub-section (1) has been made to enter into a bond, with or without sureties, in such sum as the Minister may direct, that the conditions contained in such order shall be observed.

Promoter,
etc., to be in
attendance
at entertain-
ment or
exhibition.

34. (1) The promoter and every person concerned in the promotion of any entertainment or exhibition which is the subject of an order under section 33 and the proprietor of any premises upon which any such entertainment or exhibition is held shall severally, and either personally or by a duly authorised agent approved in that behalf by a police officer not below the rank of Inspector, be present throughout the period of every performance or display of every such entertainment or exhibition.

(2) The Minister may by writing exempt any person either absolutely or subject to such conditions as the Minister may prescribe from the provisions of sub-section (1).

Power to
prohibit
certain
entertain-
ments or
exhibitions.

35. (1) The Minister may by order prohibit the holding of or may direct the closing of any entertainment or exhibition—

- (a) if he is satisfied that such entertainment or exhibition is or is likely to be in any way detrimental to the national interest; or
- (b) if there has been in respect of such entertainment or exhibition any refusal of or failure to furnish any information required to be furnished under section 32, or if any information so furnished shall be false or incomplete; or
- (c) if there has been in respect of such entertainment or exhibition any breach of or failure to comply with any condition imposed under section 33.

(2) The promoter and every person concerned in the promotion of any entertainment or exhibition which is held or continued in contravention of an order under sub-section

(1) and the proprietor of any premises upon which such exhibition is held shall be guilty of an offence under section 41 :

Provided that no person shall be convicted of an offence under this section if he proves that the entertainment or exhibition in respect of which he is charged was promoted or continued without his authority, consent and knowledge and without any want of due care or caution on his part.

36. (1) Any police officer not below the rank of Inspector or any person authorised by the Minister in writing in that behalf may without warrant enter any premises upon which any entertainment or exhibition is being held or is intended to be held with a view to ascertaining whether the provisions of this Chapter or of any order made thereunder are being complied with, and may make such investigation and inspection of such premises and call upon any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as such officer or person may consider necessary for such purpose :

Powers of entry and investigation.

Provided that any person not in uniform purporting to exercise any powers under this paragraph shall on demand produce his written authority to exercise such powers to any person lawfully demanding the same.

(2) Any person who—

(a) obstructs any officer or authorised person lawfully exercising any powers conferred on him by or under sub-section (1) in entering or inspecting any premises or delays to produce any articles, books, accounts or other documents or things which he has been called upon by such officer or authorised person to produce and which are or ought to be in the ordinary course of business in his power to produce; or

(b) refuses to furnish any information which he may be required to furnish by such officer or authorised person or who, being required to furnish information by such officer or authorised person, furnishes false or misleading information; or

(c) obstructs the seizure of any document or other thing under section 38, or the closure of any entertainment or exhibition under section 39, shall be guilty of an offence under section 41.

37. (1) Any officer or person authorised to exercise the powers of entry or investigation under section 36 may without warrant and with or without assistance enter any premises if he considers it to be necessary and has reason

Search.

to believe that an offence under this Chapter or any order made thereunder has been committed and may search such place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment or exhibition or to be a servant or agent of the promoter or of the proprietor of such premises.

(2) No woman shall be searched under this section except by a woman.

Powers of seizure.

38. Any officer or person authorised to exercise the powers of entry or investigation under section 36 may seize any document or other thing in respect of which he reasonably believes an offence to have been committed under this Chapter or any order made thereunder or which he reasonably believes to be or to contain evidence relating to such an offence:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the provisions of the Criminal Procedure Code.

Powers of closure.

39. Any officer or person authorised to exercise the powers of entry or investigation under section 36 may, without prejudice to the exercise of the powers conferred on him by that section, forthwith take such steps as he may consider necessary to close any entertainment or exhibition which he is satisfied is kept open in contravention of any order under section 33 or 35.

Liability of principal for acts of servant.

40. For the purposes of this Chapter and any orders made thereunder every person shall be liable for every act, omission, neglect or default of any agent or servant employed by him, as fully and effectually as if such act, omission, neglect or default were done or committed by such person; but so that nothing in this section shall affect the liability of such agent or servant, and provided that the liability of a principal shall not extend to imprisonment unless he is privy to the offence.

Abetment and penalty.

41. Any person who contravenes or fails to comply with any provision of this Chapter or any order made or any condition imposed thereunder, or abets such contravention or failure, shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding ten thousand dollars or to both such imprisonment and such fine.

*Chapter V—Other Powers for the Prevention of
Subversion*

42. (1) The Minister may from time to time by order in writing forbid, except in accordance with the written permission of the Commissioner of Police or any police officer not below the rank of Superintendent of Police authorised in writing in that behalf by the Commissioner of Police first obtained—

Powers in relation to pupils, etc., visiting the Federation.

- (a) the pupils, students, teachers or members; or
 - (b) any class of pupils, students, teachers or members;
- or

(c) any named pupil, student, teacher or member, of any school, college, educational institution or students' union or association, as the case may be, specified in the order and situated or established outside the Federation to enter into or travel within the Federation as a group, or as one of a group of five or more such pupils, students, teachers, or members, or, for the purpose of effecting as one of a group of such persons some common object within the Federation, otherwise to enter into or travel therein.

(2) The Commissioner of Police or any police officer authorised in writing by him in accordance with the provisions of sub-section (1) may grant permission under sub-section (1) subject to such conditions (if any) as he may think fit to impose, and he may further require as a condition precedent thereto that a pupil, student, teacher or member to whom he proposes to grant such permission or the parent of a pupil, student or member or such other person as he, the Commissioner of Police, or such authorised police officer thinks satisfactory, shall furnish such security by bond or otherwise as the Commissioner of Police or such authorised police officer may think sufficient to secure the due observance and fulfilment of the conditions imposed.

(3) Where any Chief Police Officer has reason to believe—

- (a) (i) that any person is a pupil, student, teacher or member affected by an order made under sub-section (1); and
- (ii) that he has entered the Federation from a place outside and has not since the date of such entry continuously remained in the Federation for a period exceeding three months; and
- (iii) that he is not the holder of a valid identity card issued to him in the Federation in accordance with the provisions of any written law for the time being in force relating to identity cards

and which bears an address within the Federation; and

- (iv) that he has contravened or intends to contravene the provisions of any such order; or
- (b) that any person having obtained written permission under sub-section (1) has failed to observe any condition imposed upon him under sub-section (2) in respect of such permission,

the Chief Police Officer may by order in writing—

- (i) direct that such person be required to leave the Federation within such time as may be specified in the order and thereafter remain out of the Federation for a period of six months from the date of the service of the order upon him, or for such lesser period as the Chief Police Officer may specify; or
- (ii) direct that such person be taken into custody and, as speedily as may be, conducted across the frontier, and such person may lawfully be detained for so long as may be necessary for his removal to take effect; and such person so removed shall remain out of the Federation for a period of six months from the date of such removal.

(4) Any person who contravenes or fails to obey the provisions of any order made under this section or who commits a breach of any condition imposed under sub-section (2) shall be guilty of an offence against this Act.

(5) The provisions of this section shall not operate to authorise the removal from the Federation of any person who is a citizen of the Federation.

Chapter VI—Miscellaneous

Attempts to
commit
offences and
assisting
offenders.

43. (1) Without prejudice to the operation of Chapters V and XXIII of the Penal Code any person who attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence against this Part.

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(2) No person knowing or having reasonable cause to believe that another person is guilty of an offence against this Part shall give that other person any assistance with intent thereby to prevent, hinder, or interfere with the apprehension, trial or punishment of that person for that offence.

44. Any person who contravenes or fails to comply with any provision of this Part or any order made or any direction or instruction given or requirement imposed thereunder or abets such contravention or failure for which no special penalty is provided shall be guilty of an offence against this Part and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Abetment
and general
penalty.

45. Any police officer may without warrant arrest any person suspected of the commission of an offence against this Part or of being a person ordered in pursuance of this Part to be detained.

Arrest.

46. (1) Where any person is required to enter into a bond under sub-section (1) of section 8, or under section 10, or under sub-section (3) of section 33, such bond may be enforced by any Magistrate on the application of any police officer not below the rank of Inspector, in the same manner as under the provisions of the Criminal Procedure Code the Court of such Magistrate may enforce a bond required by such Court to be executed under the provisions of such Code.

Enforcement
of bonds.

(2) Nothing in this section shall be deemed to prevent the penalty or any part thereof of any such bond from being recovered by suit or action in any civil court of competent jurisdiction, from the person entering into such bond or from his sureties, in accordance with any law for the time being in force relating to Government proceedings.

PART II

SPECIAL PROVISIONS RELATING TO SECURITY AREAS

Chapter I—Proclamation of Security Areas

47. (1) If in the opinion of the Yang di-Pertuan Agong public security in any area in the Federation is seriously disturbed or threatened by reason of any action taken or threatened by any substantial body of persons, whether inside or outside the Federation, to cause or to cause a substantial number of citizens to fear organised violence against persons or property, he may, if he considers it to be necessary for the purpose of suppressing such organised violence, proclaim such area as a security area for the purposes of this Part.

Proclama-
tion of
security
areas.

(2) Every proclamation made under sub-section (1) shall apply only to such area as is therein specified and shall remain in force until it is revoked by the Yang di-Pertuan

Agong or is annulled by resolutions passed by both Houses of Parliament:

Provided that such revocation or annulment shall be without prejudice to anything previously done by virtue of the proclamation.

(3) A proclamation made under sub-section (1) shall be published in such manner as the Minister thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the *Gazette*.

(4) A copy of every proclamation made under sub-section (1) shall be published in the *Gazette* and laid before Parliament as soon as possible after it has been made.

*Chapter II—Powers relating to Preservation of
Public Security*

Danger
areas.

48. (1) The Minister, if he considers it necessary or expedient in the public security so to do, may, by order to be published in the *Gazette*, declare any area within a security area to be a danger area.

(2) The limits and extent of every danger area shall be demarcated at the site by such means as will, in the opinion of the Minister, make apparent to persons in or about the area concerned that such area has been declared a danger area.

(3) No person shall enter or remain in a danger area, and any person who fails to comply with the provisions of this sub-section shall be guilty of an offence against this Part:

Provided that the provisions of this sub-section shall not apply to members of the security forces in the performance of their duty, or to any person accompanied by any such member.

(4) Any member of the security forces may within a danger area take such measures, including means dangerous or fatal to human life, as he considers necessary to ensure that no person prohibited from entering or remaining in a danger area shall enter or remain in such area.

(5) No claim of any kind shall accrue to, or in respect of any injury sustained by, any person as a result of his having entered or remained in a danger area in contravention of the provisions of sub-section (3):

Provided that the provisions of this sub-section shall not preclude the award of compensation under any regulations made under section 71 if, in the particular circumstances

under which a person sustaining the injury entered or remained in a danger area, the authority empowered to award compensation thereunder considers it equitable to award such compensation.

(6) Where any land, building or other immovable property is within a danger area, a claim for compensation in respect of such land, building or other immovable property may be made in the manner prescribed by regulations made under section 71.

49. (1) The Minister may, if he considers it expedient in the public security so to do, make an order, which shall be published in the *Gazette*, declaring any area within a security area to be a controlled area, and in the same or any subsequent order may declare any specified part of such controlled area to be a residential part. Controlled areas.

(2) Every such order shall declare—

(a) that after the expiration of a period to be specified in the order (which shall not be less than seven days from the date thereof) and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall reside or continue to reside in any part of a controlled area other than a residential part;

(b) that between such hours or at such times as may be specified in the order and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall enter or remain in any part of the controlled area other than a residential part.

(3) Any person who contravenes the provisions of an order made under this section shall be guilty of an offence against this Part.

(4) No order under this section shall apply to—

(a) the Yang di-Pertuan Agong, a Ruler or Governor;

(b) any member of the security forces when acting in the course of his duty;

(c) any person or class of persons exempted from the provisions of such order by the Chief Police Officer or the Officer in Charge of the Police District.

Protected
place.

50. (1) If, as respects any place or premises in any security area, it appears to a Chief Police Officer to be necessary or expedient in the interests of public security or order, or for the maintenance of supplies or services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare such place or premises to be a protected place for the purposes of this Part; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made in the order, enter or remain in that place or those premises without the permission of such authority or person as may be specified in the order.

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Chief Police Officer or by the authority or person granting the permission.

(3) Any police officer, or any person authorised in that behalf by the Officer in Charge of the Police District may search any person entering or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(4) If any person is in a protected place in contravention of this section, or, while in such a place, fails to comply with any directions given under this section, then without prejudice to any proceedings which may be taken against him, he may be removed from the place by any police officer or any person authorised in that behalf by the occupier of the premises.

(5) Any person who is in a protected place in contravention of this section or who on being challenged by a police officer wilfully fails to stop or who unlawfully refuses to submit to search shall be guilty of an offence against this Part.

(6) It shall be lawful for the Chief Police Officer to take or cause to be taken such steps as he may deem necessary for the protection of any protected place, and such steps may extend to the taking of defensive measures which involve or may involve danger to the life of any person entering or attempting to enter the protected place.

(7) Where any measures involving such danger as aforesaid are adopted, the Chief Police Officer shall cause such precautions to be taken, including the prominent display of warning notices, as he deems reasonably necessary to

prevent inadvertent or accidental entry into any protected place, and where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorised entry into any such protected place.

(8) For the purposes of this section "police officer" shall include—

- (a) any member of the security forces;
- (b) any prison officer;
- (c) any other person performing the duties of guard or watchman in a protected place, the appointment of whom has been either specially or generally authorised by a Chief Police Officer.

(9) No woman shall be searched under this section except by a woman.

51. The Officer in Charge of a Police District may by order in writing exclude any person or persons from the Police District under his charge or from any part thereof, such District or part being part of a security area. Exclusion of persons.

52. (1) Every person within any Police District or part thereof within a security area which may be designated by order by the Officer in Charge of the Police District shall remain within doors, or within such area as may be defined in the order, between such hours as may be specified in the order, unless in possession of a written permit in that behalf issued by a police officer of or above the rank of Sub-Inspector. Curfew.

(2) No order under this section shall apply to—

- (a) the Yang di-Pertuan Agong, a Ruler or Governor;
- (b) any member of the security forces when acting in the course of his duty;
- (c) any person or class of persons exempted from the provisions of such order by the Chief Police Officer or the Officer in Charge of the Police District.

53. (1) The Minister may if it appears to him to be necessary or expedient so to do in the interests of public security, or for the accommodation of any security forces, take possession of any land or of any building or part of a building in any security area and may give such directions as appear to him necessary or expedient in connection with the taking of possession of that land or building. Power to take possession of land or buildings.

(2) Any police officer may take such steps and use such force as appears to him to be reasonably necessary for

securing compliance with directions given to any person under sub-section (1).

(3) While any land or building is in possession of the Minister by virtue of this section, the land or building may, notwithstanding any restriction imposed on the use thereof (whether by any written law or other instrument or otherwise), be used by, or under the authority of, the Minister for such purpose, and in such manner, as the Minister thinks expedient in the interests of public security or for the accommodation of any security forces; and the Minister, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land or building in pursuance of this sub-section—

(a) may do, or authorise persons using the land or building as aforesaid to do, in relation to the land or building, anything any person having an interest in the land or building would be entitled to do by virtue of that interest, and

(b) may by order provide for prohibiting or restricting the exercise of rights of way over the land or building, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(4) The owner or occupier of any land or building shall, if requested by or on behalf of the Minister so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land or building (being information which may reasonably be demanded of him in connection with the execution of this section) as may be so specified.

(5) For the purposes of this section there shall be one or more Advisory Committee consisting of persons appointed by the Minister; and any such Committee may make rules for the conduct of its proceedings.

(6) Any person aggrieved by reason of the taking possession of any land or building under the provisions of this section may within fourteen days after such possession has been taken give notice of his objection thereto to an Advisory Committee appointed under sub-section (5).

(7) The Chairman of an Advisory Committee to which such notice has been given by an aggrieved person shall inform any person on whose behalf possession of such land or building has been taken, and the Advisory Committee shall thereupon consider the objection made by the aggrieved person and any grounds which may be put forward against such objections by the person on whose behalf

such possession has been taken, and shall forward its recommendations to the Minister.

(8) The Minister after considering the recommendations of the Advisory Committee shall give such directions thereon as he may think fit.

54. (1) Where in any security area any building or structure is left unoccupied by reason of the operation of any order made under this Chapter, the Officer in Charge of the Police District in which such building or structure is situate may if it appears to him—

Power to order destruction of certain unoccupied buildings.

(a) to be likely that such building or structure will if left standing be used by any person or persons who intend, or are about, to act or have recently acted in a manner prejudicial to public security or by any other person who is likely to harbour any such persons; and

(b) to be impracticable in any other way to prevent such use,

destroy or authorise the destruction of such building or structure.

(2) Compensation shall be payable in respect of the destruction of any building or structure under this section if the claimant satisfies the Minister—

(a) that such building or structure was erected by or with the consent of the person lawfully entitled to the land on which the same was erected; and

(b) that such building or structure was not liable to forfeiture under any regulations made under section 71:

Provided that compensation may be paid to the owner or occupier of any building or structure erected by or with the consent of the person lawfully entitled to the land on which it was erected, notwithstanding that such building or structure is liable to forfeiture under any regulations made under section 71, if such owner or occupier satisfies the Minister that the building or structure was used by persons who intend, or are about, to act or have recently acted, in a manner prejudicial to public security or that such persons were being or had been harboured by his servant or agent, as the case may be, without his knowledge or consent, and that he exercised all due diligence to prevent such building or structure being so used or the harbouring of such persons as the case may be.

(3) Any compensation payable under this section shall be assessed in accordance with regulations made under section 71.

Power to
control
roads, etc.

55. (1) Any Officer in Charge of a Police District or any person duly authorised by any such Officer may by order, or by giving directions, or in any other manner, regulate, restrict, control or prohibit the use of any road or water-way in any security area by any person or class of persons or any vehicle or vessel or type or description of vehicle or vessel or close any road or water-way in such area.

(2) Any Officer in Charge of a Police District may, by the issue of permits to which conditions may be attached or in any other manner, regulate, restrict, control or prohibit the travelling by any person or class of persons in any train, motor car, motor bus or vehicle of any description in any security area, and may similarly regulate, restrict, control or prohibit the travelling by any person in any vessel in such area.

Power to
seize rice
and other
food.

56. (1) When on duty, any police officer of or above the rank of Corporal or any member of the security forces of or above the rating or rank of leading rate or non-commissioned officer (as the case may be) or any person authorised in writing so to do by the Officer in Charge of the Police District may seize any rice or any other article of food in any security area which by reason of its quantity or its situation is or is likely to or may become available to any persons who intend or are about to act or have recently acted in a manner prejudicial to public security or to the maintenance of public order.

(2) Any such police officer or member of such forces as aforesaid may without warrant enter and search any premises if he suspects that any rice or any food liable to seizure under this section is likely to be found on such premises.

(3) When on duty any police officer or any member of the security forces or any person who is authorised in writing so to do by the Officer in Charge of the Police District may stop and search any vessel, vehicle, or individual in any security area, whether in a public place or not, if he suspects that any rice or any food liable to seizure under this section is likely to be found on such vessel, vehicle or individual.

(4) No woman shall be searched under this section except by a woman.

Chapter III—Offences Relating to Security Areas

57. (1) Any person who without lawful excuse, the onus of proving which shall be on such person, in any security area carries or has in his possession or under his control—

Offences relating to fire-arms, ammunition and explosives.

- (a) any fire-arm without lawful authority therefor; or
- (b) any ammunition or explosive without lawful authority therefor,

shall be guilty of an offence against this Part and shall be punished with death.

(2) A person shall be deemed to have lawful authority for the purposes of this section only if he—

- (a) is a police officer or a member of the security forces, or any person employed in the Prisons Department of the Federation, and in every such case is carrying or is in possession of or has under his control such fire-arm, ammunition or explosive in or in connection with the performance of his duty; or
- (b) is a person duly licensed, or authorised without a licence, under the provisions of any written law for the time being in force to carry, possess or have under his control such fire-arm, ammunition or explosive; or
- (c) is a person exempted from the provisions of this section by an Officer in Charge of a Police District, or is a member of any class of persons so exempted by the Commissioner of Police by notification in the *Gazette*:

Provided that no person shall be deemed to have lawful authority for the purposes of this section or to be exempt from this section if he carries or has in his possession or under his control any such fire-arm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.

(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves—

- (a) that he acquired such fire-arm, ammunition or explosive in a lawful manner and for a lawful purpose; and
- (b) that he has not at any time while carrying or having in his possession or under his control such fire-arms, ammunition or explosive, acted in a manner prejudicial to public security or the maintenance of public order.

other offence or of such movements or whereabouts to a police officer.

Attempt to
commit
offences.

61. Without prejudice to the operation of Chapter V and Chapter XXIII of the Penal Code, any person who whether within or outside a security area, while any proclamation under section 47 is in force attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence against this Part.

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Assisting
offenders.

62. No person, knowing or having reasonable cause to believe that another person has committed an offence against this Part shall, whether within or outside a security area, give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Abetment
and general
penalty.

63. If any person contravenes or fails to comply with any provision of this Part, or any order made under or direction given or requirement imposed under any such section of this Part or, whether within or outside a security area, abets such contravention or failure, he shall be guilty of an offence against this Part; and subject to any special provisions contained in this Part or in any regulations made under section 71, a person guilty of any such offence shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand dollars or to both such imprisonment and fine.

Chapter IV—Powers of Police and Others

Arrest.

64. (1) Any police officer may without warrant arrest any person suspected of the commission of an offence against this Part.

(2) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by a Chief Police Officer.

Powers of
search.

65. (1) When on duty any police officer or any member of the security forces or any person who is authorised in writing so to do by the Officer in Charge of a Police District, may without warrant and with or without assistance stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not, if he suspects that any article or material being evidence of the commission of an offence against this Part is likely to be found in such vehicle,

vessel, train, aircraft or on such individual, and may seize any article or material so found.

(2) When on duty any police officer of or above the rank of Corporal or any member of the security forces of or above the rating or rank of leading rate or non-commissioned officer (as the case may be) or any person authorised in writing so to do by the Officer in Charge of a Police District may without warrant and with or without assistance enter and search any premises or place if he suspects that any article or material being evidence of the commission of any offence against this Part is likely to be found on such premises or place and may seize any article or material so found.

(3) No woman shall be searched under this section except by a woman.

66. Notwithstanding anything to the contrary in any written law, in any security area—

Power to dispense with inquests, etc.

(a) a Magistrate or a Coroner may dispense with the holding of a death inquiry or inquest on the dead body of any police officer or of any member of the security forces;

(b) where the Magistrate or Coroner responsible for holding a death inquiry or inquest upon the body of any person is satisfied that such person has been killed in a security area as a result of operations by the police or by the security forces for the purpose of suppressing organised violence, the Magistrate or Coroner, as the case may be, may dispense with the holding of a death inquiry or inquest on the body of such person.

67. The provisions of Chapter XXXII and of section 399 of the Criminal Procedure Code of the Federated Malay States and of Chapter XXX and section 427 of the Criminal Procedure Code of the Straits Settlements shall, in respect of any inquiries into any death in any security area, have effect as if reference therein to a Government Medical Officer and to a Medical Officer included reference in each case to a medical officer of the Armed Forces of the Federation when acting in the course of his duty:

Medical officers of Armed Forces to be regarded as Government medical officers for purpose of inquiries.

Provided that—

(a) it shall not be necessary under section 330 of the Criminal Procedure Code of the Federated Malay States to inform such a medical officer of the Armed Forces of the Federation of any death in

*F.M.S.
Cap. 6.*

S.S. Cap. 21.

any such area if it is possible to inform the nearest Government Medical Officer, other than any such medical officer, without undue delay;

- (b) no such medical officer of the Armed Forces of the Federation shall, without his consent, be required by any order or otherwise to perform a *post-mortem* examination of any body.

Chapter V—General

Compensation.

68. (1) Where in the exercise of the powers conferred by section 53 or by any regulations made under section 71, possession is taken of any land, building or other structure or of any movable property or of any space or accommodation in any vessel, aircraft, train or vehicle, compensation in respect of such possession shall be assessed in accordance with regulations made under section 71.

(2) For the avoidance of doubt it is hereby declared that no compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised by this Part or any regulations made under section 71, unless provision for such compensation is made by this Part or any regulations made under section 71.

Application of section 94 of the Penal Code.

69. Section 94 of the Penal Code (which relates to an act to which a person is compelled by threats) shall have effect as if offences punishable with death under this Part were offences included in Chapter VI of the Penal Code punishable with death.

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Extension of right of private defence.

70. The right of private defence of property conferred by section 103 of the Penal Code shall be deemed to extend to any mischief by fire or explosive committed on a railway engine, railway rolling stock or a motor vehicle in any security area, as it applies to mischief by fire committed on a building used as a human dwelling or as a place for the custody of property.

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Chapter VI—Power to make Regulations

Power to make regulations.

71. (1) When a proclamation has been made under section 47 it shall be lawful for the Yang di-Pertuan Agong to make in respect of any security area any regulations whatsoever which he considers desirable for the public security.

(2) Without prejudice to the generality or scope of the powers conferred by sub-section (1), regulations may be made under sub-section (1) in respect of any matters coming within the classes of subjects hereinafter specified, that is to say—

- (a) the assessment and payment of remuneration, compensation and allowances in respect of all

matters done under this Act or any regulations made thereunder or in respect of injuries occasioned by or resulting from any proclamation under section 47;

- (b) the restriction of the movement of persons in any security area;
- (c) processions and meetings in any security area;
- (d) the supply and distribution of food, water, fuel, light and other necessities in any security area;
- (e) the declaration of fences or barriers surrounding any area in a security area as perimeter fences, and the regulation of traffic and supplies from within and outside any such areas;
- (f) the eviction of persons unlawfully in occupation of land within any security area;
- (g) the seizure, occupation and forfeiture of land, buildings and other structures and movable property within any security area belonging to or used by persons who intend or are about to act or have acted in a manner prejudicial to the public security of the Federation, or belonging to or used by persons who are harbouring or have harboured or who by their servants or agents are harbouring or have harboured any such persons;
- (h) the appropriation, control, forfeiture, disposition and use of property in any security area;
- (i) the requisition of space or accommodation in any vessel, aircraft, train or vehicle within any security area;
- (j) the destruction of buildings and other structures within any security area;
- (k) the clearance of lands within any security area, the recovery of the costs of and the payment of compensation in respect of such clearance;
- (l) the payment of gratuities to workmen injured or to the dependants of workmen killed by acts of terrorism in any security area;
- (m) the restriction and prohibition in any security area of foodstuffs and other supplies;
- (n) the registration of persons or any class of persons and the control of occupations and industries within any security area;
- (o) the control of the movement of rubber and the protection of rubber plants in any security area;

- (p) modification, amendment, supersession or suspension of the provisions of any written law for the time being in force in any security area;
- (q) the powers of the Mentri Besar or Chief Minister of any State under any regulations made under this section;
- (r) entry into and search of premises or other places and the arrest, search and interrogation of persons within any security area;
- (s) the formation of tribunals and other bodies for the purpose of deciding any matters specified in such regulations, but having no powers to inflict fines or imprisonment;
- (t) the prescription of fees and other payments;
- (u) any other matter in respect of which it is in the opinion of the Yang di-Pertuan Agong desirable in the interests of public security that regulations should be made.

(3) Any regulations made under this section may provide for the infliction in the event of a contravention thereof of imprisonment for a term not exceeding three years or of a fine not exceeding two thousand dollars or of both such imprisonment and fine.

(4) Any regulations made under this section shall—

- (a) unless the Yang di-Pertuan Agong otherwise directs, come into force on the day on which they are made, and shall then continue in force so long as the proclamation under section 47 is in force, unless sooner revoked;
- (b) have effect only within the security area or areas to which the said proclamation applies.

(5) All subsidiary legislation under this Act in force in any security area immediately before the revocation or annulment of any proclamation under section 47, shall cease to have effect in such area upon such revocation or annulment, but without prejudice to the taking or continuance of any proceedings in respect of anything previously done or omitted to be done, or to the payment of any compensation or allowance thereunder.

PART III

MISCELLANEOUS PROVISIONS

Seizability
and baila-
bility of
offences.

72. (1) Every offence against this Act shall be seizable for the purposes of the Criminal Procedure Code.

(2) Every offence against this Act punishable with imprisonment for a term exceeding three years shall be non-bailable for purposes of the Criminal Procedure Code.

73. (1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe—

Power to detain suspected persons.

(a) that there are grounds which would justify his detention under section 8; and

(b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Malaya or any part thereof.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by such officer fails to satisfy such officer as to his identity or as to the purposes for which he is in the place where he is found, and who such officer suspects has acted or is about to act in any manner prejudicial to the security of Malaya or any part thereof.

(3) No person shall be detained under the provisions of this section for a period exceeding twenty-four hours except with the authority of a police officer of or above the rank of Assistant Superintendent of Police or, subject as hereinafter provided, for a period of forty-eight hours in all.

(4) If an officer of or above the rank of Superintendent of Police is satisfied that the necessary enquiries cannot be completed within the period of forty-eight hours prescribed by sub-section (3) he may authorise the further detention of any person detained under the provisions of this section for an additional period not exceeding twenty-eight days.

(5) Any officer giving any authorisation under sub-section (4) shall forthwith report the circumstances thereof to the Commissioner of Police; and where such authorisation authorises detention for any period exceeding fourteen days the Commissioner of Police shall forthwith report the circumstances thereof to the Minister.

(6) The powers conferred upon a police officer by sub-sections (1) and (2) may be exercised by any member of the security forces, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by a Chief Police Officer.

(7) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody, and may be detained in any prison, or in any police station, or in any other similar place authorised generally or specially by the Minister.

Use of lethal
weapons in
effecting
arrests.

74. (1) Notwithstanding anything to the contrary contained in any other written law it shall be lawful for any police officer in order—

- (a) to effect the arrest of any person liable to detention under any order made under section 8; or
- (b) to effect the arrest of any person liable to arrest and detention under sub-section (1) or (2) of section 73; or
- (c) to effect the arrest of any person whom he has, in all the circumstances of the case, reasonable grounds for suspecting to have committed an offence against this Act or against any provision of any written law for the time being specified in the First Schedule; or
- (d) to overcome forcible resistance offered by any person to such arrest; or
- (e) to prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences referred to in sub-section (1) shall as soon as possible after his arrest be clearly warned of his liability to be shot at if he endeavours to escape from custody.

(3) The powers conferred upon a police officer by sub-section (1) may be exercised by any member of the security forces, and by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by a Chief Police Officer.

(4) Nothing in this section contained shall derogate from the right of private defence contained in sections 96 to 106, inclusive, of the Penal Code.

F.M.S.
Cap. 45.

Admission
of state-
ments in
evidence.

75. (1) Where any person is charged with any offence against this Act or against any written law for the time being specified in the Second Schedule any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer of or above the rank of Inspector and whether or not interpreted to him by any other police officer or any other person concerned, or not, in the arrest, shall notwithstanding anything to the contrary contained in any

written law, be admissible at his trial in evidence and, if such person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that no such statement shall be admissible or used as aforesaid—

(a) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the Court to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or

(b) in the case of a statement made by such person after his arrest, unless the Court is satisfied that a caution was administered to him in the following words or words to the like effect: *"It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence"*:

Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.

(2) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which sub-section (1) applies shall not be bound to answer any questions relating to such case after any such caution as aforesaid has been administered to him.

(3) This section shall apply in relation to any person tried after the commencement of this Act, whether or not the proceedings against such person were instituted and whether or not the relevant statement was made before such commencement.

76. The Minister may, if he is satisfied that any evidence of the commission of an offence against this Act or against any written law for the time being specified in the Second Schedule is likely to be found in any banker's book, by order authorise any police officer to inspect any such book, and a police officer so authorised may, at all reasonable times, enter the bank specified in the order and inspect the banker's books kept therein, and may take copies of any entry in any such book.

Inspection
of bankers'
books.

Disposal of
property.
F.M.S.
Cap. 6.
S.S. Cap. 21.

77. (1) Subject to the provisions of sub-section (2) the provisions of the Criminal Procedure Code relating to the disposal of property the subject of an offence shall apply to any article coming into the possession of a police officer or any other person having any functions in connection with the operation of this Act which such officer or person has reasonable ground for believing to be evidence of the commission of an offence against this Act; and in relation to any such article any reference therein to a police officer shall have effect as if it included a reference to any such person.

(2) Any article or material coming into the possession of a police officer under section 65 may be disposed of in such manner as the Minister may order.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this section.

Registration
of persons
arrested or
detained.
18 of 1948.

78. (1) The provisions of the Registration of Criminals Ordinance 1948, relating to the taking of finger impressions and photographs of persons under arrest and accused of any crime shall apply to persons arrested and detained under this Act as if they were persons accused of any crime within the meaning of that Ordinance.

(2) The provisions of the Registration of Criminals Ordinance, 1948, shall apply to persons convicted of an offence against this Act as if such offence were a crime included in the First Schedule to such Ordinance.

Jurisdiction
of Sessions
Court.

79. Without prejudice to the jurisdiction of the Supreme Court, a Sessions Court shall have jurisdiction to try any offence against this Act, other than an offence punishable with death, and to pass any sentence prescribed therefor not exceeding five years' imprisonment or a fine of five thousand dollars or to both such imprisonment and fine.

Restriction
on prosec-
ution.

80. A prosecution for any offence against this Act punishable with imprisonment for a term of seven years or more shall not be instituted except with the consent of the Public Prosecutor:

Provided that, subject to the provisions of the law for the time being in force relating to criminal procedure—

(a) a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be

further prosecuted until that consent has been obtained; and

- (b) when a person is brought before a Court under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of such law shall be modified accordingly.

81. (1) When any order or regulation is made or direction or instruction is given under this Act, the Minister or other authority making such order or regulation or giving such direction or instruction shall cause notice of its effect to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it, and such order, regulation, direction or instruction shall have effect as soon as notice as aforesaid has been given, without publication in the *Gazette*. Publicity
of orders.

(2) Without prejudice to any special provisions contained in this Act or in any rules or regulations made thereunder, a notice to be served on any person for the purposes of any section may be served by leaving it at, or by sending it by post in a letter addressed to that person at, his last or usual place of abode or place of business.

(3) Any order or regulation made or any direction or instruction given under this Act may at any time during its continuance be cancelled by the person empowered to make such order or regulation or to give such direction or instruction, but without prejudice to the previous validity thereof or to anything done thereunder or to the power of such person to make a fresh order or regulation or give a fresh direction or instruction under such provisions.

82. Nothing in this Act shall affect any other law relating to criminal offences: Saving.

Provided that no person shall be punished twice for the same offence.

83. The Schedules to this Act may be added to, varied or amended by resolution passed by both Houses of Parliament. Amendment,
etc., of
Schedules.

84. The Public Order Ordinance, 1947, is hereby repealed. Repeal.
14 of 1947.

FIRST SCHEDULE
(Sections 74 and 83)

- | | |
|--|----------------------|
| 1. The Penal Code | Sections 435 and 436 |
| 2. The Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1959 | Sections 3, 4 and 5 |

SECOND SCHEDULE
(Sections 75, 76 and 83)

1. The Malay Regiment Enactment (F.M.S. Cap. 42)—Any offence under any of the following sections 74, 97, 98 and 100.
2. The Firearms and Ammunition (Unlawful Possession) Ordinance, 1946 (M.U. No. 28 of 1946)—Any offence under the Ordinance.
3. The Societies Ordinance, 1949 (F. of M. No. 28 of 1949)—Any offence under any of the following sections: 10, 11, 12 and 15.
4. The Abduction and Criminal Intimidation of Witnesses Ordinance, 1947 (M.U. No. 26 of 1947)—Any offence under the Ordinance.
5. The Carrying of Arms Ordinance, 1947 (M.U. No. 42 of 1947)—Any offence under the Ordinance.
6. The Railway Ordinance, 1948 (M.U. No. 8 of 1948)—Any offence under any of the following sections: 108, 110 and 111.
7. The Sedition Ordinance, 1948 (F. of M. No. 14 of 1948)—Any offence under the Ordinance.
8. Any abetment of or attempt to commit any offence specified in this Schedule.
9. The Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1958 (F. of M. No. 43 of 1958)—Any offence under the Ordinance.
10. The National Registration Act, 1959 (No. 12 of 1959)—Any offence under any regulations made under the Act.

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MISCELLANEOUS PROVISIONS

72. Seizability and bailability of offences.
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SCHEDULES

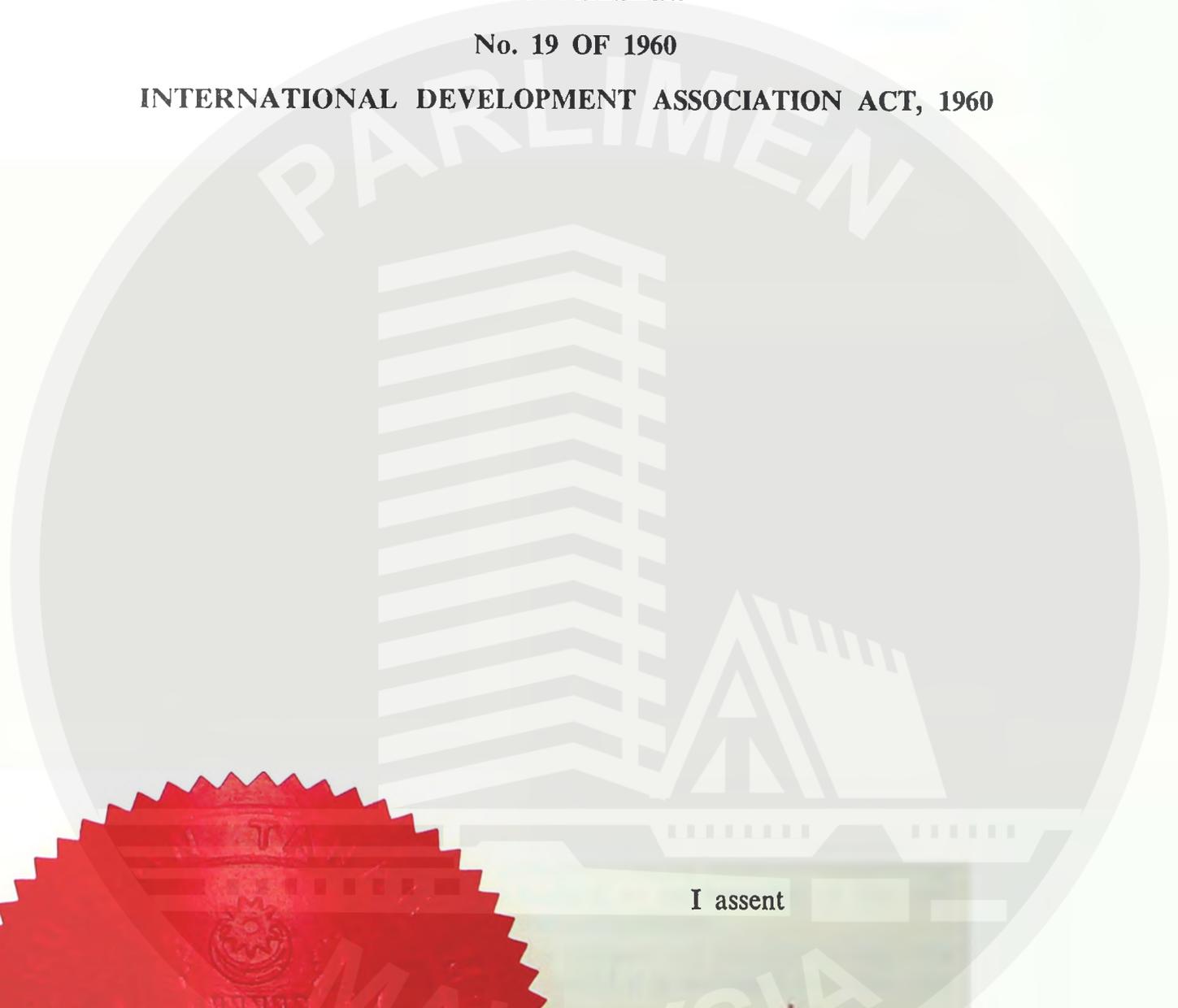
MALAYSIA

FEDERATION OF MALAYA

Act of Parliament

No. 19 OF 1960

INTERNATIONAL DEVELOPMENT ASSOCIATION ACT, 1960



I assent

A handwritten signature in red ink, appearing to be "Yusoff Ismail", is written over a horizontal line.

.....
Yang di-Pertuan Agong

27.....July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 19 OF 1960

**INTERNATIONAL DEVELOPMENT ASSOCIATION
ACT, 1960**

An Act to enable the Federation of Malaya to become a member of the International Development Association by acceptance of the Articles of Agreement for the establishment and operation of the International Development Association.

[]

WHEREAS the Federation of Malaya has, pursuant to a Resolution of the Board of Governors of the International Bank for Reconstruction and Development adopted by such Board on the 25th day of September, 1957, accepted membership in the said Bank on the terms and conditions set out in such Resolution:

AND WHEREAS the International Development Association is to be established in pursuance of Resolution No. 136, adopted by the Board of Governors of the said Bank on the 1st day of October, 1959:

AND WHEREAS the Executive Directors of the said Bank, acting pursuant to the said Resolution No. 136, have formulated Articles of Agreement for an International Development Association and, on the 26th day of January, 1960, approved the text of such Articles for submission to member Governments of the said Bank:

AND WHEREAS a copy of the text of the said Articles of Agreement has been laid before the Dewan Ra'ayat as Command Paper No. 18 of 1960:

AND WHEREAS the said Articles of Agreement have prescribed the terms and conditions upon which the Federation of Malaya may be admitted to membership of the said International Development Association:

AND WHEREAS for the purpose of complying with the terms and conditions aforesaid it is necessary to make provision as hereinafter set out:

NOW, THEREFORE, 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 International Development Association Act, 1960. Short title.

Interpreta-
tion.

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

“the Agreement” means the Articles of Agreement of the Association as approved by the Executive Directors of the Bank on the 26th day of January, 1960;

“the Association” means the International Development Association established by the Agreement;

“the Bank” means the International Bank for Reconstruction and Development established in pursuance of Articles of Agreement drawn up at the United Nations Monetary and Financial Conference held at Bretton Woods in New Hampshire in the United States of America in July, 1944;

“freely convertible currency” means such currency as is deemed to be freely convertible in accordance with paragraph (f) of Section 2 of Article II of the Agreement.

Authorisa-
tion of
Signature
of Agree-
ment.

3. The Yang di-Pertuan Agong is hereby authorised by instrument under his hand to empower such person as may be named in such instrument, on behalf of the Government of the Federation—

(a) to sign the Agreement; and

(b) to deposit with the Bank an instrument of acceptance of the Agreement setting forth that the Government of the Federation has accepted the Agreement in accordance with its law and has taken all steps necessary to enable the Government of the Federation to carry out all of its obligations under the Agreement.

Subscrip-
tion to the
Association.

4. (1) There shall be charged on the Consolidated Fund such part of the subscription of the Federation to the Association specified in Part II of Schedule A to the Agreement as may, in accordance with the provisions of Section 2 of Article II of the Agreement, be payable in gold or in freely convertible currency, or in Malayan currency.

Fund

(2) Subject to the provisions of Section 5, there shall be charged on the Consolidated Fund such part of any increase in the subscription of the Federation to the Association as may, pursuant to the provisions of paragraph (b) of Section 1 of Article III of the Agreement, be payable in gold or in freely convertible currency, or in Malayan currency.

Approval
of Dewan
Ra'ayat to
additional
subscription
to Associa-
tion.

5. Whenever any increase in the subscription of the Federation to the Association is authorised pursuant to Section 1 of Article III of the Agreement, no amount shall be subscribed in respect thereof except with the prior approval, signified by resolution, of the Dewan Ra'ayat.

6. The Minister of Finance is hereby authorised, on behalf of the Government, to create and issue to the Association, in such form as he thinks fit, any such non-interest bearing and non-negotiable notes or similar obligations as the Association may—

Issue of non-negotiable and non-interest bearing notes.

- (a) under paragraph (e) of Section 2 of Article II of the Agreement accept from the Government in place of any Malayan currency paid in or payable by the Government under paragraph (d) of Section 2 of Article II of the Agreement or under Section 2 of Article IV of the Agreement; or
- (b) pursuant to paragraph (b) of Section 1 of Article III of the Agreement determine to accept in place of any Malayan currency in relation to any increase in the subscription of the Federation to the Association.

7. There shall be charged on the Consolidated Fund—

- (a) all sums payable to the Association by the Federation under paragraph (a) of Section 2 of Article IV of the Agreement (which relates to changes in the par or foreign exchange value of currencies of members);
- (b) all sums required for the redemption of any notes or obligations created and issued to the Association under Section 6;
- (c) any sum due to the Association by the Federation under paragraph (c) (i) of Section 4 of Article VII of the Agreement (which relates to the withdrawal of members from the Association).

Charge of other payments to the Association.

8. All sums received by or on behalf of the Government of the Federation from the Association shall be paid into the Consolidated Fund.

Receipts.

9. (1) The Yang di-Pertuan Agong may by order make such provisions as he may consider reasonably necessary for carrying into effect any of the provisions of the Agreement relating to the status, immunities and privileges of the Association and their respective governors, executive directors, alternates, officers and employees.

Orders for carrying the Agreement into effect.

(2) Without prejudice to the generality of the provisions of sub-section (1), any order made under that sub-section may declare that any specified provisions of the Agreement shall have the force of law in the Federation.

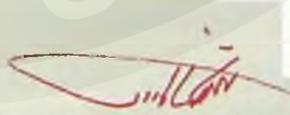
FEDERATION OF MALAYA

Act of Parliament

No. 20 OF 1960

STATUTORY DECLARATIONS ACT, 1960

I assent


.....
Yang di-Pertuan Agong

...7...July, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 20 OF 1960

STATUTORY DECLARATIONS ACT, 1960

An Act to consolidate the law relating to statutory declarations.

[]

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 Statutory Declarations Act, 1960, 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 commencement.

2. It shall be lawful for any President of a Sessions Court, Magistrate or Commissioner for Oaths appointed under the Commissioner for Oaths Ordinance, 1947, or, subject to the provisions of section 4 of the Notaries Public Ordinance, 1959, any notary public appointed under the Notaries Public Ordinance, 1959, to take and receive the declaration of any person voluntarily making the same in Malay or English in the Form A in the Schedule to this Act.

Form of Declaration.

M.U. 46 of 1947.
41 of 1959.

3. Declarations made by virtue of the provisions of this Act shall be deemed to be such declarations as are referred to in Sections 199 and 200 of the Penal Code.

False declaration punishable under Penal Code.

4. A person making any declaration by virtue of the provisions of this Act shall pay to the officer or Commissioner taking the same such fees as the Minister charged with the responsibility for the administration of justice may from time to time by notification in the *Gazette* prescribe.

Fees.

5. The Statutory Declarations Act, 1835, of the United Kingdom, in so far as it applies to the States of Malacca and Penang, and the Statutory Declarations Ordinance, 1949, are hereby repealed and the Statutory Declarations Act, 1835, of the United Kingdom shall cease to apply to Malacca and Penang.

Repeal.

49 of 1949.
5 & 6
Wm. IV,
c. 62.

SCHEDULE
FORM A
(Section 2)

In Malay

SURAT AKUAN

Saya,
dengan sa-sungguh dan sa-benar-nya mengaku bahawa.....
.....
dan saya membuat surat akuan ini dengan keperchayaan bahawa apa²
yang tersebut di-dalam-nya ada-lah benar, serta menurut undang²
Surat Akuan, 1960.

Di-perbuat dan dengan sa-
benar²-nya di-aku oleh yang ter-
sebut nama-nya di-atas ia-itu.....
.....
di-.....
di-Negeri.....
pada.....haribulan.....
....., 19.....

Di-hadapan saya,

.....
*(Tanda tangan Yang di-
Pertua, Mahkamah Te-
ngah, Pengadil atau Pe-
surohjaya Sumpah)*

In English

FORM OF DECLARATION

I,
do solemnly and sincerely declare that.....
.....and
I make this solemn declaration conscientiously believing the same to be
true, and by virtue of the provisions of the Statutory Declarations Act,
1960.

Subscribed and solemnly declared
by the above-named.....
.....
at.....
in the State of.....
this.....day of.....
19.....

Before me,

.....
*(Signature of President of
Sessions Court, Magis-
trate or Commissioner
for Oaths)*

FEDERATION OF MALAYA

Act of Parliament

No. 21 OF 1960

ARMS ACT, 1960

PARLIMEN

I assent


.....
Yang di-Pertuan Agong

.27....July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 21 OF 1960

ARMS ACT, 1960

An Act to amend and consolidate the law relating to arms, imitation arms and ammunition.

[]

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 Arms Act, 1960, and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

Short title and commencement.

2. In this Act, unless the context otherwise requires—
“ammunition” means ammunition (including blank ammunition) for any arm as hereinafter defined, and includes grenades, bombs and other like missiles, whether capable of use with arms or not, and any ammunition containing, or designed or adapted to contain any noxious liquid, gas or other thing;

Interpretation.

“arm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted or which can be adapted for the discharge of any noxious liquid, gas or other thing, and includes an air gun, air pistol, automatic gun, pistol and any component parts of any such weapon, and any accessory to such weapons designed or adapted to diminish the noise or flash caused by firing such weapon;

“arms licence” means a licence granted under section 4;

“arms permit” means a permit to carry and use arms and ammunition granted under section 4;

“Chief Police Officer”, “gazetted police officer”, “Officer in Charge of a Police District”, “police officer” and “superior police officer” shall have the same meanings as in the Police Ordinance, 1952;

14 of 1952.

“dealer’s licence” means a licence to deal in arms and ammunition granted under section 10;

“imitation arm” means anything which has the appearance or is intended to give the impression of being an arm,

whether it is capable of discharging any shot, bullet, missile, noxious liquid, gas or other thing, or not;

“licensed dealer” means a person holding a valid dealer’s licence;

“licensed repairer” means a person licensed only to repair arms and ammunition under section 10;

“pistol” means any arm of which the length of the barrel measured from the muzzle to the point at which the charge is exploded on firing does not exceed nine inches;

42 of 1952. “proper officer of customs” has the same meaning as in the Customs Ordinance, 1952;

“repair” in relation to arms or ammunition includes proving or testing such arms or ammunition;

“Minister” means the Minister charged with responsibility for arms and ammunition;

“transfer” includes hiring, lending, giving or parting with possession.

No person to possess, carry or use arms or ammunition without a licence or permit.

3. (1) Subject to the provisions of this Act and any regulations made thereunder, no person shall have in his possession, custody or control any arms or ammunition unless he is the holder of an arms licence in that behalf granted to him under the provisions of section 4.

(2) Notwithstanding the provisions of sub-section (1), a person may carry and use arms or ammunition in accordance with the terms of a valid permit granted to him under section 4:

Provided that there is in force an arms licence in respect of such arms and ammunition granted to some other person.

Grant and renewal of licences and permits.

4. (1) An application for an arms licence or arms permit shall be made in the prescribed form to the Chief Police Officer of the State in which the applicant resides, and shall state such particulars as may be required by the said form.

(2) Subject to the provisions of this Act and any regulations made thereunder, a Chief Police Officer may grant to an applicant an arms licence or arms permit, as the case may be, if he is satisfied that the applicant has a good reason for having in his possession, custody or control, or for carrying and using, as the case may be, the arms and ammunition in respect of which the application is made, and that he can be authorised in that behalf without danger to the public safety or the public interest.

(3) An arms licence or arms permit shall be in such form as may be prescribed, and shall specify the conditions and restrictions subject to which it is held, the nature and

number or other identification mark of the arms to which it relates and, as respects ammunition, the quantities authorised to be held at any one time thereunder, and such other matters as may be prescribed.

(4) An arms licence or arms permit shall, unless previously revoked or cancelled, expire on the 30th day of June next following the date of issue, but may be renewed by the Chief Police Officer of the State in which the holder resides for a further period of one year from the said 30th day of June, and so on, from time to time; and the provisions of this section shall apply to the renewal of an arms licence or permit as they do to the grant thereof.

(5) The particulars of every arms licence or arms permit granted or renewed under this section shall be entered in a register to be kept by the Chief Police Officer of a State in such form and manner and at such place as may be prescribed.

(6) If application is made for a licence in respect of any arms or ammunition not marked with letters or figures or in such other manner that the same may be readily identified, the officer to whom application is made may, before issuing the licence, cause such arms or ammunition, as the case may be, to be marked with some permanent mark whereby the same may be afterwards known and identified, but in such manner as not to injure or deface the same.

5. (1) No arms licence shall be granted or renewed for—

- (a) a pump or repeating shot gun of any kind, unless the magazine of such gun is so constructed or permanently plugged as to render it incapable of firing more than one cartridge at each pressure of the trigger or, in the case of a double-barrelled gun, one cartridge from each barrel;
- (b) an arm that is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;
- (c) any arm of any description designed or adapted for the discharge of any noxious liquid, gas or other thing;
- (d) any grenade or bomb or other like missile;
- (e) any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing.

Restrictions
on the grant
of licences
and permits.

(2) No arms licence or arms permit shall be granted or renewed to a person under the age of eighteen years :

Provided that the Chief Police Officer of the State in which an applicant of at least sixteen but under the age of eighteen years resides may, if he is satisfied that exceptional circumstances exist such as would justify the grant or renewal of a licence to such person, at his discretion waive the provisions of this sub-section, and shall record his reasons for doing so thereon.

(3) No arms licence or arms permit shall be granted in the name of any firm, partnership, company or corporation, but nothing in this sub-section shall prevent an arms licence being issued to a responsible person nominated by or on behalf of a firm, partnership, company or corporation to have possession, custody or control of the arms or ammunition owned by such firm, partnership, company or corporation.

(4) No arms permit shall be granted or renewed unless there is an arms licence in force in respect of the arms and ammunition described therein.

Exemptions
from
require-
ments to
hold licences
or permits.

6. (1) Section 3 shall not apply to the Yang di-Pertuan Agong or to the Ruler or Governor of any State :

Provided that a return shall be made to a Chief Police Officer in the month of July in every year by such person as the Yang di-Pertuan Agong or the Ruler or Governor may appoint in that behalf, giving particulars of all arms and ammunition in the possession, custody or control of the Yang di-Pertuan Agong or of such Ruler or Governor in respect of which no arms licence is in force.

(2) Notwithstanding the provisions of section 3—

(a) a licensed dealer or licensed repairer or any servant thereof acting in the course of his employment, may without holding an arms licence or arms permit have in his possession, custody or control, or carry or use arms or ammunition, in the ordinary course of business as such dealer or repairer, and in accordance with the terms of such dealer's or repairer's licence;

(b) a person lawfully carrying on the business of an auctioneer or carrier or a servant of such a person acting in the course of his employment, may without holding an arms licence or arms permit have in his possession, custody or control, or

convey or carry in the ordinary course of that business arms and ammunition provided that—

- (i) such auctioneer or carrier has obtained permission in writing from a Chief Police Officer to sell by auction or to convey arms and ammunition;
 - (ii) such auctioneer, carrier or servant complies with all conditions and observes all restrictions subject to which such permission is stated in writing to be granted;
- (c) a person licensed to import or export arms or ammunition or any servant or agent of such person may, without holding an arms licence or arms permit, have in his possession, custody or control, or carry and convey any arms or ammunition authorised to be imported or exported under such licence in such manner as may be reasonably required for the purpose of effecting such import or export;
- (d) any member of the Armed Forces of the Federation, any police officer or other person engaged in performing police duties in accordance with any written law, any person in the service of the Government or of the Government of any State may in the course of his duty as such without holding an arms licence or arms permit have in his possession, custody or control, or carry or use arms or ammunition;
- (e) a member of the crew of, or a passenger in any vessel or aircraft may, without holding an arms licence or arms permit, have in his possession, custody or control, or carry or use arms and ammunition which are part of the ordinary armament or equipment of such vessel or aircraft, or which are in or upon such vessel or aircraft and required for the services thereof;
- (f) a person may, without holding an arms licence or arms permit, carry or use—
- (i) a miniature rifle not exceeding .22 calibre and ammunition therefor at a miniature rifle range or shooting gallery, if such rifle or ammunition is provided for his use by the owner or manager of such range or gallery, and if such range or gallery is conducted with the permission

in writing of, and subject to such conditions as may be prescribed by the Chief Police Officer of the State in which it is situated;

- (ii) arms and blank ammunition at a theatrical performance or rehearsal thereof or at an athletic meeting in which he is taking part, if the permission in writing of such Chief Police Officer of the State in which such performance, rehearsal or meeting is taking place has been obtained to the use of such arms or ammunition in the course of such performance, rehearsal or meeting.

(3) A person shall not be deemed to have contravened the provisions of section 3 by reason only of the fact that during the month of July in any year he has in his possession, custody or control or is carrying or using any arms or ammunition in respect of which no licence or permit is in force, if such person had such arms or ammunition in his possession or was authorised to carry and use such arms or ammunition on the 30th day of June of the same year under an arms licence or arms permit in that behalf.

Lost
licences and
permits.

7. If any licence or permit granted under this Act is destroyed, defaced, mutilated or lost, the person named therein may, on application to any officer authorised to issue such licences or permits and on satisfying him that the application is made in good faith, obtain from him, on payment of the prescribed fee, a new licence or permit in lieu of that destroyed, defaced, mutilated or lost.

Loss or
destruction
of, or
obliteration,
etc., of
marks on
arms and
ammunition.

8. (1) Whenever any arms are lost or destroyed or any ammunition is lost, the person named in any arms licence to which such arms or ammunition relate and any other person who may have been in possession of such arms or ammunition immediately before the loss or destruction thereof shall, as soon as possible but in any case within fourteen days after becoming aware of such loss or destruction, make a report thereof at the police station nearest to the places where such persons respectively reside; and upon failure so to report within the said period every such person shall be liable to a fine not exceeding one thousand dollars.

(2) Any person who—

- (a) wilfully obliterates, defaces, alters, counterfeits or forges any mark which is used for the identification

of any arms or ammunition by the manufacturer thereof or by which any arms or ammunition may be identified in accordance with any arms licence, or which has been affixed under sub-section (6) of section 4, or

- (b) fraudulently marks any arms or ammunition with any mark resembling or intended to resemble any mark referred to in paragraph (a) of this sub-section,

shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine.

9. Any person who in contravention of the provisions of this Act—

- (a) has in his possession, custody or control, or carries or uses any arm or ammunition without an arms licence or arms permit in that behalf or otherwise than as authorised by such licence or permit or, in the case of ammunition, in quantities in excess of those so authorised; or
- (b) fails to comply with any condition or to observe any restriction subject to which an arms licence or arms permit is held by him,

shall be liable in respect of any such contravention to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

10. (1) Subject to the provisions of this Act and any regulations made thereunder, no person shall sell or transfer, or keep or expose for sale or transfer, any arms or ammunition unless he is the holder of a valid licence to deal in arms and ammunition granted to him under this section:

Provided that—

- (a) the holder of an arms licence in respect of any arms or any firm, partnership, company or corporation owning such arms may, subject to the provisions of section 3, sell or transfer otherwise than by way of trade or business any such arms; and
- (b) a person lawfully carrying on the business of an auctioneer may sell by auction or keep or expose for sale by auction without holding a dealer's licence any arms or ammunition in respect of which there is an arms licence in force if such auctioneer has obtained permission in writing from a Chief Police Officer to sell arms or

Penalty for possessing or carrying arms and ammunition without a licence or permit, etc.

Licences to deal in and repair arms and ammunition.

ammunition by auction and he complies with all the conditions and observes all the restrictions subject to which such permission is stated in writing to be granted.

(2) Subject to the provisions of this Act and any regulations made thereunder, no person shall repair or accept for repair any arms or ammunition, other than arms or ammunition in respect of which he holds a valid arms licence or permit, unless a licence to repair arms and ammunition has been granted to him under this Act and is in force.

(3) A licence granted under this section may be a licence to deal in arms and ammunition only, or a licence to repair arms and ammunition only, or a combined licence both to deal in and to repair arms and ammunition, and in the latter case shall be deemed to be for the purposes of this Act both a dealer's licence and a repairer's licence.

(4) An application for a licence under this section shall be made in the prescribed form to the Chief Police Officer of the State in which the applicant proposes to carry on business as a dealer or repairer or both, as the case may be, and shall state such particulars as may be prescribed.

(5) Subject to the provisions of this Act and any regulations made thereunder, the Chief Police Officer may grant to the applicant a dealer's licence or repairer's licence, or a combined dealer's and repairer's licence, in accordance with his application, if he is satisfied that such applicant can be permitted to carry on business as such dealer or repairer, or both, as the case may be, without danger to the public safety or the public interest.

(6) A licence granted under this section shall be in such one of the prescribed forms as may be appropriate, and shall specify the address of the place of business in respect of which it is granted and the conditions and restrictions subject to which it is to be held.

(7) A person carrying on any trade or business of dealing in or repairing arms and ammunition at more than one place of business shall apply for a licence in respect of each such place of business.

(8) A licensed dealer or licensed repairer who—

- (a) carries on business in arms or ammunition; or
- (b) sells or transfers by way of trade or business any arms or ammunition; or
- (c) keeps or exposes for sale or transfer any arms or ammunition; or

(d) repairs or has in his possession, custody or control for repair any arms or ammunition,

at any place other than a place in respect of which he holds a licence under section 10 shall for each such offence be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine.

(9) A licensed dealer or licensed repairer shall keep such books and records in such manner and containing such particulars as may be prescribed, and shall on demand produce the same for the inspection of any police officer of or above the rank of sergeant at such place or time as the police officer may reasonably require.

(10) A licensed dealer or licensed repairer shall make such returns, containing such particulars and made at such dates and in such manner to the Chief Police Officer of the State in which his place of business is situate, as may be prescribed.

(11) Every licence granted under this section shall expire on the 31st day of December next following the date of issue but may be renewed by the Chief Police Officer of the State in which the holder carries on business for a further period of one year from the said 31st day of December, and so on, from time to time; and the provisions of this section shall apply to the renewal of such licence as they do to the grant thereof.

(12) Any person who contravenes the provisions of sub-section (1) or (2) shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

(13) Any licensed dealer or licensed repairer who fails to comply with any condition or to observe any restriction subject to which the dealer's or repairer's licence is held by him shall be liable in respect of each such offence to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

(14) The particulars of every licence granted under this section shall be entered in a register which shall be kept by the Chief Police Officer, and in such form and manner and at such place as may be prescribed.

11. (1) No person shall sell or transfer any arms or ammunition except to—

(a) a licensed dealer or licensed repairer; or

**Restrictions
on the sale
and transfer
of arms and
ammunition.**

- (b) a person who shows that he is entitled to have such arms or ammunition in his possession by virtue of this Act or of any licence or permit thereunder provided that in the case of a person entitled by virtue of a licence or permit, he produces such licence or permit to the person selling or transferring the same; or
- (c) to a person who is and whom he knows or believes to be a police officer or other public officer acting in the course of his duty in accepting delivery of such arms or ammunition.

(2) No person shall knowingly accept delivery of any arms or ammunition unless he is the holder of a valid licence granted to him under this section authorising him to purchase or acquire such arms or ammunition or unless he is otherwise entitled under this Act or by virtue of any licence or permit granted to him thereunder to have possession, custody or control thereof.

(3) Any person who accepts delivery on purchase or transfer of any arms or ammunition under the authority of any licence granted to him under this section shall—

- (a) endorse the said licence with the date of delivery and such particulars of the arms and ammunition so purchased or transferred and such other particulars as may be prescribed; and
- (b) return such licence so endorsed within one month of the purchase or transfer to the officer by whom such licence was granted.

(4) Any person who contravenes the provisions of this section shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

(5) A licence to purchase or obtain or transfer arms and ammunition shall be in such form as may be prescribed and shall be issued by the Chief Police Officer of the State in which the applicant therefor resides, and shall be subject to such conditions and restrictions as may be specified therein.

Obstructing
inspection
of stock-in-
trade.

12. (1) Every licensed dealer and licensed repairer shall on the demand of any police officer of or above the rank of sergeant submit his stock-in-trade, which shall be deemed to include arms in his possession for repair, to the inspection of such officer.

(2) Whoever intentionally conceals the stock-in-trade of any such person from a police officer of or above the rank of sergeant or wilfully refuses to point out where the same is

kept shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

13. (1) Every licensed dealer and licensed repairer shall affix and maintain in a conspicuous position outside the door of his shop or place of business a board bearing the words "Licensed to Deal in and to Repair Arms and Ammunition" or "Licensed to Deal in Arms and Ammunition" or "Licensed to Repair Arms and Ammunition", as the case may be, distinctly printed in letters not less than two inches high.

Boards to be affixed at dealers' shops.

(2) Any person who contravenes any of the provisions of this section shall be liable to a fine not exceeding five hundred dollars.

14. (1) No person shall import any arms or ammunition or parts of arms into the Federation, either by sea, land or air, unless he holds a licence in that behalf.

Licence in

(2) Such licence may be obtained on application to the Chief Police Officer of any State, and shall be in such form as may be prescribed.

(3) Every holder of such licence shall endorse thereon descriptive particulars of all arms and ammunition and parts of arms imported thereunder, and shall return such licence to the Officer in Charge of the Police District wherein he resides within three days from the expiration of the term allowed thereby.

(4) A *bona fide* traveller arriving in the Federation may, on application to a superior police officer or to a proper officer of customs at the place of arrival, obtain from him an interim licence to import into the Federation and to possess and carry his personal arms and ammunition. Such licence shall be in such form as may be prescribed and shall remain in force for a period of one month from the date of issue, and no arms or ammunition imported thereunder may be re-exported without an export licence or an endorsement enabling re-exportation on the interim import licence.

(5) An interim licence may be issued under sub-section (4) to the manager or other responsible member of a theatrical or circus company in respect of arms and ammunition to be used in the performances of such company, but such arms and ammunition and the interim licence must be produced by the holder thereof to the Officer in Charge of each Police District in which such company performs and the licence shall be endorsed by him.

- (b) a person who shows that he is entitled to have such arms or ammunition in his possession by virtue of this Act or of any licence or permit thereunder provided that in the case of a person entitled by virtue of a licence or permit, he produces such licence or permit to the person selling or transferring the same; or
- (c) to a person who is and whom he knows or believes to be a police officer or other public officer acting in the course of his duty in accepting delivery of such arms or ammunition.

(2) No person shall knowingly accept delivery of any arms or ammunition unless he is the holder of a valid licence granted to him under this section authorising him to purchase or acquire such arms or ammunition or unless he is otherwise entitled under this Act or by virtue of any licence or permit granted to him thereunder to have possession, custody or control thereof.

(3) Any person who accepts delivery on purchase or transfer of any arms or ammunition under the authority of any licence granted to him under this section shall—

- (a) endorse the said licence with the date of delivery and such particulars of the arms and ammunition so purchased or transferred and such other particulars as may be prescribed; and
- (b) return such licence so endorsed within one month of the purchase or transfer to the officer by whom such licence was granted.

(4) Any person who contravenes the provisions of this section shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

(5) A licence to purchase or obtain or transfer arms and ammunition shall be in such form as may be prescribed and shall be issued by the Chief Police Officer of the State in which the applicant therefor resides, and shall be subject to such conditions and restrictions as may be specified therein.

Obstructing
inspection
of stock-in-
trade.

12. (1) Every licensed dealer and licensed repairer shall on the demand of any police officer of or above the rank of sergeant submit his stock-in-trade, which shall be deemed to include arms in his possession for repair, to the inspection of such officer.

(2) Whoever intentionally conceals the stock-in-trade of any such person from a police officer of or above the rank of sergeant or wilfully refuses to point out where the same is

kept shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

13. (1) Every licensed dealer and licensed repairer shall affix and maintain in a conspicuous position outside the door of his shop or place of business a board bearing the words "Licensed to Deal in and to Repair Arms and Ammunition" or "Licensed to Deal in Arms and Ammunition" or "Licensed to Repair Arms and Ammunition", as the case may be, distinctly printed in letters not less than two inches high.

Boards to be affixed at dealers' shops.

(2) Any person who contravenes any of the provisions of this section shall be liable to a fine not exceeding five hundred dollars.

14. (1) No person shall import any arms or ammunition or parts of arms into the Federation, either by sea, land or air, unless he holds a licence in that behalf.

Licence to import.

(2) Such licence may be obtained on application to the Chief Police Officer of any State, and shall be in such form as may be prescribed.

(3) Every holder of such licence shall endorse thereon descriptive particulars of all arms and ammunition and parts of arms imported thereunder, and shall return such licence to the Officer in Charge of the Police District wherein he resides within three days from the expiration of the term allowed thereby.

(4) A *bona fide* traveller arriving in the Federation may, on application to a superior police officer or to a proper officer of customs at the place of arrival, obtain from him an interim licence to import into the Federation and to possess and carry his personal arms and ammunition. Such licence shall be in such form as may be prescribed and shall remain in force for a period of one month from the date of issue, and no arms or ammunition imported thereunder may be re-exported without an export licence or an endorsement enabling re-exportation on the interim import licence.

(5) An interim licence may be issued under sub-section (4) to the manager or other responsible member of a theatrical or circus company in respect of arms and ammunition to be used in the performances of such company, but such arms and ammunition and the interim licence must be produced by the holder thereof to the Officer in Charge of each Police District in which such company performs and the licence shall be endorsed by him.

Licence to
export.

15. (1) No person shall export any arms or ammunition from the Federation either by sea, land or air unless he holds a licence in that behalf.

(2) Such licence may be obtained on application to the Chief Police Officer of any State, and shall be in such form as may be prescribed.

Ports and
places of
import and
export.

16. The Minister may, from time to time, by notification in the *Gazette* declare that arms or ammunition or particular classes of arms or ammunition shall not be imported into or exported from the Federation except at ports or places specified in such notification, and no arms or ammunition shall be imported into or exported from the Federation contrary to the terms of such notification.

Marking of
cases and
notice of
importation.

17. When arms or ammunition are imported into the Federation for the purposes of trade or profit, the case or package, if any, containing the same shall be distinctly and legibly marked with the words "Firearms" or "Ammunition", or shall be marked in such other manner as the Minister may by order prescribe; and notice of the intended importation and of the name of any vessel and of the estimated date and time of arrival of the vessel or of any aircraft, train or vehicle whereby the same is to be effected shall, if known, be given to the proper officer of customs at the port or place of import before the arrival thereof at such port or place.

Declaration
of arms and
ammunition
on importa-
tion.

18. Every person entering the Federation who has in his possession or among his baggage any arms or ammunition, and every consignee receiving any arms or ammunition imported into the Federation, shall make a declaration thereof at such time and place, in such manner and with such particulars as may be prescribed, and shall at the same time produce the licence issued under section 14 for the importation of such arms or ammunition.

Penalty for
unlawful
importation
or exporta-
tion.

19. (1) Any person who contravenes any of the provisions of sub-section (1) of section 14 or of sub-section (1) of section 15, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

(2) Any person who contravenes any of the provisions of sub-section (3) of section 14 or of section 16, section 17 or section 18 shall be liable to a fine not exceeding one thousand dollars.

Permit to
land or
tranship
arms and
ammunition.

20. (1) The Chief Police Officer of any State may, upon application by the owner, agent, master or captain of any vessel or aircraft arriving or about to arrive at any port or place in such State, grant a permit to such owner, agent,

master or captain authorising him to land any arms or ammunition consigned upon such vessel or aircraft to such port or place or for transshipment at such port or place.

(2) The Chief Police Officer of any State may, upon application by the owner, agent, master or captain of any vessel or aircraft arriving or about to arrive at any port or place of such State and having on board any arms or ammunition for transshipment at such port or place, grant to such owner, agent, master or captain a permit to transship such arms or ammunition.

(3) Such owner, agent, master or captain shall thereupon cease to be liable to any prosecution for importing such arms or ammunition without a licence; but the granting of such permit shall not render any other person free from any prosecution for importing such arms or ammunition without a licence.

21. Whoever knowingly conceals any arms or ammunition imported without a licence shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

Concealing
unlawfully
imported
arms or
ammunition.

22. (1) The Minister may from time to time by notification in the *Gazette* prohibit for a period to be specified in such notification either the importation or the exportation of any arms or ammunition or parts of arms or of particular kinds of arms or ammunition or parts of arms without a special permit signed by himself.

Minister
may
prohibit
importation
or exportation.

(2) Any such prohibition of exportation may either be absolute or may relate to such place or places as shall be specified in the notification; and any person who takes or sends any article out of the Federation by sea, land or air with the intention that it shall ultimately reach a particular place either directly or indirectly shall, for the purposes of this section, be deemed to export such arms or ammunition to such place.

(3) Any person who imports or exports any arms or ammunition or parts of arms in contravention of any notification published under this section or in breach of the restrictions and conditions subject to or upon which any special permit is issued shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

Penalty in respect of vessel, aircraft or vehicle used for illegal importation or exportation.

23. (1) If any vessel, aircraft or vehicle is used for the importation or exportation of any arms or ammunition or parts of arms in contravention of a notification under section 22, or for the receipt or storage of any arms or ammunition or parts of arms imported in contravention of any such notification, the owner, master or captain thereof shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine, unless it is proved to the satisfaction of the court that the said owner, master or captain was not implicated in the placing of such arms or ammunition or parts of arms on board the vessel, aircraft or vehicle, and that the offence in question was committed without his knowledge, consent or connivance; and the vessel, aircraft or vehicle may be detained by order of the court until security has been given for such sum as the court orders, not exceeding ten thousand dollars.

(2) The finding of any arms or ammunition or parts of arms which are subject to a prohibition under section 22 on board any vessel, aircraft or vehicle shall be *prima facie* evidence that such vessel, aircraft or vehicle has been used for the importation or exportation of arms or ammunition or parts of arms contrary to the provisions of this Act, or for the receipt or storage of arms or ammunition or parts of arms imported contrary thereto.

(3) For the purposes of this section the expression "master" includes every person, except a pilot, having command or charge of a vessel.

Refusal and revocation of licences and permits.

24. (1) A Chief Police Officer or a superior police officer or proper officer of customs under section 14 may, or any police officer having authority to grant or issue any licence or permit under this Act by virtue of any delegation of such power to him under section 37 may with the approval of the Chief Police Officer having jurisdiction over him—

- (a) refuse any application for the grant of such licence or permit without assigning any reason therefor;
- (b) refuse any application for the renewal, or revoke or suspend any licence or permit granted under this Act for reasons of public safety or other grounds to be duly recorded by him.

(2) Every licence or permit shall be held subject to such conditions or restrictions as may be prescribed and as the officer granting such licence or permit may impose and endorse thereon.

(3) Any person dissatisfied by any refusal to grant or renew a licence or permit, or with any condition imposed

thereon by the officer granting such licence or permit, or by any revocation or suspension of such licence or permit, may within one month of the date of such refusal, imposition, revocation or suspension appeal in writing to the Minister, whose decision shall be final and conclusive.

(4) Where any licence or permit is revoked or suspended the person in possession thereof shall without delay deliver the same up to the nearest police station.

25. (1) A Magistrate, a gazetted police officer or an Officer in Charge of a Police District, on being satisfied upon written information and after any enquiry which he may think necessary that—

Search for
arms or
ammunition
under
warrant.

(a) any person residing within the limits of his jurisdiction—

(i) has in his possession, custody or control any arms or ammunition in contravention of the provisions of this Act or of any licence or permit in respect thereof; or

(ii) has in his possession, custody or control any arms or ammunition whereof he cannot be left in possession without danger to the public peace; or

(b) any arms or ammunition are in or on any house, premises or other building or place or any vessel, aircraft or vehicle, in contravention of the provisions of this Act or of any licence or permit issued thereunder,

may by warrant authorise any person therein named or any police officer with such assistance and by such force as may be necessary by night or by day—

(c) to enter or board and search any house, premises or other building or place or any vessel, aircraft or vehicle specified in such warrant and to search all persons found therein or thereon;

(d) to seize and detain any arms or ammunition found as a result of such search; and

(e) to arrest any person found in or on such house, premises or other building or place on such vessel, aircraft or vehicle whom such officer has reasonable grounds for suspecting to be about to commit or to be committing or to have committed any offence against this Act.

(2) Whoever, upon a search being made under this section, having in his possession, custody or control any arms or ammunition or knowing where any arms or ammunition are concealed, refuses to produce or point out the same to the person making the search, or intentionally

conceals the same, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

(3) No woman shall be searched under this section except by a woman.

Search
warrant
against
persons.

26. (1) A Magistrate, a gazetted police officer or an Officer in Charge of a Police District, on being satisfied upon information and after any enquiry which he may think necessary that there is good reason to believe that any arms or ammunition are likely to be found on any person in contravention of the provisions of this Act or of any licence or permit issued thereunder may by warrant under his hand order any police officer to arrest and search such person, or may by warrant under his hand order any person therein named to arrest such person and to take him forthwith before any Magistrate or gazetted police officer or Officer in Charge of a Police District, who shall thereupon cause such person to be searched in his presence; and if any arms or ammunition are found upon such person he shall be taken before a Magistrate to be dealt with according to law.

(2) No woman shall be searched under this section except by a woman.

Entry and
search by
Magistrate,
etc.

27. Whenever a Magistrate, a gazetted police officer or an Officer in Charge of a Police District is competent to issue a warrant under section 25 or 26 he may himself exercise all the powers which may be conferred on a police officer under such section; and he may also exercise all such powers in any of the following cases, that is to say—

(a) in respect of any person who has within the preceding six months been convicted of any offence against this Act or any regulations made thereunder; or

(b) if he has personal knowledge of such facts and circumstances as satisfy him that there are sufficient grounds for a search under the said sections respectively; or

(c) if he receives the required information orally, and either on oath or not on oath, under such circumstances that the object of a search would, in his opinion, be defeated by the delay necessary for reducing the information to writing: provided that in such event the name and address of the person giving such information are known to or ascertained by such Magistrate or gazetted police officer or Officer in Charge of a Police District, before he acts upon such information.

(2) Whoever in giving such oral information makes a statement which he knows or believes to be false or does not believe to be true shall be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand dollars, or to both such imprisonment and fine.

28. (1) The Chief Police Officer in any State may from time to time at his discretion by order published in the *Gazette* require every person resident in such State who is authorised under any licence, permit or other written authority issued under any written law for the time being in force in such State to carry, possess or have in his custody or under his control any arms or ammunition or any arm or ammunition of any such class or kind as may be specified in the said order, to forward to such Chief Police Officer within such time as may be specified in the said order, a return under his hand, setting forth such particulars as may be specified in the said order of all arms and ammunition, or of all arms and ammunition of such specified class or kind, which are in his possession or in his custody or under his control.

Returns of arms and ammunition and production of arms and ammunition, etc., to police.

(2) Any gazetted police officer or any Officer in Charge of a Police District may, for reasons to be first recorded by him, authorise by name and in writing any police officer not below the rank of corporal to require any person, or the persons living in any locality within his jurisdiction, to produce his or their licence or licences granted under this Act and to produce or account for the arms and ammunition described therein.

(3) Any person who—

- (a) fails to forward any return required by any order made under sub-section (1) within the specified time; or
- (b) forwards any return required by any order made under sub-section (1) which contains any false statement or omission; or
- (c) fails to account satisfactorily to an officer authorised by or under sub-section (2) for any arms or ammunition described in any licence issued to him during the period for which such licence is in force or after its expiry, suspension or cancellation;

shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine.

(4) Any arms or ammunition produced to or discovered by a police officer in any State under this section may, if the Chief Police Officer, for reasons of public safety to be duly recorded by him, so directs, be detained by the police for any period not exceeding one month.

(5) Any power which a gazetted police officer or an Officer in Charge of a Police District is by this section empowered to authorise to be exercised by a police officer not below the rank of corporal may be exercised in person by a gazetted police officer or by an Officer in Charge of a Police District.

Entry on place where arms or ammunition are used.

29. Any police officer may enter and remain on any land or premises other than a dwelling-house at and for such time as may be reasonably necessary to enable him to ascertain whether a person carrying or using any arms or ammunition on such land or premises has a licence or permit in that behalf.

Penalty for use and possession of arms and imitation arms in certain cases.

30. (1) (a) If any person makes or attempts to make any use whatsoever of an arm or imitation arm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be liable to imprisonment for life or for a term not exceeding fourteen years.

(b) Where any person commits an offence under this sub-section in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this sub-section in addition to any penalty to which he may be sentenced for that other offence.

(2) If any person, at the time of his committing, or at the time of his apprehension for, any offence specified in the First Schedule has in his possession any arm or imitation arm, he shall, unless he shows that he had it in his possession for a lawful purpose, be liable to imprisonment for a term not exceeding ten years in addition to any penalty to which he may be sentenced for the offence specified in the said Schedule.

(3) If on the trial of any person for an offence under sub-section (1) the court is not satisfied that such person is guilty of that offence, but is satisfied that he is guilty of an offence under sub-section (2), the court may find him guilty of the offence under the said sub-section (2), and thereupon he shall be liable to be punished accordingly.

31. Any person who is drunk, or who behaves in a disorderly manner, while carrying an arm shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine.

Carrying a
firearm
while
drunk or
disorderly.

32. Any person lawfully authorised to be in possession of or to have in his custody or under his control any arm or ammunition shall, if the same or any part thereof be lost or stolen, be liable, unless he can prove that he took all reasonable precautions against such loss or theft, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine.

Loss of
firearms or
ammunition.

33. (1) Any person who shall import or have in his possession or custody an imitation arm shall be liable 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:

Possession
of and
importation
of imitation
arms.

Provided that it shall not constitute an offence under this section—

(a) for a person under the age of fourteen years to possess an imitation arm; or

(b) for any person to import or be in possession of an imitation arm under and in accordance with a licence, in such form as may be prescribed, issued by the Chief Police Officer of the State in which such person resides or, in the case of a person importing such arms in the ordinary course of business, in which he carries on business.

(2) No prosecution under this section shall be commenced without the consent of the Public Prosecutor.

(3) It shall be lawful for a Magistrate upon the request in writing of a Chief Police Officer to order that any imitation arm be destroyed by the police, whether any person has been or could be convicted of any offence against this section or not; and no compensation shall be payable in respect of any destruction under this sub-section.

34. (1) No person, other than a licensed arms dealer having the prior written consent of the Chief Police Officer of the State in which such dealer carries on business, shall shorten a barrel of any arm.

Provisions
as to
shortening
arms and
converting
imitation
arms.

(2) No person shall convert into an arm anything which, prior to such conversion, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) If any person contravenes any of the foregoing provisions of this section he shall for each offence be liable to imprisonment for a term not exceeding fourteen years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

(4) Any person who has in his possession an arm which has been shortened without the written consent referred to in sub-section (1), or an arm which had been converted, as aforesaid, shall be liable to the penalty provided in sub-section (3).

Where
licensee
under
disability.

35. (1) If a person licensed to deal in or to repair arms or ammunition or to import arms or ammunition dies or becomes insolvent or bankrupt or mentally disordered or otherwise subject to any disability, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as may be necessary to allow him to make application for a new licence.

(2) Such person shall be deemed to be the holder of such licence for all purposes under this Act, and to be liable in the same way as if he were the original holder thereof, until a new licence is granted or refused.

Deposit of
arms and
ammunition
at police
station.

36. (1) Any person whose possession of any arms or ammunition has become unlawful in consequence of the expiry, suspension or revocation of a licence or permit shall, without unnecessary delay, deposit the arms or ammunition at the nearest police station.

(2) Subject to the provisions of any regulations made under this Act, if the owner of any arms or ammunition deposited at any police station does not, within six months from the date of deposit, produce a licence authorising him to possess the same and apply for the delivery thereof, such arms or ammunition shall be forfeited.

(3) Every person licensed to possess arms or ammunition under this Act shall, upon leaving the Federation for any period exceeding three months, unless he exports such arms or ammunition on so leaving—

- (a) deposit the same with any person who holds a valid permit in respect of the same; or
- (b) transfer the same to some person authorised under section 11 to take delivery thereof; or
- (c) deposit the same for safe keeping at a police station.

37. A Chief Police Officer may, by notification in the *Gazette*, delegate—

Power of
Chief
Police
Officer to
delegate.

(a) to any gazetted police officer, either by name or office, the exercise of all the powers or the performance of all the duties vested in or conferred or imposed upon the said Chief Police Officer by this Act, or of such of the powers or duties as aforesaid as he may specify in such notification;

(b) to any superior police officer, either by name or office, the exercise of all the powers or the performance of all the duties vested in or conferred or imposed upon the said Chief Police Officer and relating to the renewal of an arms licence or arms permit under this Act.

38. In case of a conviction involving a fine under any section of this Act or under any regulations made thereunder it shall be lawful for the court inflicting such fine to direct, on the application of the prosecution, that any part not exceeding one-half thereof shall be paid to any person who has given such information to the police as has led to the conviction of the offender or offenders, or to be divided, in such proportions as the court may order, among any persons who have given such information.

Rewards to
informers.

39. (1) All arms and ammunition in respect of which there has been any offence against the provisions of this Act or of any regulation made thereunder, or of any restriction or condition subject to or upon which any licence or permit has been granted, shall be seized by any police officer or proper officer of customs and, together with the receptacles containing the same, shall be liable to forfeiture by order of a President of a Sessions Court or a Magistrate:

Forfeitures.

Provided that a President of a Sessions Court or a Magistrate may order such arms and ammunition or such receptacles to be released and to be delivered to such person as shall be named in such order, whether or not any person has been convicted of such offence.

(2) All arms and ammunition which may be found without an apparent owner shall be seized by any police officer and if, after such notice as a Magistrate may direct, no owner appears, the same may by order of a Magistrate be forfeited.

40. Whoever abets the commission of any offence punishable under this Act or any regulations made thereunder, or attempts to commit any such offence and in such attempt

Abetment
and attempt.

does any act towards the commission of the same, shall be liable to the same penalty as if he had committed the offence.

Offences by
bodies of
persons,
servants and
agents.

41. (1) Where an offence against this Act or any regulation made thereunder has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Where any person would be liable under this Act to any punishment, penalty or forfeiture for any act, omission, neglect or default he shall be liable to the same punishment, penalty or forfeiture for every such act, omission, neglect or default of any clerk, servant or agent, or of the clerk or servant of such agent, provided that such act, omission, neglect or default was committed by such clerk or servant in the course of his employment, or by such agent when acting on behalf of such person, or by the clerk or servant of such agent when acting in the course of his employment in such circumstances that had such act, omission, neglect or default been committed by the agent his principal would have been liable under this section.

Search of
trains,
vessels,
aircraft
and vehicles.

42. (1) If—

- (a) any train, vessel or aircraft in any port or place in the Federation is suspected of having on board any article the importation or exportation of which is absolutely prohibited by a notification under section 22 and which is not exempted by this Act or by any special permit thereunder, or any such article is suspected to be in or on any vehicle in any such place; or
- (b) any train, vessel or aircraft about to leave any port or place in the Federation bound for any particular country, territory or place is suspected of having on board any article the exportation of which to such country, territory or place is so prohibited and which is not exempted as aforesaid or any such article is suspected to be in or on any vehicle about to leave any such place,

the Officer in Charge of the Police District in which the said port or place is situate may issue a search warrant directed to any boarding officer or boarding officers or any police officer not below the rank of sergeant in such warrant named or referred to.

(2) In the execution of such warrant any person to whom such warrant is directed may with or without assistance—

- (a) detain and board any train, vessel or aircraft in such warrant named or described;
- (b) forcibly enter every part of such train, vessel or aircraft; and
- (c) arrest any person reasonably suspected of being guilty of an offence against this Act.

(3) If upon any search made under this section—

- (a) any article the importation or exportation of which is absolutely prohibited by any notification under section 22 and which is not exempted by this Act or by any special permit thereunder is found on board any train, vessel or aircraft or in or on any vehicle; or
- (b) any article the exportation of which to any particular country, territory or place is so prohibited and which is not exempted as aforesaid is found on board any train, vessel or aircraft or in or on any vehicle about to leave any port or place for such country, territory or place,

it shall be presumed, unless and until the contrary be proved, that such article was attempted to be imported or exported, as the case may be, contrary to the provisions of this Act, and such train, vessel, aircraft or vehicle may be detained for the purpose of removing any such article, and the same may be removed therefrom.

43. (1) If any person is found carrying or conveying any arms or ammunition in such a manner or under such circumstances as to afford reasonable grounds for suspicion that the same may be used for any unlawful purpose dangerous to the public peace, any person may, without warrant, apprehend such person so found and detain him in custody.

Persons conveying arms or ammunition may be apprehended without warrant.

(2) If any person be apprehended by a person not being a police officer, he shall be forthwith taken to the nearest or other police station or handed over to a police officer.

44. Any police officer may arrest without warrant any person found committing or attempting to commit or employing, aiding or assisting any person to commit an

Arrest by police without warrant.

offence punishable under section 3, or against sub-section (2) of section 8, sub-section (1) of section 10, sub-section (2) of section 12, sub-section (1) of section 14 or sub-section (1) of section 15, section 21, sub-section (1) of section 23, sub-section (2) of section 25, paragraph (a) of sub-section (1) of section 30, section 31, sub-section (1) of section 33 or sub-section (4) of section 34.

Persons arrested to be taken to police station.

45. Every person arrested by virtue of any power given by this Act shall, together with any article as to which any offence may have been committed or attempted to be committed, be taken to a police station and conveyed, as soon as conveniently may be, before a Sessions Court or the Court of a Magistrate to be dealt with according to law.

Power to stop and search for arms, etc., in the street.

46. (1) It shall be lawful for any police officer to stop and to search for arms, ammunition or imitation arms any person whom he may find in any street or other public place at any hour of the day or night who acts in a suspicious manner or whom he may suspect of having any arms, ammunition or imitation arms in his possession.

(2) No woman shall be searched under this section except by a woman.

Presumption.

47. (1) Every person who is proved to have had in his possession or under his control anything whatever containing any arms, ammunition or imitation arms shall, until the contrary is proved, be deemed to have been in possession of such arms, ammunition or imitation arms.

(2) Every occupier of any house or premises in which any arms, ammunition or imitation arms are found shall for the purposes of this Act be deemed, until the contrary is proved, to have been in possession of such arms, ammunition or imitation arms.

Fees.

48. The fees specified in the Second Schedule shall, until rescinded or altered under section 50, be charged in respect of the various matters and things enumerated in the said Schedule:

Provided that a Chief Police Officer may exempt any person from the payment of any fee payable under this Act.

General penalty.

49. Any person who contravenes or fails to comply with any provision of this Act or any regulation made thereunder, and for which no special penalty is provided, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine.

50. The Minister may from time to time make regulations Regulations.
for any of the following purposes, that is to say—

- (a) to rescind, alter or add to any of the fees or forms prescribed by or under this Act;
- (b) to regulate the importation, exportation, landing, transshipping, manufacture, sale, and purchase of arms, ammunition and imitation arms;
- (c) to provide for the marking of arms and ammunition for the possession of which a licence is issued;
- (d) to regulate the manner in which applications for licences or permits shall be made and to provide for the taking and recording of photographs and finger and thumb prints of applicants for licences or permits;
- (e) to regulate the conditions and restrictions on and subject to which licences and permits shall be granted and the grant of licences and permits generally (including the making of deposits or giving of security as a condition precedent for the grant thereof) and the grounds on which they may be suspended or cancelled and the fees payable therefor;
- (f) to provide for the furnishing of information in respect of arms and ammunition by persons in possession thereof;
- (g) to direct by whom and in what manner fees payable under this Act are to be collected and accounted for;
- (h) to regulate the disposition, destruction or sale of articles forfeited under this Act or detained under section 25 or 28 or deposited under sub-sections (2) and (3) of section 36;
- (i) generally to give effect to the provisions of this Act,

and may restrict the operation of any such regulations to particular States, districts or areas.

51. The Minister may from time to time by notification Power to exempt.
in the *Gazette* and either absolutely or subject to such conditions as he may think fit, exempt any arms and ammunition or classes of arms and ammunition or persons or class or description of persons within the Federation or any part of the Federation from the operation of all or any of the provisions of this Act, and may in like manner vary or rescind any exemption so notified.

Repeal and
saving.

52. (1) The Enactments and Ordinances set out in the first and second columns of the Third Schedule are hereby repealed to the extent specified in the third column of the said Schedule.

(2) Notwithstanding the repeal of the said Enactments and Ordinances the following provisions shall have effect :

F.M.S.
Cap. 199.

(a) any rule or regulation made under the Arms Enactment of the Federated Malay States, and in force immediately before the commencement of this Act shall, so far as it is not inconsistent with this Act, be deemed to have been made under the corresponding provisions of this Act, and shall continue in force until it has been revoked, amended or replaced by regulations made under this Act, and shall apply and have effect throughout the Federation;

(b) any licence, permit or authority granted or issued under any of the said Enactments or Ordinances shall, so far as it could have been validly granted or issued under this Act, continue in force until superseded, revoked or otherwise terminated and shall have effect as if granted or issued under this Act :

Provided that any such licence, permit or authority which is expressed to remain in force for a definite period shall not remain in force after the expiration of that period unless it shall be renewed in accordance with this Act.

FIRST SCHEDULE
[Section 30 (2)]

F.M.S.
Cap. 43
32 of 1948.

(a) Offences under the following sections of the Penal Code of the Federated Malay States as extended throughout the Federation by the Penal Code (Amendment and Extended Application) Ordinance, 1948 :

143, 144, 145, 147, 148, 151, 152, 153, 157, 158, 224, 225, 323, 324, 325, 326, 327, 329, 330, 332, 333, 352, 353, 356, 357, 363, 364, 365, 366, 367, 376, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 399, 400, 401, 402, 430A, 431, 431A, 435, 436, 438, 440, 448, 449, 450, 451, 452, 453, 454, 456, 457, 458, 459, 460, 506, 511.

3 of 1955.

(b) Offences under paragraphs (i), (j), (k) and (l) of section 28 of the Minor Offences Ordinance, 1955.

SECOND SCHEDULE
(Section 48)

FEES

	\$	c.
1. Licence to possess arms and ammunition—		
(a) for each air-gun or air-pistol	5	00
(b) for any other arm	10	00
2. Arms and ammunition permit—		
(a) for each air-gun or air-pistol	5	00
(b) for any other arm	10	00
3. Arms and ammunition licence for any number of arms, the property of a theatrical or circus company, which arms and ammunition are to be <i>bona fide</i> used in the performances to be given by such company	10	00
4. Licence to purchase or obtain or transfer arms and ammunition	2	00
5. Licence to import arms and ammunition	1	00
6. Licence to import imitation arms	1	00
7. Licence to export arms and ammunition	1	00
8. Licence to deal in arms and ammunition, per annum ...	200	00
9. Licence to repair arms and ammunition, per annum ...	50	00
10. Licence to manufacture arms, per annum	200	00
11. The foregoing items are subject to the following provisions—		
(a) the fee to be charged for an arms and ammunition licence for a smooth bore-shot gun for the protection of agricultural produce by a cultivator on his own land or for a permit to carry the same shall be, for each arm, \$2;		
(b) the fee to be charged for any annual licence which is issued between the 1st of January and the 30th of June of the same year shall be one-half of the annual fee.		

THIRD SCHEDULE
(Section 52)

REPEAL

No.	Title	Extent of Repeal
F.M.S. Cap. 199 ...	The Arms Enactment ...	The whole
Johore Enactment No. 64	The Arms Enactment ...	The whole
Kedah Enactment No. 6 of 1342	Enactment No. 7 (Arms)	The whole
Kelantan Enactment No. 4 of 1938	The Arms and Explosives Enactment, 1938	The whole in so far as it relates to arms (as therein defined)
Perlis Enactment No. 14 of 1336	The Firearms Enactment, 1336	The whole
Trengganu Enactment No. 46 of 1356	The Arms Enactment, 1356	The whole
S.S. Cap. 196	The Arms and Explosives Ordinance	The whole in so far as it relates to arms (as therein defined)
No. 28 of 1946	The Firearms and Ammunition (Unlawful Possession) Ordinance, 1946	The whole
No. 42 of 1947	The Carrying of Arms Ordinance, 1947	The whole

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SCHEDULES

MALAYSIA

FEDERATION OF MALAYA

Act of Parliament

No. 22 OF 1960

POLICE (AMENDMENT) ACT, 1960

PARLIAMEN



I assent

.....
Yang di-Pertuan Agong

..27....July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 22 OF 1960

POLICE (AMENDMENT) ACT, 1960

An Act to amend the Police Ordinance, 1952.

[]

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 Police (Amendment) Act, 1960. Short title.

2. Section 2 of the Police Ordinance, 1952 (hereinafter in this Act called "the principal Ordinance") is hereby amended by inserting immediately after the definition of "arms" appearing therein the following new definition: Amendment of section 2. 14 of 1952.

"auxiliary police officer" means any person appointed to serve in the Auxiliary Police under Part VIIIA of this Ordinance;"

3. Part VI of the principal Ordinance is hereby amended by inserting therein, immediately after section 40 thereof, the following new section: New section 40A.

*Curfew. 40A. (1) A Chief Police Officer may, if he considers it necessary in the interest of public security, by order require every person within such area of the State as may be prescribed in the order to remain within doors between such hours as may be specified therein, unless such person is in possession of a written permit in that behalf issued by—

- (a) a Chief Police Officer;
- (b) a police officer not below the rank of Sub-Inspector; or
- (c) any public officer authorised in writing in that behalf by such Chief Police Officer.

(2) A Chief Police Officer making an order under sub-section (1) of this section shall cause notice thereof to be given in such manner as he may consider sufficient to bring it to the notice of all persons liable to be affected thereby.

(3) No order under this section shall remain in force for more than twenty-four hours from the making thereof:

Provided that the Minister may on or before the expiration of any such order direct that the order shall continue in force for such further period not exceeding fourteen days as he may specify and, upon the making of any such direction the order shall continue in force for such further period.

(4) Any order or direction under this section shall come into force on the day on which it is made, and shall then continue in force according to the provisions of this section.”.

New Part VIII.A. 4. The following new Part is inserted in the principal Ordinance immediately after Part VIII thereof :

“PART VIII A

AUXILIARY POLICE

**Appoint-
ment of
auxiliary
police
officers.**

69A. (1) The Chief Police Officer of any State, or any police officer authorised by him in that behalf, may, with or without written engagement, appoint or promote any person to serve in the Auxiliary Police as a subordinate auxiliary police officer with the honorary rank of sub-inspector, sergeant-major, sergeant or corporal or as an auxiliary police constable, and may prescribe the area in which he shall serve.

(2) The Commissioner of Police, with the concurrence of the Minister, may on behalf of the Yang di-Pertuan Agong, appoint or promote any person to serve in the Auxiliary Police as a gazetted auxiliary police officer with the honorary rank of superintendent, deputy superintendent or assistant superintendent, or as a superior auxiliary police officer with the honorary rank of inspector, and may prescribe the area in which he shall serve.

**Regula-
tions.**

69B. (1) Police Regulations may provide for all or any of the following matters—

- (a) the appointment of and the oath or declaration to be taken by auxiliary police officers;
- (b) the terms of engagement, powers and privileges of auxiliary police officers;
- (c) the uniforms and equipment of, the arms to be carried by and the training and discipline of auxiliary police officers;
- (d) the duties, responsibilities and powers of auxiliary police officers;
- (e) any other matter necessary or expedient for carrying out the purposes of this Part.

(2) Rules may provide for the pensions, allowances and gratuities which shall be payable to auxiliary police officers injured in the discharge of their duties under this Ordinance, or to the personal representative, widow or children of an auxiliary police officer who dies as a result of injuries received in the discharge of his duties under this Ordinance.

(3) The provisions of section 73 of this Ordinance shall apply to pensions, allowances and gratuities payable to auxiliary police officers.”.



FEDERATION OF MALAYA

Act of Parliament

No. 23 OF 1960

VISITING FORCES ACT, 1960

PARLIMEN



I assent

MALAYSIA

.....
Yang di-Pertuan Agong

...27...July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 23 OF 1960

VISITING FORCES ACT, 1960

An Act to amend and consolidate the law with respect to naval, military and air forces of certain other countries visiting the Federation, and to provide for the apprehension and disposal of deserters or absentees without leave in the Federation from the forces of such countries, and for purposes connected with the matters aforesaid.

[]

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 :

PART I

PRELIMINARY

1. This Act may be cited as the Visiting Forces Act, 1960. Short title.
2. (1) In this Act, unless the context otherwise requires— Inter-pretation.
 - “authorised service organisation” means a body organised for the benefit of or to serve the welfare of a force or civilian component or dependant;
 - “civilian component” means the civilian personnel accompanying a force, who are employed in the service of a force or by an authorised service organisation accompanying a force, and who are not stateless persons nor citizens of, nor ordinarily resident in the Federation;
 - “the court” includes a Service court;
 - “court of the Federation” means any court in the Federation other than a Service court;
 - “Federation forces” means any of the armed forces of the Federation for the time being serving in the Federation, and includes any police force, and other body which by virtue of any law of the Federation is or is deemed to form part of the armed forces of the Federation;
 - “dependant” in relation to a member of a force or civilian component means a person who is not ordinarily resident in the Federation and who is—
 - (a) the wife or husband of any such member; or
 - (b) wholly or mainly maintained or employed by any such member; or
 - (c) is in the custody, charge or care, or who forms part of the family of any such member;

“Federation authorities” means the authority or authorities from time to time authorised or designated by the Government of the Federation for the purpose of exercising the powers in relation to which the expression is used;

“forces”, in relation to a country, means any of the naval, military or air forces of that country;

“law of the Federation” means any written law for the time being in force in the Federation or any part thereof, and includes the Federal Constitution;

“member” in relation to a visiting force, means a member of the force of a sending country, being one of the members thereof for the time being appointed to serve with such visiting force, and includes any person in the Federation for the time being voluntarily enlisted in such force;

“Minister” means the Minister for the time being charged with responsibility for defence;

“sending country”, in relation to a visiting force, means the country of whose forces the visiting force forms part;

“Service authorities” means the authorities of a force who are empowered by the law of the country of whose forces the visiting force forms part to exercise command or jurisdiction over members of a force;

“Service court” means a court established under service law and includes any authority of a country who under the law thereof is empowered to review the proceedings of such a court or to try or investigate charges brought against persons subject to the service law of that country; and references to trial by, or to sentences passed by, Service courts of a country shall be construed respectively as including references to trial by, and to punishment imposed by, such an authority in the exercise of such power;

“service law”, in relation to a country, means the law governing all or any of the forces of that country;

“visiting force” for the purposes of any provision of this Act means any body, contingent or detachment of the forces of a country to which that provision applies, being a body, contingent or detachment for the time being lawfully present in the Federation pursuant to any treaty, agreement or arrangement to which the Government of the Federation is a party.

(2) For the purposes of this Act a member of a force of any country which (by whatever name called) is in the nature of a reserve or auxiliary force shall be deemed to

be a member of that country's forces so long as, but only so long as, he is called into actual service (by whatever expression described) or is called out for training; and any reference in this Act to a person's becoming a member of a country's forces shall be construed accordingly.

(3) References in any provision of this Act to the appropriate authority of a country are references to such authority as may be appointed by the Government of that country for the purposes of that provision.

(4) References in this Act to the presence of any forces in the Federation at any time shall be construed as including references to their being at that time in transit to the Federation.

(5) In determining for the purposes of any provision of this Act whether a person is or was at any time ordinarily resident in the Federation, no account shall be taken of any period during which he has been or intends to be present in the Federation while being a member of a visiting force or of a civilian component of such a force, or while being a dependant of a member of a visiting force or of such a civilian component.

3. (1) References in this Act to a country to which a provision of this Act applies are references to any country designated for the purpose of that provision by order of the Yang di-Pertuan Agong under sub-section (2).

Countries
to which
this Act
applies.

(2) Where it appears to the Yang di-Pertuan Agong that it is expedient that all or any of the provisions of this Act should have effect in relation to any country, he may by order designate that country for the purposes of such provisions.

(3) The Yang di-Pertuan Agong may by order provide that insofar as this Act has effect in relation to any country designated under sub-section (2), it shall have effect subject to such limitations, adaptations or modifications (including the limitation, adaptation or modification of any definition herein) as may be specified in such order.

4. (1) In Part II references to a member of a civilian component of a visiting force are references to a person for the time being fulfilling the following conditions, that is to say—

Definition
of member-
ship of
civilian
component
of visiting
force.

(a) that he holds a passport issued in respect of him by a Government, not being a passport issued by the passport authorities of the Federation;

(b) that the passport contains an uncanceled entry made by or on behalf of the appropriate authority of the sending country stating that he is a member of a civilian component of a visiting force of that country; and

(c) that the passport contains a note of recognition of that entry by or on behalf of the Minister for the time being charged with responsibility for immigration which has not been cancelled and as respects which no notification in writing has been given by or on behalf of (such) Minister to the appropriate authority of the sending country stating that the recognition is withdrawn.

(2) The reference in paragraph (c) of sub-section (1) to a note of recognition of an entry in a passport is a reference to any mark or indication made in the passport by or on behalf of the Minister for the time being charged with responsibility for immigration signifying that the entry has been noted and approved.

(3) In this section the expression "passport" includes any document which, in accordance with the law for the time being in force in the Federation, would be treated as the equivalent of a passport in the case of a person entering the Federation, being a national of the country by whose Government the document is issued.

Definition
of relevant
association.

5. In Part II references to a person's having at any time a relevant association with a visiting force are references to his being at that time a person of one or other of the following descriptions:

(a) a member of that visiting force or a member of a civilian component of that force;

(b) a person (not being a citizen of the Federation or ordinarily resident in the Federation) being a dependant of a member of that visiting force or of a civilian component of that force.

PART II

VISITING FORCES

Exercise of
powers by
Service
courts and
authori-
ties of
countries
sending
visiting
forces.

6. (1) The Service courts and Service authorities of a country to which this section applies may within the Federation, or on board any ships or aircraft belonging to any Government in the Federation, exercise over persons subject to their jurisdiction in accordance with this section all such powers as are exercisable by them according to the law of that country.

(2) The persons subject to the jurisdiction of the Service courts and Service authorities of a country in accordance with this section are the following, that is to say—

- (a) members of any visiting force of that country;
- (b) all persons, not being citizens of the Federation, seconded or temporarily attached to or serving with the armed forces of the Federation in accordance with any treaty, arrangement or agreement to which the Government of the Federation is a party, and who by their terms and conditions of service are subject to the jurisdiction of such courts and authorities; and
- (c) all other persons who, being neither citizens of the Federation nor ordinarily resident in the Federation, are for the time being subject to the service law of that country otherwise than as members of that country's forces :

Provided that for the purposes of this sub-section a person shall not be treated as a member of a visiting force of a country if he became (or last became) a member of that country's forces at a time when he was in the Federation, unless it is shown that he then became a member of those forces with his consent.

(3) Where any sentence has, whether within or outside the Federation, been passed by a Service court of a country to which this section applies upon a person who immediately before the sentence was passed was subject to the jurisdiction of that court in accordance with this section, then for the purposes of any proceedings in a court of the Federation the said Service court shall be deemed to have been properly constituted, and the sentence shall be deemed to be within the jurisdiction of that court and in accordance with the law of that country, and if executed according to the tenor of the sentence shall be deemed to have been lawfully executed.

(4) Notwithstanding anything in the foregoing provisions of this section, a sentence of death passed by a Service court of a country to which this section applies shall not be carried out in the Federation unless under the law of the Federation a sentence of death could have been passed in a similar case.

(5) Any person who—

- (a) is detained in custody in pursuance of a sentence as respects which sub-section (3) has effect; or

(b) being subject in accordance with this section to the jurisdiction of the Service courts of a country to which this section applies, is detained in custody pending or during the trial by such a court of a charge brought against him,

shall for the purposes of any proceedings in any court of the Federation be deemed to be in lawful custody.

(6) For the purpose of enabling the Service courts and Service authorities of a country to which this section applies to exercise more effectively the powers referred to in sub-section (1), the Minister may, if so requested by the appropriate authority of that country, from time to time by general or special orders direct members of Federation forces to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country, and to hand him over to such Service authority of that country as may be designated by or under such orders.

Restriction as respects certain offences, of trial of offenders connected with visiting force.

7. (1) No prosecution for an offence alleged to have been committed by a member of a visiting force shall be instituted in any court of the Federation unless—

(a) the Public Prosecutor certifies—

(i) that the offence is one in relation to which the Federation authorities have the right to exercise exclusive jurisdiction or the primary right to exercise jurisdiction under any treaty, agreement or arrangement to which the Government of the Federation is a party; and

(ii) that such authorities have not waived their right of jurisdiction in respect of that offence; or

(b) the Public Prosecutor certifies that, although the offence is one in respect of which the Service authorities of the visiting force have the primary right to exercise jurisdiction under such a treaty, agreement or arrangement, that right has been waived in respect of the offence by such authorities or by the Government of the country to which such visiting force belongs.

(2) Where a person has been tried by a Service court of a country under the powers referred to in sub-section (1) of section 6 duly exercised in accordance with the provisions of any treaty, agreement or arrangement between the Federation and such country, he shall not be tried for the same offence by any court of the Federation.

(3) The Yang di-Pertuan Agong may by order direct that the provisions of sub-section (1) shall apply in like manner as they apply to members of a visiting force to such other persons or class of persons having a relevant association with a visiting force as he may by such order specify.

(4) Subject to the provisions of section 9, a person charged with an offence may, notwithstanding the provisions of this section, be arrested or a warrant for his arrest may be issued or executed, and any such person may be remanded in custody or on bail notwithstanding that the Public Prosecutor has not given a certificate under the provisions of sub-section (1), but the case shall not be further prosecuted until such a certificate has been given.

8. Where a person who has been convicted by a Service court under the powers referred to in sub-section (1) of section 6 is convicted by a court of the Federation, and it appears to that court that the conviction by the Service court was wholly or partly in respect of acts or omissions in respect of which he is convicted by the court of the Federation, that court shall have regard to the sentence of the Service court.

Federation courts to have regard to sentences of Service courts.

9. (1) Neither section 7 nor section 8 shall affect—

(a) any powers of arrest, search, entry, seizure or custody exercisable under any law of the Federation with respect to offences committed or believed to have been committed against that law; or

(b) any obligation of any person in respect of a bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or

(c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

Arrest, custody, etc., of offenders against Federation law.

(2) Where a person to whom this section applies is taken into custody by a police officer for any offence referred to in sub-section (1), and is not released, and—

(a) it is apparent that he has a relevant association with a visiting force of a country to which this section applies, then he shall as soon as practicable thereafter, be delivered or remanded into the custody of a Service authority of that country;

(b) it is not apparent but there are reasonable grounds for believing that in accordance with section 6 he is subject to the jurisdiction of the Service

courts of a country to which this section applies, then with a view to its being determined whether he is to be dealt with for that offence under the law of the Federation or by the Service courts of that country, as the case may be, he may be detained in custody for a period not exceeding twenty-four hours: but if within that period he is not delivered into the custody of a Service authority of that country he shall be released on bail or brought before a Magistrate.

(3) Where a prosecution for an offence alleged to have been committed by a person to whom this section applies is instituted pursuant to sub-section (1) of section 7 in any court of the Federation, such person shall be delivered or remanded into the custody of a Service authority of that country until he is brought to trial by the Federation authorities.

(4) A person detained in custody in accordance with the foregoing provisions of this section shall be deemed to be in lawful custody for all purposes.

(5) This section applies to—

- (a) members of a visiting force; and
- (b) any other persons who have a relevant association with a visiting force.

Restriction on proceedings in respect of service of members, etc., of visiting force.

10. No proceedings shall be entertained by any court of the Federation with regard to the pay of any person in respect of service as a member of a visiting force or as a member of a civilian component of such a force, with regard to the terms of such service or with regard to a person's discharge from such service.

Provisions as to Magistrates' or Coroners' inquests and as to removal of bodies of deceased persons.

11. (1) If any Magistrate or Coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with a visiting force, then unless the Minister otherwise directs the Magistrate or Coroner shall not hold the inquest or, if the inquest has been begun but not completed, shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury.

(2) Subject to sub-section (1), if on an inquest touching a death the Magistrate or Coroner is satisfied—

- (a) that a person who in accordance with section 6 is subject to the jurisdiction of the Service courts of a country to which this section applies has been charged before a court of that country with causing the death of the deceased person, whether or not that charge has been dealt with; or

(b) that such a person is being detained by an authority of that country with a view to being so charged, then unless the Minister otherwise directs the Magistrate or Coroner shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury, and shall furnish the registrar of deaths with a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquest.

(3) Where an inquest is adjourned under this section the Magistrate or Coroner shall not resume it except on the direction of the Minister and, if he does resume it, shall proceed in all respects as if the inquest had not previously been begun, except that it shall not be obligatory on the Magistrate or Coroner to view the body or to furnish the registrar of deaths with any certificate or further certificate, as the case may be.

(4) Any law in force in the Federation restricting the removal out of the Federation of the body of a deceased person shall not apply to the body of a person who at the time of his death had a relevant association with a visiting force:

Provided that this sub-section shall not apply as respects the body of a person concerning whose death, by virtue of a direction of the Minister under sub-section (1) or (3), an inquest is required to be held or, if begun, is required to be resumed.

(5) Notwithstanding anything in any law of the Federation relating to certificates to be given to persons giving information concerning deaths, a certificate shall not be given under such law to the person giving information concerning a death if that person states that the body is one as respects which sub-section (4) has effect and that it is proposed to remove the body out of the Federation.

12. (1) Where under any written law a power is exercisable by any authority or person—

(a) as respects any of the Federation forces or their members or Service courts or other persons in any way connected therewith; or

(b) as respects any property used or to be used for the purposes of any of the Federation forces, or for taking possession of any property to be so used, or for acquiring (whether by agreement or compulsorily) any property so used or to be so used,

the Yang di-Pertuan Agong may by order make provision for securing that subject to any conditions specified by or

Application
to visiting
forces of
law relating
to Federa-
tion forces.

under the order the power shall be exercisable by that authority or person in the case of any visiting force to which the order applies to any extent to which it would be exercisable if the visiting force were a part of any of the Federation forces.

(2) The Yang di-Pertuan Agong may by order made as respects any visiting force for the purpose of implementing any treaty, agreement or arrangement between the Federation and the country to which such force belongs—

- (a) exempt that force or members or Service courts or other persons (including any authorised Service organisation) in any way connected therewith or property used or to be used for the purposes thereof from the operation of any written law specified in the order;
- (b) confer on that force or any such members, courts, persons or property as aforesaid any other power, privilege or immunity which would be enjoyed or would be capable of being conferred on the force, members, courts, persons or property if the force were part of any of the Federation forces.

(3) Where by any written law the doing of anything is prohibited, restricted or required in relation to—

- (a) any of the Federation forces or their members or Service courts or other persons in any way connected therewith;
- (b) any property used or to be used for the purposes of any of the Federation forces,

the Yang di-Pertuan Agong may by order make provision for securing that the prohibition, restriction or requirement shall have effect in the case of any visiting force to which the order applies to any extent to which it so would have effect if the visiting force were a part of any of the Federation forces.

(4) An order under this section—

- (a) may contain such incidental, consequential and supplementary provisions as appear to the Yang di-Pertuan Agong expedient for the purposes of the order, including provisions for applying, modifying, adapting or suspending any written law;
- (b) may make financial provision in respect of the exercise of any power, or the discharge of any duty, conferred or imposed by the order.

(5) In this section “property” includes both movable and immovable property.

(6) Sub-sections (1) and (3) apply whether the power in question is exercisable, or the prohibition, restriction or requirement in question is imposed, by provision expressly relating to the Federation forces or by more general provision.

13. (1) The Minister may make arrangements whereby claims in respect of acts or omissions of members of visiting forces, or of other persons or organisations connected therewith to whom the arrangements relate, being acts or omissions of any description to which the arrangements relate, will be satisfied by payments made by the Minister of such amounts as may be adjudged by any court of the Federation or as may be agreed between the claimant and the Minister or such other authority as may be provided by the arrangements; and any expenses of the Minister incurred in satisfying claims in pursuance of any such arrangements or otherwise in connection with the arrangements shall be defrayed out of moneys provided by Parliament.

Settlement
of claims
against
visiting
forces.

(2) The Minister shall take such steps as may be requisite for securing that persons concerned with any arrangements made by him under this section shall be informed of the nature and operation of the arrangements.

14. (1) For the purposes of this Part a certificate issued by or on behalf of the appropriate authority of a country, stating that at a time specified in the certificate a person so specified either was or was not a member of a visiting force of that country, shall in any proceedings in any court in the Federation be sufficient evidence of the fact so stated unless the contrary is proved.

Evidence for
purposes of
Part II.

(2) For the purposes of this Part a certificate issued by or on behalf of the appropriate authority of a country, stating, as respects a person specified in the certificate—

- (a) that on a date so specified he was sentenced by a Service court of that country to such punishment as is specified in the certificate; or
- (b) that he is, or was at a time so specified, detained in custody in pursuance of a sentence passed upon him by a Service court of that country or pending or during the trial by such a court of a charge brought against him; or
- (c) that he has been tried, at a time and place specified in the certificate, by a Service court of that country for a crime so specified,

shall in any proceedings in any court of the Federation be conclusive evidence of the facts so stated.

(3) For the purposes of section 4 the following provisions shall have effect in any proceedings in any court of the Federation, that is to say—

- (a) a document purporting to be a passport issued by or on behalf of a Government and to be so issued in respect of a person bearing the name in which a person is referred to in the proceedings (whether as a party thereto or otherwise) shall, unless the contrary is proved, be deemed to have been issued by that Government and to relate to the person so referred to;
- (b) an entry in a passport containing such a statement as is mentioned in paragraph (b) of sub-section (1) of section 4 and purporting to be made by or on behalf of the appropriate authority of the sending country shall, unless the contrary is proved, be deemed to have been so made; and
- (c) a mark or indication in a passport purporting to be made by or on behalf of the Minister shall, unless the contrary is proved be deemed to have been so made.

(4) For the purposes of this Part, the production of an uncancelled entry made by or on behalf of the appropriate authority of the sending country in a document purporting to be a passport issued by a Government (other than the Federation) stating that the person mentioned therein (not being a citizen of the Federation or ordinarily resident therein) is a dependant of a member of a visiting force of that country or of a civilian component of that Force shall in any proceedings in any court of the Federation be sufficient evidence of the fact so stated unless the contrary is proved.

(5) Where a person is charged with an offence against the law of the Federation and at the time when the offence is alleged to have been committed he was a member of a visiting force or a member of a civilian component of such a force, a certificate issued by or on behalf of the appropriate authority of the sending country, stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force or component, as the case may be, shall in any such proceedings as aforesaid be sufficient evidence of that fact unless the contrary is proved.

(6) For the purposes of sub-section (1) of section 7 any certificate of the Public Prosecutor given thereunder shall in any proceedings be conclusive evidence of the facts stated therein.

PART III

DESERTERS AND ABSENTEES WITHOUT LEAVE

15. (1) Subject to the provisions of this section, sections 84 and 99 of the Malay Regiment Enactment (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the Malay Regiment) shall within the Federation apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the Malay Regiment.

Apprehension and disposal of deserters and absentees without leave.
F.M.S.
Cap. 42.

(2) The powers conferred by the said sections 84 and 99 as applied by sub-section (1) of this section shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.

(3) In sections 84 and 99 of the Malay Regiment Enactment as applied by sub-section (1) of this section—

(a) references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, at such place in the Federation as may be designated by the appropriate authority of that country; and

(b) references to the General Officer Commanding the Federation Army shall be construed as references to the appropriate authority of the country to which such person belongs.

(4) In this section references to the country to which a person belongs are references to the country from whose forces he is suspected of being or (where he has surrendered himself) appears from his confession to be a deserter or absentee without leave.

16. For the purposes of any proceedings under or arising out of any provision of the Malay Regiment Enactment as applied by the last foregoing section—

Evidence for purposes of section 15.

(a) a document purporting to be a certificate under the hand of the Minister, stating that a request has been made for the exercise of the powers mentioned in sub-section (2) of section 15, and indicating the effect of the request, shall be sufficient evidence, unless the contrary is proved, that the request has been made and of its effect; and

- (b) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any of the forces of a country to which this section applies, stating that a person named and described therein was at the date of the certificate a deserter, or absentee without leave, from those forces shall be sufficient evidence, unless the contrary is proved, of the facts appearing from the document to be so certified.

—
PART IV

ATTACHMENT OF PERSONNEL AND MUTUAL POWERS
OF COMMAND

Attachment
of personnel
and mutual
powers of
command.

17. (1) The Armed Forces Council—

- (a) may attach temporarily to a Federation force any member of the forces of any country to which this section applies who is placed at the disposal of the Government of the Federation for the purpose by the service authorities of that country;
- (b) subject to anything to the contrary in the conditions applicable to his service, may place any member of a Federation force at the disposal of the Service authorities of any country to which this section applies for the purpose of being attached temporarily by those authorities to a force of that country:

Provided nevertheless that the power conferred by paragraph (b) of this sub-section shall not be exercisable in relation to any person without his consent.

- (2) While a member of any force of a country to which this section applies is by virtue of this section attached temporarily to a Federation force he shall be treated and shall have the like powers of command and punishment over members of the Federation force to which he is attached and shall be subject in all respects to the law relating to discipline and administration of that force as if he were a member of the force of relative rank:

Provided that the Yang di-Pertuan Agong may by order direct in relation to members of a force of any such country specified in the order, that such law shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.

(3) When a Federation force and a force of a country to which this section applies (in this sub-section referred to as "the other force") are serving together whether alone or not—

- (a) any member of the other force shall be treated and shall have over members of the Federation force the like powers of command as if he were a member of the Federation force of relative rank; and
- (b) if the forces are acting in combination, any officer of the other force appointed by the Yang di-Pertuan Agong or in accordance with regulations made by or by authority of the Yang di-Pertuan Agong, to command the combined force, or any part thereof, shall be treated and shall have over members of the Federation force the like powers of command and punishment and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the Federation force of relative rank and holding the same command.

(4) For the purpose of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Yang di-Pertuan Agong and the relative rank of members of the Federation forces and of other forces shall be such as may be prescribed by regulations made by the Yang di-Pertuan Agong.

—
PART V

SUPPLEMENTARY PROVISIONS

18. (1) For the purposes of this Act—

- (a) a certificate issued by or on behalf of the appropriate authority of a country, stating that a body, contingent or detachment of the forces of that country is, or was at a time specified in the certificate, present in the Federation, shall in any proceedings in any court of the Federation be conclusive evidence of the fact so stated; and
- (b) where in any such proceedings it is admitted or proved (whether by means of a certificate under the foregoing paragraph or otherwise) that a body, contingent or detachment of the forces of a country is or was at any time present in the Federation, it shall be assumed in those proceedings, unless the contrary is shown, that the body,

Provisions
as to proof
of facts by
certificate.

contingent or detachment is or was at that time lawfully present in the Federation.

(2) Where in any certificate issued for the purposes of this Act reference is made to a person by name, and in any proceedings in a court of the Federation reference is made to a person by that name (whether as a party to the proceedings or otherwise), the references in the certificate and in the proceedings respectively shall, unless the contrary is proved, be deemed to be references to one and the same person.

(3) Any document purporting to be a certificate issued for the purposes of any provision of this Act, and to be signed by or on behalf of an authority specified therein, shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that authority; and where under the provision in question a certificate is required to be issued by or on behalf of the appropriate authority of a country, and the document purports to be signed by or on behalf of an authority of that country, that authority shall, unless the contrary is proved, be deemed to be the appropriate authority of that country for the purposes of that provision.

Repeal.

19. The Ordinances and Enactments specified in the Schedule are hereby repealed :

M.U.
7 of 1948.

Provided that (without prejudice to the provisions of section 13 of the Interpretation and General Clauses Ordinance, 1948) where immediately before the commencement of this section a person was imprisoned or detained in pursuance of any provision of those Ordinances and Enactments or of any order made thereunder, the said repeal shall not affect the operation of any such provision in relation to his continued imprisonment or detention.

SCHEDULE

(Section 19)

F.M.S. Enactment No. 19 of 1940	Visiting Forces Enactment, 1940
Johore Enactment No. 2 of 1941	Visiting Forces Enactment, 1941
Kedah Enactment No. 6 of 1360	Visiting Forces (British Commonwealth) Enactment, 1360
Trengganu Enactment No. 2 of 1360	Visiting Forces (British Commonwealth) Enactment, 1360
Perlis Enactment No. 3 of 1360	Visiting Forces (British Commonwealth) Enactment, 1360

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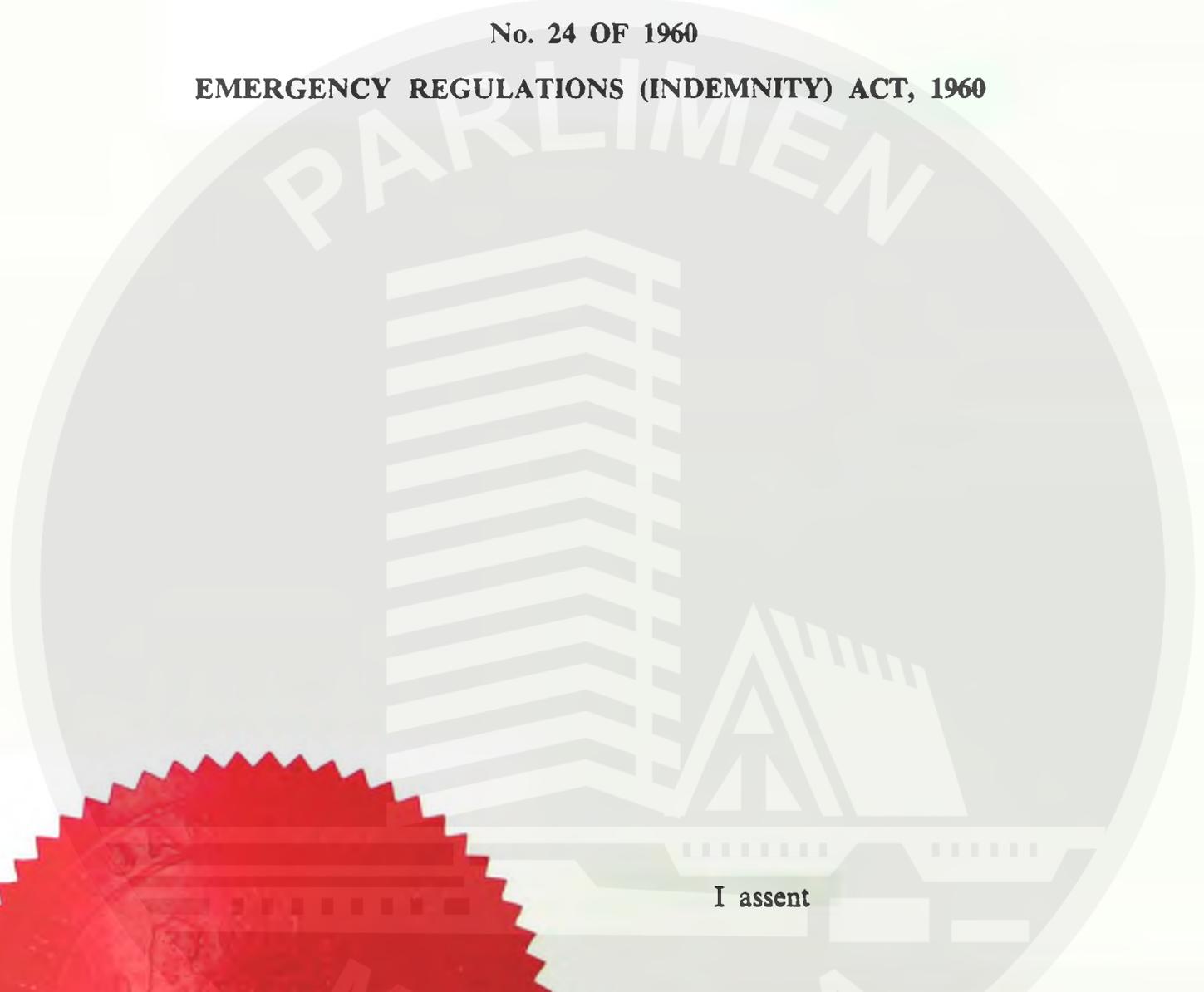
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FEDERATION OF MALAYA

Act of Parliament

No. 24 OF 1960

EMERGENCY REGULATIONS (INDEMNITY) ACT, 1960



I assent

.....
[Signature]
Yang di-Pertuan Agong

...27... July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 24 OF 1960

EMERGENCY REGULATIONS (INDEMNITY),
ACT, 1960

An Act to indemnify public officers and other persons in respect of acts done under the Emergency Regulations Ordinance, 1948, and to provide for certain other matters arising out of the cesser of such Ordinance pursuant to the provisions of Article 163 of the Constitution.

[]

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 Emergency Regulations (Indemnity) Act, 1960, and shall come into operation upon such date as the Minister may by notification in the *Gazette* appoint.

Short title
and com-
mencement.

2. In this Act—

“appointed day” means the date appointed by the Minister under section 1;

“emergency period” means the period beginning on the 12th day of July, 1948, and ending on the appointed day;

“Minister” means the Minister for the time being charged with responsibility for internal security;

“Ordinance” means the Emergency Regulations Ordinance, 1948;

Interpreta-
tion.

10 of 1948.

“public officer” includes any member of any visiting force or of any civilian component thereof for the time being lawfully present in the Federation pursuant to any treaty, agreement or arrangement to which the Government of the Federation is a party.

3. (1) No suit, prosecution or other legal proceeding shall lie in any court against any public officer either personally or in his official capacity for or on account of or in respect of any act ordered or done by him or purporting to have been ordered or done by him during the emergency period for the purpose of maintaining order or public security or of carrying into effect any regulation, order, direction or notice made or issued under the Ordinance; and no suit, prosecution or other legal proceeding shall lie in any court

Indemnity of
public
officers and
certain other
persons.

against any other person for or on account of or in respect of any act done or purporting to have been done by him under any regulation, order, direction, notice or instruction of any public officer given for any such purpose as aforesaid:

Provided that the act of such officer or person was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served thereby.

(2) Nothing in this section shall be construed to exempt any public officer from liability to be surcharged under section 18 or 32 of the Financial Procedure Ordinance, 1957.

62 of 1957.

Special provisions relating to section 3.

4. For the purposes of section 3—

(a) it shall be conclusive proof that an act was done under an order of a public officer for one of the purposes referred to in such section if the Attorney-General in the case of an officer employed in connection with the affairs of the Federal Government, or the State Legal Adviser in the case of an officer employed in connection with the affairs of a State Government, so certifies;

(b) an act shall be deemed to have been done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served thereby unless the contrary is proved.

Sanction necessary for institution of certain proceedings.

5. (1) Without prejudice to the operation of any other law for the time being in force requiring any sanction for the institution of legal proceedings, no suit, prosecution or other legal proceeding such as is referred to in section 3 shall be instituted in any court on an allegation that the act complained of was not done in good faith, or was not done in a reasonable belief that it was necessary for the purpose intended to be served thereby, except with the previous sanction in writing—

(a) where the act complained of was ordered or done by an officer or person employed in connection with the affairs of the Federal Government, of the Attorney-General; and

(b) where the act complained of was ordered or done by an officer or person employed in connection with the affairs of a State Government, of the State Legal Adviser.

(2) The issue of any sanction under this section shall be in the absolute discretion of the Attorney-General or the State Legal Adviser, as the case may be.

6. Subject to the provisions of any order made under section 10, the payment of any pension, award, gratuity or allowance payable under or pursuant to any of the regulations referred to in the Schedule shall continue upon the same terms and conditions as those in force immediately before the appointed day.

Continuance
of pensions,
awards, etc.

7. Any property which immediately before the appointed day was requisitioned under or in pursuance of any regulations made under the Ordinance shall remain so requisitioned upon the same terms and conditions as those then obtaining, until such date as the Minister may appoint.

Requisition-
ing of
property.

8. For the avoidance of doubt it is hereby declared that, notwithstanding anything contained in any written law, any sentence or order imposed in pursuance of any regulation made under the Ordinance shall be deemed at all times to have been a valid and lawful sentence or order.

Validity of
sentences
and orders.

9. (1) Notwithstanding anything to the contrary contained in any written law relating to workmen's compensation for the time being in force in the Federation or any part thereof, in any case in which the Government has made any payment to any person or to the dependants of any person in respect of any injury to that person or of his death resulting from any act of terrorism, and the said person or his dependants are eligible for any compensation in accordance with the provisions of the said written law in consequence of the same act of terrorism, then the amount of any such payment made by the Government shall be repaid to the Government by the person liable to pay such compensation, and shall be set off against and deducted from the amount of the said compensation:

Saving
relating to
workmen's
compensa-
tion.

Provided that no person shall be liable to repay to the Government an amount greater than the amount of any such compensation.

(2) For the purposes of this section—

(a) a certificate signed by the Minister of Finance or by any person or class of person authorised by him in writing in that behalf that payment has been made by Government to any person or the dependants of any person, specifying the amount thereof, shall be conclusive evidence of the fact of such payment and of the amount thereof;

(b) "terrorism" has the same meaning as in the Emergency Regulations, 1951.

10. (1) The Yang di-Pertuan Agong may by order provide for the carrying into effect of the provisions of this Act.

Orders.

(2) Without prejudice to the generality of sub-section (1), an order made under this section may provide for all or any of the following matters :

- (a) the appointment by the Yang di-Pertuan Agong of an administrator for the purpose of the order, and the conferring and imposing on that administrator of such powers and duties as may be prescribed by such order;
- (b) the manner and time in which claims in respect of the emergency period are to be put forward, and the furnishing and verification of information in connection with any such claims, including the production of books and documents;
- (c) the determination, as respects any such claim, of the question whether the claim is established for the purposes of the order, and the amount of the claim;
- (d) the payment of any awards, gratuities or allowances payable under any of the regulations specified in the Schedule and any variation in the amounts, terms and conditions of such awards, gratuities or allowances;
- (e) removing any hardship or inconvenience occasioned by the repeal of the Ordinance or any subsidiary legislation made thereunder;
- (f) the alteration, amendment and repeal of the Schedule.

(3) All orders made under this section shall be laid as soon as practicable before the Dewan Ra'ayat, and if a resolution of the Dewan Ra'ayat is passed within the next subsequent three months annulling the order or any part thereof the said order, or such part thereof, as the case may be, shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Saving
relating to
Government
proceedings.

11. Nothing in this Act shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter whatsoever.

Transitional
provisions.

12. Notwithstanding the ending of the emergency period, where provision for payment of compensation was made by any regulation made under the Ordinance, then, subject to the provisions of any order made under section 10, any such claim may be made, and compensation may be assessed in respect of any act done or purporting to have been done within the emergency period as if in respect of any such claim or assessment the provisions of such regulation were in force.

SCHEDULE

(Sections 6 and 10)

Emergency (Auxiliary Police) (Personal Injuries) Regulations, 1948.

Emergency (Civilian Injuries Compensation) Regulations, 1949.

Emergency (Injury Allowances) Regulations, 1949.

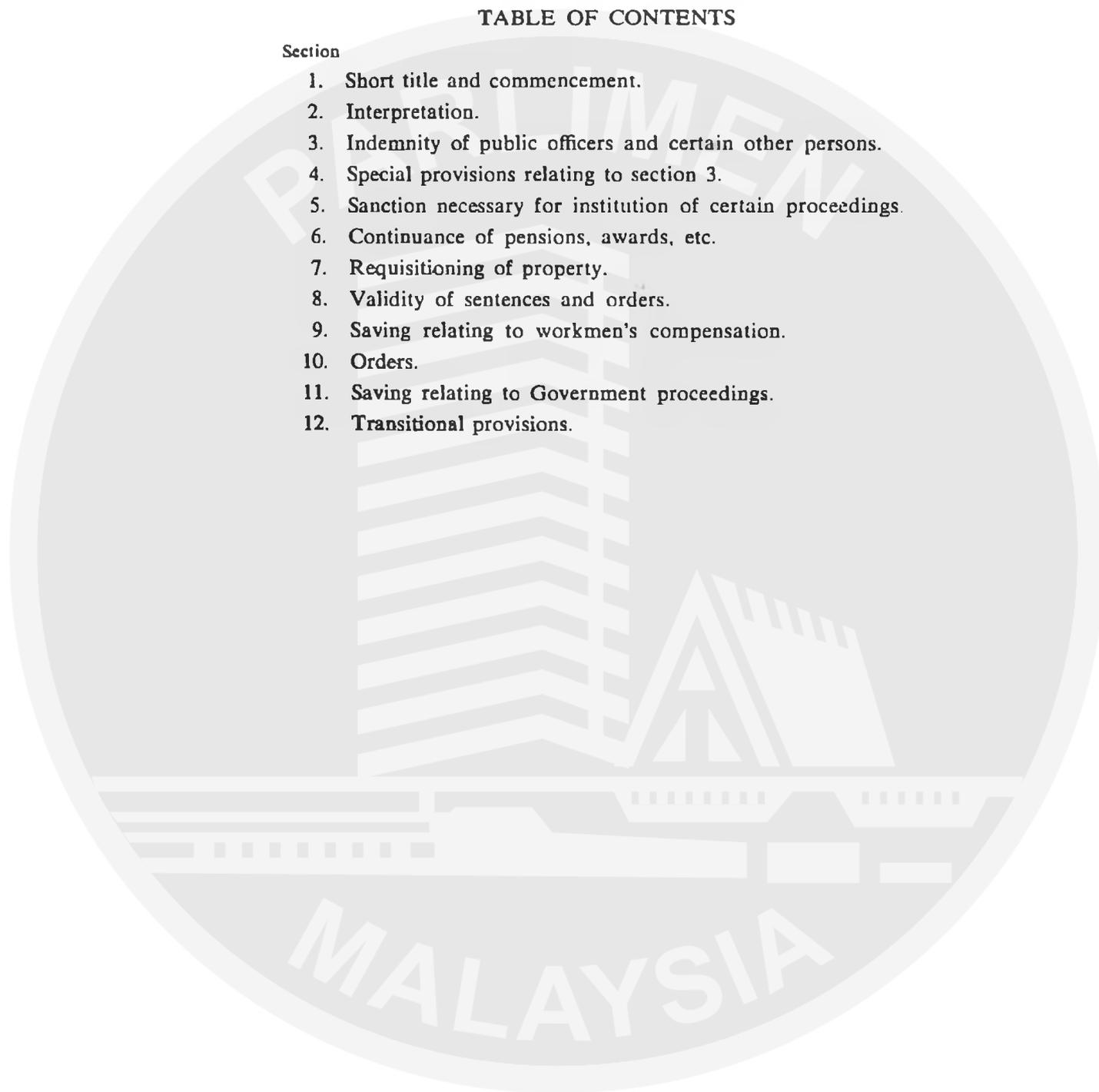
Emergency (Police Force Pensions) Regulations, 1948.



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FEDERATION OF MALAYA

Act of Parliament

No. 25 OF 1960

WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1960



I assent

A handwritten signature in red ink is written over a rectangular box. The signature is cursive and appears to be 'M. Yusoff'.

.....
Yang di-Pertuan Agong

.27....July, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 25 OF 1960

**WORKMEN'S COMPENSATION (AMENDMENT)
ACT, 1960**

An Act to amend the Workmen's Compensation Ordinance,
1952.

[]

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 Workmen's Compensation Short title.
(Amendment) Act, 1960.

2. Section 3 of the Workmen's Compensation Ordinance, Amendment
of section 3.
85 of 1952.
1952 (in this Act referred to as "the principal Ordinance") is hereby amended by substituting for the definition of "Commissioner" the following new definition:

38 of 1955. " 'Commissioner' means the Commissioner for Labour and all Deputy Commissioners for Labour, State Commissioners for Labour and Assistant State Commissioners for Labour appointed under the Employment Ordinance, 1955, and includes such Labour Officers appointed under the said Ordinance as the Minister may declare to be vested with all or any of the powers conferred or duties imposed upon the Commissioner by this Ordinance;".

3. Section 4 of the principal Ordinance is hereby Amendment
of section 4.
amended—

(a) by adding immediately after the word "compensation" appearing in paragraph (a) of sub-section (1) thereof the following words:

"and any expenses incurred in the treatment and rehabilitation of such workmen under section 15";

(b) by substituting a comma for the fullstop at the end of paragraph (b) of sub-section (1) thereof and adding immediately after the comma the following words:

"except when the injured workman is himself an employee of the public transport service

concerned and would otherwise be entitled to receive compensation under paragraph (a) of this sub-section.”;

(c) by adding the following sub-sections immediately after sub-section (3) thereof:

“(3A) (a) If a workman is injured or dies as a result of an accident which occurs in the State of Singapore or in any other territory which the Minister may from time to time by notification in the *Gazette* prescribe, in circumstances in which if such accident had happened in the Federation such workman would have been entitled to compensation under this Ordinance, the employer of such workman shall be liable to pay compensation in accordance with the provisions of this Ordinance: provided that either the contract of service between such workman and his employer is made within the Federation or the normal place of employment of such workman lies within the Federation.

(b) If a workman is injured or dies as a result of an accident in the Federation for which compensation is payable under the Workmen’s Compensation Ordinance of Singapore, the employer of such workman shall not be liable to pay compensation under this Ordinance in addition to any compensation he is liable to pay under the Workmen’s Compensation Ordinance of Singapore.”.

Singapore
Cap. 157.

Amendment
of section 8.

4. Section 8 of the principal Ordinance is hereby amended—

(a) by substituting a colon for the semi-colon after the words “said Schedule” at the end of paragraph (c) thereof and by adding thereto the following proviso:

“And provided further that if death follows a period of total or partial temporary disablement, the total of all half-monthly payments paid under paragraph (e) below and the lump sum payable in respect of such death shall together not exceed nine thousand six hundred dollars;”;

- (b) by substituting a comma for the colon at the end of proviso (ii) to paragraph (e) thereof and adding thereto the following:

“subject to a maximum deduction equivalent to the said lump sum;”;

- (c) by inserting a proviso (iii) immediately after proviso (ii) to paragraph (e) as follows:

“(iii) where resident treatment in a hospital or out-patient medical treatment is necessary as a result of the accident, abstention from work for such treatment shall be regarded as total temporary disablement for the purposes of payment of compensation:”.

5. Sub-section (1) of section 14 of the principal Ordinance is hereby deleted and the following new sub-section substituted therefor: Amendment
of section
14.

“(1) When notice of an accident has been given to an employer by a workman or by the Commissioner on the workman's behalf the employer may offer to have the workman examined, free of charge to the workman, by a registered medical practitioner, and the workman shall as soon as possible submit himself for such examination; and any workman who is in receipt of a half-monthly payment under this Ordinance shall, if so required, submit himself for such examination from time to time:

Provided that no workman shall be required to submit himself for such examination otherwise than in accordance with regulations made under this Ordinance.”.

6. Section 15 of the principal Ordinance is hereby amended— Amendment
of section
15.

- (a) by substituting the words “the employer shall at his own expense cause such workman to be conveyed to and from such approved hospital for treatment in such manner as in the opinion of the registered medical practitioner is appropriate to his condition” for the words “such workman may be admitted to an approved hospital” which occur in sub-section (1) thereof;

- (b) by numbering sub-section (2) as sub-section (2), paragraph (a), and inserting immediately thereafter a new paragraph (b) as follows:

“(b) Where any injured workman is admitted or attends for treatment under paragraph (a)

of this sub-section in a special hospital, his employer shall at his own expense cause such workman to be conveyed to and from such special hospital as the registered medical practitioner in charge of such special hospital shall direct.”;

(c) by substituting for the words “either to” appearing in lines 1 and 2 of sub-section (3) thereof the words “to or treated at either”;

(d) by adding immediately after the words “of such artificial limbs” appearing in lines 8 and 9 of sub-section (3) thereof the word and commas “, wheelchair,”.

New section 16A. 7. The principal Ordinance is hereby amended by adding immediately after section 16 thereof a new section as follows:

“Power of review. 16A. The Commissioner shall, by virtue of this sub-section, have power to review and to vary any order originally made under the Ordinances and Enactments specified in the Third Schedule to this Ordinance.”.

Amendment of section 27. 8. Sub-section (2) of section 27 of the principal Ordinance is hereby amended by deleting therefrom the words “and shall be made in such form and shall be accompanied by such fee as may be prescribed”.

FEDERATION OF MALAYA

Act of Parliament

No. 26 OF 1960

PREVENTION OF CRIME (AMENDMENT) ACT, 1960

PARLIMEN



I assent

.....
Yang di-Pertuan Agong

..27...July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 26 OF 1960

PREVENTION OF CRIME (AMENDMENT) ACT, 1960

An Act to amend the Prevention of Crime Ordinance.

[]

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 Prevention of Crime (Amendment) Act, 1960. Short title.

2. Part V of the Prevention of Crime Ordinance, 1959, is hereby amended by inserting therein, immediately after section 20 thereof, the following new section : Amendment of Part V. 13 of 1959.

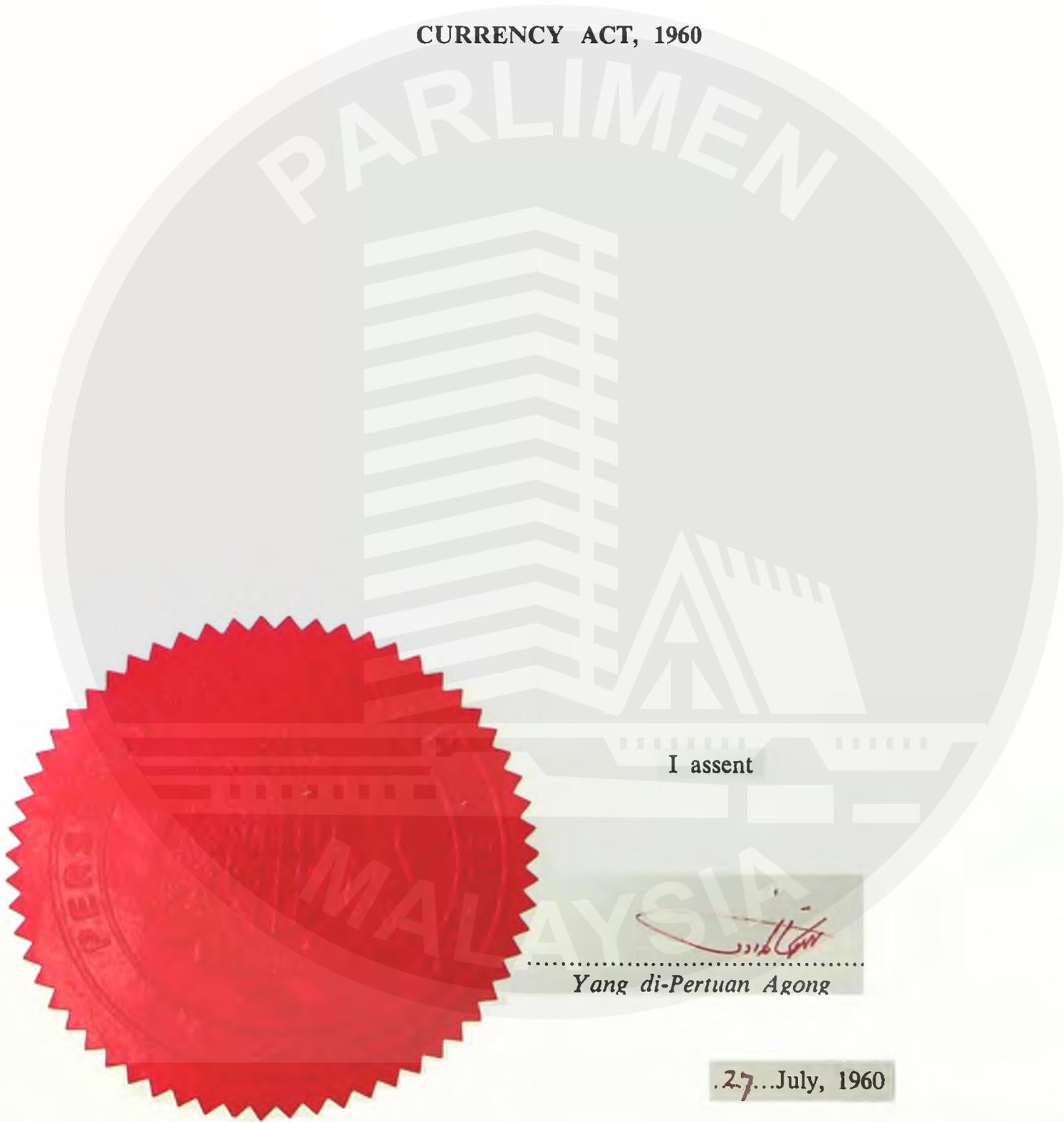
"Arrest. 20A. A police officer may without a warrant arrest any person if he has reason to believe that such person has committed an offence against section 16, 18 or 19; and every such offence shall be seizable and non-bailable for the purposes of the Criminal Procedure Code." S.S. Cap. 21. F.M.S. Cap. 6.

FEDERATION OF MALAYA

Act of Parliament

No. 27 OF 1960

CURRENCY ACT, 1960



I assent

A handwritten signature in red ink, written in a cursive style, is positioned above the name of the Yang di-Pertuan Agong.

Yang di-Pertuan Agong

.27...July, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 27 OF 1960

CURRENCY ACT, 1960

An Act to implement an Agreement between the Governments of the Federation of Malaya, the States of Singapore and Brunei and the Colonies of Sarawak and North Borneo relating to currency and for matters incidental thereto.

[]

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 Currency Act, 1960, and shall come into force on such date as the Yang di-Pertuan Agong shall in agreement with the other Participating Governments by notification in the *Gazette* appoint.

Short title and commencement.

2. In this Act unless the context otherwise requires—

Interpretation.

“Agreement” means the Malaya British Borneo Currency Agreement, 1960, set out in the Schedule hereto;

“the Board” means the Board of Commissioners of Currency, Malaya and British Borneo, reconstituted in accordance with the Agreement;

“Participating Governments” means the Governments of the Federation of Malaya, the States of Singapore and Brunei and the Colonies of Sarawak and North Borneo.

3. The provisions of the Agreement shall, in so far as they relate to any act, matter or thing required or permitted to be done within the Federation or the transfer of any obligation situate in the Federation to the Board and in so far as they are binding under such Agreement upon the Government have the force of law within the Federation.

Agreement to have the force of law so far as it relates to the Federation.

4. Any sum which is required to meet any deficiency which the Federation is liable to make good under the terms of the Agreement shall be charged upon the Consolidated Fund and shall be issued therefrom forthwith on the demand of the Board.

Meeting of deficiency.

5. (1) No person shall draw, accept, make or issue any bill of exchange, promissory note or engagement for the payment of money payable to bearer on demand or borrow, owe or take up any sum or sums of money or bills or notes payable to bearer on demand.

Bills and notes payable to bearer on demand.

(2) Cheques or drafts payable to bearer on demand may be drawn on bankers or agents by their customers or constituents in respect of moneys in the hands of these bankers or agents held by them at the disposal of the person drawing such cheques or drafts.

(3) Any person who contravenes the provisions of this section shall, notwithstanding anything to the contrary in the Criminal Procedure Code, on conviction by a Sessions Court be liable to a fine equal to the amount of the bill, note or engagement in respect whereof the offence is committed notwithstanding that the amount of such fine may be in excess of the original jurisdiction of such Court.

(4) No prosecution under this section shall be instituted without the sanction of the Public Prosecutor.

Regulations.

6. The Yang di-Pertuan Agong may in agreement with the Participating Governments make regulations:

- (a) prescribing anything which by this Act is to be prescribed; and
- (b) generally for the better carrying into effect of the provisions of this Act.

Board and its servants to be public servants.

7. The Board and its officers and servants shall be deemed to be public servants within the meaning of the Penal Code.

Resolutions and acts, etc., to be valid though not taken or done in the Federation.

8. No resolution or decision taken by the Board and no other act or thing made or done by the Board or any officer or servant of the Board in the exercise of any right or power or the performance of any duty conferred or imposed upon the Board or upon any such officer or servant under or by virtue of the provisions of this Act or of the Agreement shall be deemed to be invalid in the Federation by reason only that the same was not taken, made or done within the Federation.

Amendment of title of Board of Commissioners of Currency Malaya.

9. Where in any written law or in any other document whatsoever the title "The Board of Commissioners of Currency, Malaya" appears there shall be substituted therefor the title "The Board of Commissioners of Currency, Malaya and British Borneo."

Repeal and saving clause. No. 33 of 1951.

10. The Currency Ordinance, 1951, is hereby repealed, save that the provisions of the Malaya British Borneo Currency Agreement, 1950, set out in the First Schedule thereto shall so far only as is necessary for carrying into effect the provisions of the Agreement continue to have the force of law within the Federation.

11. The Minister of Finance is hereby authorised to lodge on behalf of the Government the notice of replacement under Clause 17 of the Agreement: Lodging of notice.

Provided that no such notice shall be lodged except with the prior approval signified by resolution of the Dewan Ra'ayat.

—
SCHEDULE

THE MALAYA BRITISH BORNEO CURRENCY
AGREEMENT, 1960

AN AGREEMENT made between the Governments of the Federation of Malaya, the States of Singapore and Brunei and the Colonies of Sarawak and North Borneo (hereinafter referred to as "the Participating Governments").

WHEREAS it is desired to revise the Malaya British Borneo Currency Agreement, 1950, made between the Governments of the Federation of Malaya and the Colonies of Singapore, Sarawak and North Borneo, and the State of Brunei;

AND WHEREAS it is also desired that the Board of Commissioners of Currency, Malaya and British Borneo (hereinafter referred to as "the Board") constituted in accordance with the terms of the 1950 Agreement, shall continue to provide for and control the supply of currency to the territories of the Participating Governments:

Now it is hereby agreed as follows—

1. (1) In this Agreement—

Definitions.

"the 1938 Agreement" means the agreement made in 1938 between the Governments of the Straits Settlements and the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang, and of the States of Johore, Kedah, Kelantan, Trengganu, Perlis and Brunei for the establishment of a Currency Commission, as amended from time to time;

"the 1950 Agreement" means the agreement made in 1950 between the Governments of the Federation of Malaya and the Colonies of Singapore, Sarawak and North Borneo, and of the State of Brunei for the establishment of a Currency Commission;

"appointed day" means such date as may be agreed upon by the Participating Governments for the coming into operation of this Agreement, which date shall be notified in the *Gazette* of each of the Participating Governments;

"Board of Commissioners of Currency, Malaya" means the Board of Commissioners of Currency, Malaya, constituted in accordance with the terms of the 1938 Agreement;

"dollar" means the unit of legal tender currency of the Federation of Malaya, the States of Singapore and Brunei and the Colonies of Sarawak and North Borneo;

"financial year" means the year ending on the 31st December;

"the Fund" means the Currency Fund established and maintained in accordance with the terms of Clause 6 of the 1950 Agreement;

"*Gazette*" means the official Government *Gazette*;

"Principal Agent" means the person or persons or corporation for the time being appointed as the principal agent of the Board in accordance with the terms of Clause 3 (8) of this Agreement.

(2) For the purposes of this Agreement—

"the Yang di-Pertuan Agong" includes any person for the time being performing the functions of the office of Yang di-Pertuan Agong;

"the Yang di-Pertuan Negara" includes any person for the time being performing the functions of the office of Yang di-Pertuan Negara;

"the Sultan of Brunei" includes any person for the time being performing the functions of the office of Sultan of Brunei;

"Governor" includes the officer for the time being performing the duties of a Governor.

Effect of 1950
Agreement.

2. This Agreement shall be construed as one with the 1950 Agreement which shall continue to have effect so far only as is necessary for carrying into effect the provisions of this Agreement.

Constitution
of the Board.

3. (1) As from the appointed day and until the liquidation of the Board has been completed the seven members constituting the Board shall be—

(a) two members who shall be appointed by the Yang di-Pertuan Agong to represent the Federation of Malaya;

(b) one member who shall be appointed by the Yang di-Pertuan Negara to represent the State of Singapore;

(c) one member who shall be appointed by the Sultan of Brunei to represent the State of Brunei;

(d) one member who shall be appointed by the Governor of Sarawak to represent the Colony of Sarawak;

(e) one member who shall be appointed by the Governor of North Borneo to represent the Colony of North Borneo; and

(f) one member possessing recognised banking or financial experience, not representing any specific territory, who shall be appointed jointly by the Participating Governments, and may at any time resign his office by giving written notice to the Board.

(2) (a) The Chairman of the Board shall be whichever of the two members appointed under paragraph (a) of the preceding sub-clause the Yang di-Pertuan Agong shall nominate for that purpose, and the Deputy Chairman shall be the member appointed under paragraph (b) of the preceding sub-clause.

(b) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and in the absence of both, the other members attending the meeting shall elect a Chairman from among themselves.

(3) The Board shall meet at least once in every calendar year and at such other times as may be deemed necessary by the Chairman:

Provided that the Chairman shall call a meeting as soon as practicable after receiving a request from any member.

(4) (a) The Board shall have its head office in the territory of one of the Participating Governments and at least one office or agent in each of the territories of the other Participating Governments.

(b) The Board may appoint such officers and employees as it considers to be necessary for the efficient conduct of the business of the Board upon such terms and conditions as may be determined by the Board.

(5) (a) Save as in this Agreement provided, any duty devolving, and any power conferred, on the Board may be discharged or exercised by any number of members of the Board who have together a total of not less than seven votes.

(b) (i) Each member representing the Federation of Malaya shall have three votes.

(ii) The member representing the State of Singapore shall have three votes.

(iii) The members representing the State of Brunei and the Colonies of Sarawak and North Borneo, and the member appointed under paragraph (f) of sub-clause (1) of this clause, shall each have one vote.

(6) (a) Any act which in accordance with the provisions of this Agreement requires the unanimous agreement of the Board shall be signified under the hands of all its members.

(b) Any act of the Board not requiring the unanimous agreement of the Board shall be signified under the hands of any number of its members who have together a total of not less than seven votes.

(7) (a) In the event of the absence or inability to act of any member of the Board another person, who may himself be a member of the Board, may be appointed to discharge the duties of such member during the period of such absence or inability.

(b) Such person shall be appointed in the same manner as the member in whose place he is appointed to act and shall have the same number of votes as such member, in addition, in the case of a person who is already a member of the Board, to his original vote or votes.

(8) The Board shall, subject to the unanimous agreement of the Participating Governments, appoint a person or persons or corporation to be the principal agent of the Board for the purposes of this Agreement.

4. The Board shall have the sole right to issue currency notes and coin in the Federation of Malaya, the States of Singapore and Brunei and the Colonies of Sarawak and North Borneo and the Participating Governments undertake not to issue any such notes or coin, or to authorise the issue thereof by any other body or persons:

Board to have sole right to issue currency.

Provided that—

(i) currency notes and coin lawfully issued by the Board of Commissioners of Currency, Malaya, and the Straits Settlements Currency Commissioners shall, save as provided in Clause 13 of this Agreement, be deemed to be currency notes and coin issued by the Board; and

(ii) in the event of a Participating Government giving notice to the Board in accordance with Clause 17 (1) of this Agreement, nothing herein shall prevent the issue of currency in the territory of any Participating Government by another currency authority on and after the date on which the Board ceases to issue currency notes and coin in that territory.

5. (1) The Board shall issue, on demand by any person at any of its offices, currency notes to the equivalent value of sums in sterling lodged by that person with the Principal Agent for its account; and shall pay, on demand by any person, sterling in London to the equivalent value of currency notes lodged with it by that person provided that such notes have been issued, or by virtue of proviso (i) to Clause 4 of this Agreement are deemed to have been issued by the Board.

Conversion of currency notes and coin into sterling and vice versa.

(2) The Board may, at its option, issue coin in the same manner and subject to the same conditions as are prescribed in the preceding sub-clause for the issue of currency notes.

(3) Coin issued or deemed to have been issued by the Board shall, subject to any regulations made under Clause 22 of this Agreement, be redeemed by the Board in the same manner and subject to the same conditions as are prescribed in sub-clause (1) of this clause for the redemption of currency notes.

Dollar/sterling
Exchange
Rate.

6. (1) All issues and redemptions of currency notes and coin by the Board shall be effected at the rate of one dollar for two shillings and fourpence sterling. Such rate of exchange shall not be altered unless the Participating Governments have unanimously agreed thereto.

(2) The Board shall be entitled—

(a) to charge and levy from any person obtaining currency notes and coin or sterling, a commission at such rate or rates as may, from time to time, be determined: Provided that the commission charged shall not exceed three-sixteenths of a penny in respect of every dollar issued or redeemed; and

(b) to determine from time to time the minimum sum which a person shall be entitled to lodge with the Principal Agent or the Board, as the case may be, for the purpose of obtaining currency notes and coin or sterling.

(3) The amounts of such rate or rates and minimum sum shall, in every case, be those determined by the unanimous agreement of the Board, and shall be notified in the *Gazette* of each of the Participating Governments.

Form and
design of
currency
notes and
coin.

7. (1) Currency notes issued by the Board shall be of such denomination and of such form and design and printed from such plates and on such paper and be authenticated in such manner as the Participating Governments may, from time to time, unanimously decide.

(2) The plates shall be prepared and kept and the notes printed, issued, and cancelled in accordance with any directions of the Board for the prevention of fraud and improper use.

(3) Coin issued by the Board shall be of such denominations not exceeding one dollar and of such weight, form, and design, and made of such metal, or metals, as the Participating Governments may, from time to time, unanimously decide.

Legal tender.

8. (1) Currency notes issued by the Board after the appointed day and currency notes which were legal tender within the territories of the Participating Governments immediately before the appointed day shall be legal tender up to their face value in the territories of the Participating Governments as follows—

(a) currency notes of denominations of one dollar and above, for the payment of any amount;

(b) currency notes of denominations of less than one dollar, for the payment of any amount not exceeding two dollars.

(2) The coins specified in the First Schedule to this Agreement shall, if the coins have not been illegally dealt with, and if of silver have not become diminished in weight by wear, or otherwise, so as to be of less

weight than the weight in that behalf specified in the said Schedule as the least current weight, be legal tender up to their face value in the territories of the Participating Governments as follows—

- (a) up to an amount not exceeding ten dollars in the case of coins of the denomination of fifty cents and above; and
- (b) up to an amount not exceeding two dollars in the case of coins of a lower denomination.

(3) For the purposes of this Agreement, a coin shall be deemed to have been illegally dealt with where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped or engraved thereon, whether the coin has or has not been thereby diminished or lightened.

(4) Subject to the unanimous agreement of the Participating Governments, the Board may by regulation, amend the First Schedule to this Agreement.

9. (1) For as long as the Board continues to issue currency in accordance with the provisions of Clauses 4 and 5 of this Agreement, in any of the territories of the Participating Governments, whether in notes or in coin, the status of such notes or coin as legal tender, in accordance with Clause 8 of this Agreement, shall not be amended or withdrawn except after consultation with the Board and with the unanimous agreement of the Participating Governments, and any such amendment or withdrawal shall—

Demonetisation of currency notes and coin.

- (a) apply in each of the territories in which the Board retains its right and obligation with regard to the issue of currency under Clauses 4 and 5 of this Agreement; and
- (b) be notified in the *Gazette* of each of the Participating Governments.

(2) A notification under paragraph (b) of the preceding sub-clause shall provide for matters incidental to the calling in and demonetisation of such notes and coin.

10. (1) The Fund shall be maintained and managed exclusively by the Board in the manner prescribed in this clause.

Currency Fund.

(2) There shall be paid into the Fund—

- (a) all sterling received in exchange for currency notes or coin;
- (b) the proceeds of any transactions under sub-clause (6) (c) of this clause, less all expenses incurred in connection therewith.

(3) (a) Save as otherwise provided in this Agreement the Fund shall be applied for meeting the redemption of currency and for no other purposes.

(b) A portion of the Fund shall be held by the Principal Agent in liquid form and such portion may be determined and varied from time to time by the Board, except that at no time shall less than 30 per cent of the Fund be so retained without the unanimous approval of the Participating Governments.

(4) Subject to the provisions of this clause, the assets of the Fund shall be invested in sterling securities of, or guaranteed by, any Commonwealth Government, other than a Participating Government, or with the unanimous agreement of the Participating Governments, of, or guaranteed by, any international monetary institution and shall be held

by the Principal Agent or on behalf of the Principal Agent by such person or persons or corporation as the Principal Agent shall, with the approval of the Board, nominate for the purpose:

Provided that—

- (a) (i) not more than three hundred million dollars of the moneys in the Fund may be invested in publicly issued dollar securities of, or guaranteed by, any of the Participating Governments, and such securities shall have a final maturity date not more than twenty years from the date of acquisition;
 - (ii) during the first three years from the appointed day there may be so invested—
 - not more than one hundred million dollars in the first twelve months
 - not more than a total of two hundred million dollars in the first twenty-four months
 - not more than a total of three hundred million dollars in the first thirty-six months,
 - (iii) such securities shall be held by the Board at its head office;
 - (iv) an investment in accordance with this proviso shall not take the form of a subscription to a new issue except with the unanimous approval of the Board;
 - (v) the proportion of the sums prescribed in this proviso which may be invested in securities of, or guaranteed by, any one Participating Government shall be determined in accordance with the provisions of the Third Schedule;
 - (b) with the unanimous approval of the Participating Governments such part of the Fund as may be so approved may be invested in other publicly issued government securities maturing within five years of the date of acquisition, not being securities of, or guaranteed by, any of the Participating Governments and any such securities shall be held by the Principal Agent or on behalf of the Principal Agent by such person or persons or corporation as the Principal Agent shall, with the approval of the Board, nominate for the purpose.
- (5) The liquid portion of the Fund held by the Principal Agent in accordance with the provisions of sub-clause 3 (b) shall be held in any fund controlled by him or in any or all of the following forms—
- (a) balances at any bank and money at call in the United Kingdom;
 - (b) Treasury Bills of the Government of the United Kingdom;
 - (c) sterling securities maturing within two years of, or guaranteed by, a Commonwealth Government, other than a Participating Government, or with the unanimous approval of the Board, of, or guaranteed by, any international monetary institution.
- (6) Notwithstanding anything contained in the preceding sub-clauses, the Board may—
- (a) use any coin held for the account of the Fund for the purpose of having it reminted and coined into current coin;

- (b) pay from the Fund the cost of the purchase of metal to be minted into current coin; and
- (c) sell any coin held for the account of the Fund.

(7) (i) The value of the Fund for any of the purposes of this Agreement shall be the current realisable value of the whole of the assets held in the Fund, investments of the Fund being valued at their current market price at the time of valuation and silver coin held on account of the Fund being valued at the current market value of the silver content of such coin after deduction of such allowance for cost of realisation and allowance for depreciation, if any, as the Board may decide, together with the realisable value, ascertained in the same manner, of the silver content of all the Board's coin in circulation:

Provided that any securities held in terms of proviso (a) to sub-clause (4) of this clause shall be valued at a price not exceeding their cost price to the Board, or par, whichever is the lower.

(ii) For the purposes of valuation, sterling assets shall be converted into dollars at the rate of exchange provided in Clause 6 (1) of this Agreement.

11. (1) All dividends, interest or other revenue derived from investments or from the utilisation in any other manner of the moneys of the Fund and all commissions paid to the Board in connection with the issue or redemption of currency notes or coin shall be paid into the "Currency Fund Income Account" established in accordance with the provisions of Clause 7 of the 1950 Agreement (hereinafter in this clause referred to as "the Income Account").

Currency Fund
Income
Account.

(2) There shall be charged upon the said account—

- (a) all the expenses incurred by or on behalf of the Board in the preparation, transport, issue, redemption and demonetisation of currency notes and coin, and in the transaction of any business relating to such currency authorised by law, other than the expenses referred to in Clause 10 (6) of this Agreement;
- (b) any expenses incurred by or on behalf of the Board in connection with the protection of the currency against forgery or counterfeiting of currency notes or coin;
- (c) subject to proviso (b) (ii) to sub-clause (3) of this clause, a sum equal to one per centum of the value of the Fund at the end of each financial year calculated in accordance with Clause 10 (7), which shall be paid annually into the Fund; and
- (d) all other expenses properly incurred by the Board in the execution of its functions under this Agreement:

Provided that the Board may, with the unanimous approval of the Participating Governments, charge upon the Fund and not upon the Income Account, any expenditure of an exceptional nature.

(3) (i) Any surplus in the Income Account on the last day in any financial year shall be paid to the credit of the "Currency Surplus Fund", established in accordance with the provisions of Clause 8 of the 1950 Agreement, but if on the last day in any financial year there is a deficiency in the Income Account it shall be met in accordance with the provisions of the Second Schedule to this Agreement from moneys to be appropriated from the revenues of the Participating Governments.

(ii) If any Participating Government should default on any payment due under this sub-clause, the amount in default may be recovered from any payment subsequently becoming due to that Government from any of the funds held by the Board:

Provided that—

(a) if on the last day in any financial year the face value of the currency notes and coin in circulation determined in accordance with the provisions of sub-clauses (4) and (5) of Clause 15 of this Agreement exceeds the value of the Fund calculated in accordance with Clause 10 (7), there shall be paid into the Fund the whole of the said surplus in the Income Account or such part thereof as shall make up the moneys of the Fund as aforesaid to an amount equal to the face value of the currency notes and coin then in circulation; and

(b) if on the last day in any financial year the value of the Fund so calculated exceeds one hundred and ten per centum of the face value of the currency notes and coin then in circulation determined as aforesaid the Board may direct that—

(i) the whole or part of such excess be transferred from the Fund to the Income Account; and

(ii) the annual one per centum to be appropriated out of the Income Account, in accordance with the provisions of sub-clause (2) (c) of this clause, be wholly or partially discontinued for so long as it shall appear to the Board that the necessity for such annual appropriation no longer exists.

Currency
Surplus
Fund.

12. (1) The Currency Surplus Fund, established in accordance with the provisions of Clause 8 of the 1950 Agreement, shall be maintained and shall be held in the name of the Board.

(2) Any surplus arising in the Currency Fund Income Account as provided in Clause 11 of this Agreement shall be paid into the Currency Surplus Fund.

(3) The Participating Governments shall be entitled to share in such fund in accordance with the provisions of the Second Schedule to this Agreement, for the time being in force, which shares shall be paid to the respective Governments as soon as practicable after the end of each financial year.

Notes issued
prior to
1st July, 1941.

13. (1) Notwithstanding any other provisions of this Agreement it is hereby agreed and declared that the Board, as from the appointed day, shall set aside out of the Currency Fund sterling assets of an amount equivalent to the amount of the reserve held by the Board on that day to meet the redemption of currency notes issued by the Board of Commissioners of Currency, Malaya, or the Straits Settlements Currency Commissioners bearing dates prior to the 1st day of July, 1941, and now demonetised.

(2) The assets set aside shall be held in a separate Fund to be known as the Special Reserve Fund which shall be charged with the expenses of the redemption of such currency notes and credited with any dividends, interest or other revenue derived from the assets of that Fund.

(3) (a) The Special Reserve Fund shall be held by the Principal Agent and invested in sterling securities of, or guaranteed by, a Commonwealth Government, other than sterling securities of the Participating Governments.

(b) Such investments shall be held by the Principal Agent provided that a portion of the Special Reserve Fund shall be held in liquid form in like manner as the portion prescribed in Clause 10 (5) of this Agreement for the Fund and such portion of the Special Reserve Fund may be determined and varied from time to time by the Board except that at no time shall less than 30 per cent of the Special Reserve Fund be so retained without the unanimous approval of the Participating Governments.

(4) Should the assets of the Special Reserve Fund prove insufficient to meet the redemption of such currency notes the Board shall call upon the Governments which were parties to the 1938 Agreement or their successors to provide any amounts required to make good the deficiency in the proportions specified below:

	Per cent
Federation of Malaya	76.90
State of Singapore	22.25
State of Brunei	0.75
Colony of North Borneo (in respect of Labuan)	0.10
	100.00

(5) Any distribution of the assets of the Special Reserve Fund shall be made only with the unanimous agreement of the Participating Governments and shall be in the proportions specified in sub-clause (4) of this clause.

(6) (a) As from the date on which Clause 19 (5) of this Agreement is implemented the assets held in the Special Reserve Fund on that date shall be held by the Principal Agent separately for the account jointly of the governments which were parties to the 1938 Agreement or their successors for the redemption of such currency notes, and the Board shall cease to be liable for the redemption of such notes, which shall become the liability of the Governments concerned in the proportions specified in sub-clause (4) of this clause.

(b) The Governments concerned shall appoint the Principal Agent to act for them for the purpose of redeeming such notes and shall authorise the Principal Agent to pay on their joint behalf to any person presenting such notes, sterling in London, in exchange for such notes at the rate of exchange provided in Clause 6 (1) of this Agreement.

(7) The Principal Agent shall, from time to time, distribute among the Governments concerned such part of the assets held by the Principal Agent in accordance with the provisions of sub-clause (6) of this clause as the Governments concerned may jointly direct.

(8) If at any time the assets held by the Principal Agent prove insufficient to meet the redemption of such currency notes, the Governments concerned shall contribute such sums as may be required to make good the deficiency.

(9) Any distribution or contribution in accordance with the provisions of sub-clause (7) or sub-clause (8) of this clause shall be apportioned among the Governments concerned in the proportions specified in sub-clause (4) of this clause.

Meeting of
deficiencies
in the Fund.

14. (1) If the assets of the Fund should at any time prove insufficient to meet legal demands upon the Board for the redemption of currency in sterling, the Participating Governments shall jointly be liable to meet any deficiency in the Fund.

(2) (a) If the value of the Fund calculated as provided in Clause 10 (7) of this Agreement shall at any time be less than the face value of the currency notes and coin then in circulation determined in accordance with the provisions of sub-clauses (4) and (5) of Clause 15, the Participating Governments shall jointly be liable to make good such deficiency.

(b) In so far as any payment to the Fund under proviso (a) to Clause 11 (3) shall prove insufficient to meet a deficiency in the Fund on the last day in any financial year, the Participating Governments shall forthwith make good such remaining deficiency.

(3) Any joint liability under sub-clauses (1) and (2) of this clause shall be apportioned between the Participating Governments according to the provisions of the Second Schedule to this Agreement for the time being in force.

(4) Should one or more of the Participating Governments make default in respect of their liability under sub-clauses (1) and (2) of this clause the other Participating Governments undertake to make good such default each in the proportion which its liability, according to the provisions of the Second Schedule to this Agreement for the time being in force bears to the total liability of such non-defaulting Governments:

Provided that in the event of a default being so made good any sums due thereafter to any defaulting Government from any of the funds held by the Board shall be paid to the Governments which have made good such default in the same proportions as those in which they contributed for the purpose of making good the default, until the total amount so contributed by them has been refunded.

Accounts and
returns.

15. (1) The accounts of all transactions of the Board shall be audited once annually by such auditors, and in such manner as the Participating Governments shall jointly direct. For accounting purposes the exchange rate of the dollar shall be that fixed in accordance with the provisions of Clause 6 (1) of this Agreement.

(2) An abstract of such accounts shall as soon as practicable after the completion of such audit be published in the *Gazette* of each of the Participating Governments.

(3) The Board shall on the first day of each month make up and as soon as practicable publish in the *Gazette* of each of the Participating Governments an abstract showing the whole amount of currency notes and coin in circulation on that day and the average amount in circulation during the previous month.

The Board shall also publish at half-yearly intervals in the *Gazette* of each of the Participating Governments an abstract showing—

- (a) the amount of the liquid portion of the Fund;
- (b) the nominal value and price paid for and, where appropriate, the latest known market price, of the securities belonging to the Fund; and
- (c) the amount and value on the basis provided in Clause 10 (7) of this Agreement of the silver contained in coin the value of which is required by that clause to be included in the value of the Fund.

(4) The amount of currency notes in circulation at a particular date shall be deemed to be the total nominal amount of currency notes issued prior to that date by the Board or the Board of Commissioners of Currency, Malaya, or the Straits Settlements Currency Commissioners including such notes as have been lawfully demonetised but excluding—

(a) the total amount of currency notes redeemed by the above-mentioned Currency Authorities before the above-mentioned particular date; and

(b) notes issued by the Board of Commissioners of Currency, Malaya, or the Straits Settlements Currency Commissioners bearing dates prior to the first day of July, 1941, and remaining unredeemed.

(5) The provisions of sub-clause (4) of this clause shall apply to the amount of coin in circulation at a particular date in the same manner as they apply to the amount of currency notes in circulation at a particular date.

16. Unissued stocks of currency notes and coin held in each of the currency offices or by agencies established in accordance with Clause 3 (4) (a) of this Agreement shall on the first business day of each year and at such other times as may be decided by the Board, be verified by a Board of Survey constituted in each of the territories under regulations made by the Board.

Board of
Survey.

17. (1) If a Participating Government, at any time, decides to establish another authority in the place of the Board to issue currency in its territory to replace that issued by the Board, notice in writing of such decision (hereinafter referred to as a "notice of replacement") shall be lodged with the Board, at its head office eighteen months prior to the date on which the said authority intends to commence the issue of its own currency.

Establishment
of new
separate
currency
authority

(2) (a) Subject to the provisions of the next sub-clause, the receipt of a notice of replacement by the Board shall in no respect diminish the continuing obligation of the Board to issue and redeem currency in accordance with the provisions of Clause 5 of this Agreement.

(b) Neither the lodgment of a notice of replacement nor the commencement of the issue of currency by the new authority established by a Participating Government lodging the notice shall affect the right of that Government to share in any distribution of the Board's funds under Clauses 12 (3) and 13 of this Agreement, or the liability if any of that Government to make good deficiencies under Clauses 11 (3), 13 and 14.

(c) The lodgment of a notice of replacement with the Board shall in no manner affect the constitution of the Board as prescribed by Clause 3, which constitution shall remain unchanged until the liquidation of the Board has been completed.

(3) Subject to the provisions of Clause 18 of this Agreement, on a date eighteen months from that on which the first notice of replacement is lodged by a Participating Government or such earlier date within such period as may unanimously be agreed by the Participating Governments the Board shall—

(a) relinquish the right vested in it under Clause 4;

(b) cease to issue currency in accordance with Clause 5 of this Agreement; and

(c) be placed in liquidation.

(4) (a) Upon the lodgment of a notice of replacement, the Board shall consult with the Participating Governments, individually, to arrange the procedures for the withdrawal and redemption of currency notes and coin of the Board, and all other matters incidental thereto, as from the date, or dates, on which the new currency authorities shall, severally, commence to issue their own currencies.

(b) Each Participating Government shall endeavour to ensure that the currency of the Board circulating in its territory shall, so far as practicable, be presented for redemption to the Board by the new authority established by that Government; and the Board shall close its office, or offices, and terminate any agency arrangements in such territory at the earliest practicable date after it ceases to issue currency notes and coin therein.

(5) In redeeming currency notes and coin presented to the Board by a new currency authority, the Board shall—

(a) in the first instance transfer to that authority in lieu of sterling any dollar securities which it may hold of a Government which has established the said new authority and the authority shall accept such securities at their par value:

Provided that, in order to facilitate the transfer of such securities in amounts convenient to the Board or to meet a special need of a new currency authority, the Board may, at any time, redeem its currency, wholly or partly, in accordance with paragraphs (b) and (c) of this sub-clause;

(b) consult with the authority with a view to arranging, where it is mutually desired, for the transfer, at their market value, of sterling securities held by the Board, in lieu of sterling;

(c) otherwise redeem its currency notes and coin in sterling; and

(d) notwithstanding the provisions of Clause 6 (2) (a), levy no commission for such redemptions.

(6) As soon as may be deemed expedient after the Board has ceased to issue currency notes and coin in the territory of a Participating Government, that Government shall, after consultation with the Board notify in the *Gazette* of such Government, the date, or dates, upon which notes and coin of the Board shall no longer be legal tender in that territory.

Temporary
use of the
Board's
currency.

18. Notwithstanding the provisions of Clause 17 of this Agreement—

(a) in default of the commencement of currency issue by a new currency authority, the Board shall, if requested by any Participating Government, continue the issue of currency in the territory of that Government, in accordance with the provisions of Clauses 4 and 5, up to a date (hereinafter referred to as the "date of termination") not exceeding two years from the earliest date upon which any notice of replacement under Clause 17 (1) was lodged:

Provided that—

(i) as soon as a new authority commences to issue currency in a territory the right and obligation of the Board to issue currency under Clauses 4

and 5 shall forthwith be abrogated in respect of the said territory; and the Board shall thereupon cease to issue currency notes and coin therein;

(ii) for as long as the Board shall continue to issue currency in a territory under this paragraph, such currency shall remain legal tender in the said territory in accordance with the provisions of Clause 8; and thereafter, currency of the Board shall, in respect of the said territory, be demonetised in the same manner and subject to the same conditions as prescribed in Clause 17 (6);

(b) if requested by a Participating Government, including a Government which has lodged a notice of replacement, the Board may, subject to the unanimous consent of the Participating Governments, make available to the new currency authority established by that Government coin of the Board for continued circulation in the territory of such Government as from the date prescribed in Clause 17 (3) of this Agreement or the date of termination:

Provided that—

(i) any coin so supplied to a new authority shall be made available in the same manner and subject to the same conditions as are prescribed by Clause 5 (2) and such coin shall be treated for all purposes as if it had been issued in accordance with the provisions of that clause;

(ii) no coin shall be made available to the new authority except at the discretion of the Board. In exercising its discretion the Board shall at all times endeavour, having regard to its other commitments, to meet all reasonable demands for coin made upon it by the said authority;

(iii) the Board shall not make its coin available beyond a date which is within three years from the earliest date of lodgment of any notice of replacement;

(iv) so long as the Board shall continue to make coin available under this paragraph such coin shall remain legal tender in the said territory to the extent to which it had previously been legal tender therein; and thereafter, coin of the Board shall, in respect of that territory, be demonetised in the same manner and subject to the same conditions as are prescribed in Clause 17 (6);

(v) the detailed arrangements, terms, and conditions for making coin available in accordance with this paragraph shall be agreed between the Board and the Participating Government concerned or the new currency authority established by that Government;

(c) the redemption of currency issued, and coin made available, by the Board, in accordance with this clause, shall be subject to the provisions of Clauses 5 and 6 except that

currency notes and coin presented to the Board by a new currency authority, in accordance with the provisions of Clause 17 (4), shall be redeemed in accordance with the provisions of Clause 17 (5);

(d) the Board shall not be placed in liquidation so long as it continues to issue currency notes and coin, or make coin available, in the manner provided by this clause. The Board shall be placed in liquidation as soon as it no longer exercises any such functions under this clause.

Liquidation
of the Board.

19. (1) Upon the date when liquidation commences, the Board shall, in so far as it has not previously done so under Clauses 17 (3) and 18 in respect of any territory, relinquish the right vested in it under Clause 4 and shall cease to issue currency in accordance with Clause 5; and the Board shall close its remaining offices and terminate any agency arrangements it may have made in the territories of the Participating Governments at the earliest practicable date thereafter.

(2) As from the date on which liquidation commences, currency notes and coin presented by the new currency authorities to the Board shall be redeemed, or, where an authority has already commenced to issue its own currency in accordance with Clause 17, continue to be redeemed, in accordance with the provisions of Clause 17 (5).

(3) Following the commencement of the liquidation of the Board each Participating Government shall, after consultation with the Board and in so far as it has not previously done so in accordance with the provisions of Clause 17 (6), notify in its *Gazette* the date or dates on which notes and/or coin of the Board shall no longer be legal tender in its respective territory.

(4) (a) When, by unanimous decision of the Participating Governments, the Board shall be considered to have met all its liabilities save in respect of a residual amount of currency notes and coin which is unlikely to be presented for redemption shortly, the Board shall establish the amount of any surplus or deficiency in its total assets after making full provision to meet the said residual liability in accordance with the succeeding sub-clause. Any surplus so established shall be distributed among the Participating Governments in the same proportions as the Participating Governments are entitled to share in the Currency Surplus Fund in accordance with Clause 12 (3) for the financial year immediately preceding that in which the first notice of replacement was lodged under Clause 17 (1); and any deficiency shall be made good in like proportions by the said Governments.

(b) Any payment due under this sub-clause shall be made in sterling: Provided that by mutual consent of the Board and a Participating Government, payment by the Board may be effected, wholly or partially, by the transfer, at their market value, of sterling securities held by it.

(5) On the date on which the financial position of the Board is calculated in accordance with the preceding sub-clause, the Board shall forthwith transfer to the Principal Agent in sterling, or sterling securities, for account of the Participating Governments jointly, an amount equivalent to the nominal value of the currency notes and coin constituting the aforementioned residual liability of the Board. Thereafter the Board shall cease to be liable for the redemption of currency notes and coin and such currency notes and coin shall become a liability of the Participating Governments in the proportions determined in accordance with paragraph (a) of sub-clause (4) of this

clause. The Participating Governments shall appoint the Principal Agent to act for them for this purpose, and shall authorise the Principal Agent to pay on their joint behalf, to any person presenting currency notes or coin issued, or deemed in accordance with proviso (i) to Clause 4 to have been issued, by the Board, or coin made available by the Board in accordance with Clause 18, sterling in London in exchange for such notes or coin at the rate of exchange provided in Clause 6 (1) of this Agreement.

20. (1) The Principal Agent shall from time to time distribute among the Participating Governments such part of the assets held by him in accordance with the provisions of Clause 19 (5) of this Agreement as the Participating Governments may jointly direct.

Distributions by the Principal Agent and the meeting of deficiencies in assets

(2) If at any time the assets held by the Principal Agent prove insufficient to meet the redemption of notes and coin, the Participating Governments shall provide such sums as may be required to make good the deficiency.

(3) Any distributions or claims in accordance with the provisions of sub-clauses (1) and (2) of this clause shall be apportioned among the Participating Governments in the proportions agreed for the purposes of Clause 19 (4) (a) of this Agreement.

21. (1) No person shall be entitled to recover from the Board the value of any mutilated or imperfect note or coin or any coin which has been illegally dealt with.

Imperfect notes or coin.

(2) The circumstances in which, and the conditions and limitations subject to which the value of mutilated or imperfect notes or coins or coins which have been illegally dealt with may be refunded as an act of grace shall be within the absolute discretion of the Board.

22. The Board may, subject to the unanimous agreement of the Participating Governments, make regulations—

Regulations.

(a) prescribing anything which in accordance with this Agreement is to be prescribed; and

(b) generally for carrying into effect the provisions of this Agreement.

23. The Participating Governments hereby undertake to give legal effect, by the enactment of appropriate legislation in their respective territories, to the provisions of this Agreement in so far as may be necessary for effectively carrying out the purposes of this Agreement and providing for any matters ancillary thereto.

Appropriate legislation by Participating Governments.

24. This Agreement may be cited as the Malaya British Borneo Currency Agreement, 1960.

Citation

FIRST SCHEDULE
COINS WHICH ARE LEGAL TENDER

Proportion of Dollar for which Tender	Coin	Metal	STANDARD WEIGHT		REMEDY ALLOWANCE	
			Grains	Grammes	Weight Per Piece	Grains Grammes
.05	Straits Settlements Five-cent Piece	(Nickel-bronze or Nickel)	61.73	4.000	(A weight not exceeding the standard weight of one piece in every forty pieces)	
.01	Straits Settlements One-cent Piece (Round)	Copper or mixed Metal	144.00	9.331		

Proportion of Dollar for which Tender	Coin	Metal	STANDARD WEIGHT		REMEDY ALLOWANCE	
			Grains	Grammes	Weight Per Piece Grains Grammes	
.01	Straits Settlements One-cent Piece (Square)	Copper or mixed Metal	90.00	5.832	—	—
.005	Straits Settlements Half-cent Piece (Round)	"	72.00	4.665	—	—
.005	Straits Settlements Half-cent Piece (Square)	"	45.00	2.916	—	—
.0025	Straits Settlements Quarter-cent Piece (Round)	"	36.00	2.333	—	—
.01	Commissioners of Currency Malaya One-cent Piece (Square)	Bronze	90.00	5.832	(A weight not exceeding the standard weight of one piece in forty pieces)	
.005	Commissioners of Currency Malaya Half-cent Piece (Square)	"	45.00	2.916	"	"
.01	Commissioners of Currency Malaya One-cent Piece (Square)	"	65.00	4.212	± 1 in 50	
.20	Commissioners of Currency Malaya Twenty-cent Piece	Cupro-nickel	87.27	5.65518	.578	.0375
.10	Commissioners of Currency Malaya Ten-cent Piece	"	43.63	2.82759	.346	.0224
.05	Commissioners of Currency Malaya Five-cent Piece	"	21.81	1.413795	.212	.0138
.50	Malaya and British Borneo Fifty-cent Piece	"	144	9.3325	1	.0648
.20	Malaya and British Borneo Twenty-cent Piece	"	87.27	5.65518	.578	.0375
.10	Malaya and British Borneo Ten-cent Piece	"	43.63	2.82759	.346	.0224
.05	Malaya and British Borneo Five-cent Piece	"	21.81	1.413795	.212	.0138
.01	Malaya and British Borneo One-cent Piece (Square)	Bronze	65.00	4.212	± 1 in 50	

SECOND SCHEDULE

For the purpose of Clauses 11 (3), 12 (3), 14 (3), 14 (4) and 19 (4) (a) of this Agreement the rights and obligations of the Participating Governments shall be calculated as follows—

(i) (a) In respect of the Governments of Brunei, North Borneo and Sarawak jointly a proportion equal to the

proportion which the Board's currency in circulation in those territories bears to the total circulation.

- (b) The proportion in respect of the said Governments calculated in accordance with the immediately preceding paragraph shall be apportioned between the said Governments individually in the proportions which the Board's currency in circulation in each of the territories bears to the total circulation in those territories:

Provided that the said Governments may agree among themselves and notify to the Board some other method of apportioning the proportion determined under sub-paragraph (a).

- (c) The currency in circulation for the purpose of the preceding paragraphs shall be the average monthly circulation during the year in respect of which the apportionment is being made.

- (ii) After deduction of the proportion calculated in accordance with the preceding paragraph the balance shall be apportioned between the Governments of the Federation of Malaya and Singapore in the proportion obtained by calculating the ratio between the currency in circulation in the two territories and adding to the proportion so obtained for Singapore ten per cent of that proportion, and reducing the proportion for the Federation of Malaya accordingly. The currency in circulation for the purposes of this paragraph shall be, in the case of each territory, the currency held by the banks plus that proportion of the remaining currency which is equal to that territory's proportion of the total population of the two territories. The currency held by the banks shall be the average monthly holdings during the year in respect of which the apportionment is being made.

- (iii) The proportions specified in paragraphs (i) (a) and (ii) may, from time to time, be varied by agreement between the Governments concerned with the unanimous approval of the Participating Governments and such variations shall apply to such of the clauses specified in this Schedule as the Participating Governments may unanimously direct:

Provided that, on the request of any Participating Government concerned, the Participating Governments shall, before making any decision under this paragraph, consider the advice of any independent person they may jointly appoint.

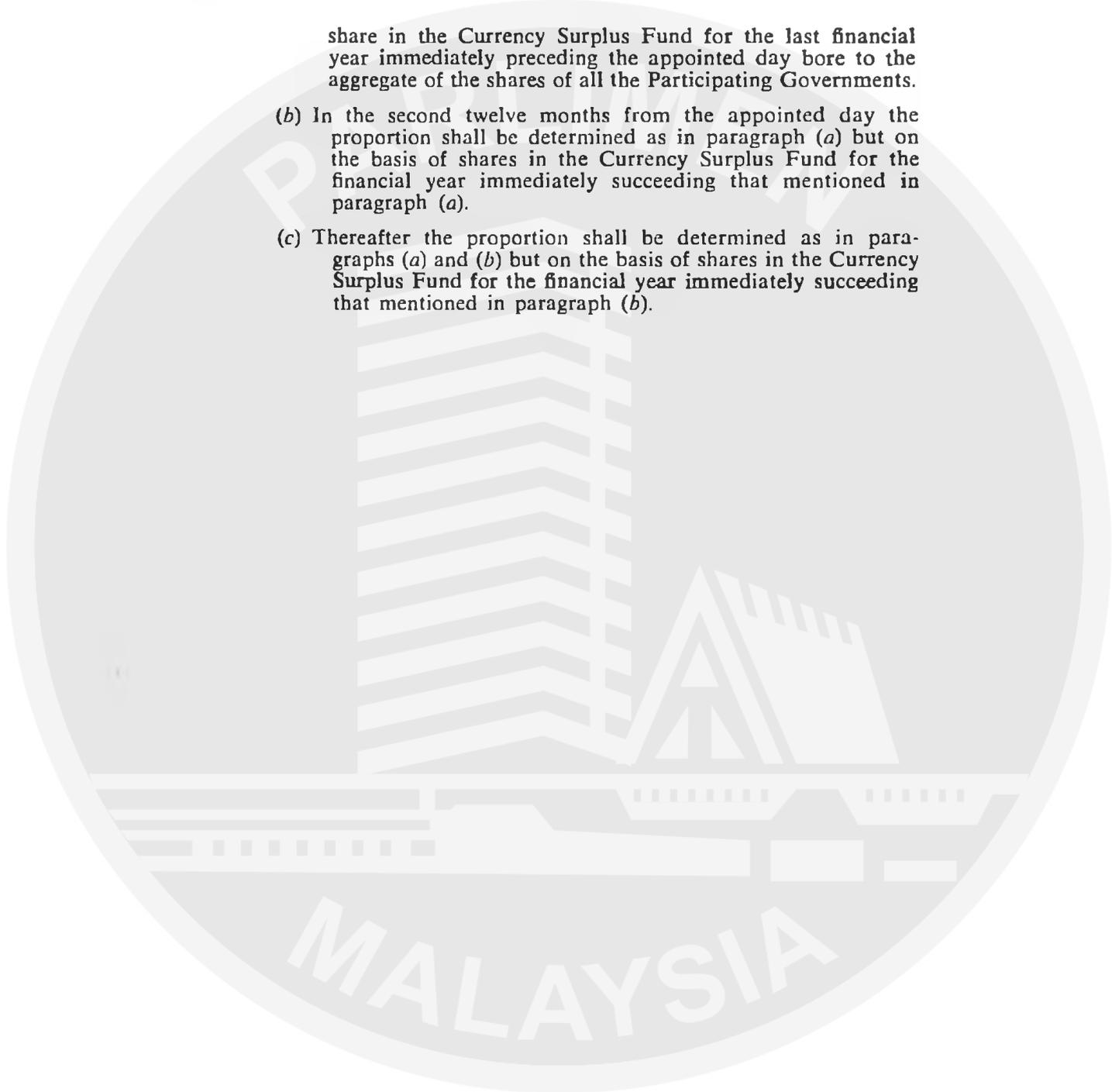
THIRD SCHEDULE

Unless otherwise unanimously agreed by the Participating Governments the proportion referred to in proviso (a) (v) to Clause 10 (4) in respect of each Participating Government shall be determined as follows:

- (a) In the first twelve months from the appointed day the proportion shall be the proportion which that Government's

share in the Currency Surplus Fund for the last financial year immediately preceding the appointed day bore to the aggregate of the shares of all the Participating Governments.

- (b) In the second twelve months from the appointed day the proportion shall be determined as in paragraph (a) but on the basis of shares in the Currency Surplus Fund for the financial year immediately succeeding that mentioned in paragraph (a).
- (c) Thereafter the proportion shall be determined as in paragraphs (a) and (b) but on the basis of shares in the Currency Surplus Fund for the financial year immediately succeeding that mentioned in paragraph (b).



FEDERATION OF MALAYA

Act of Parliament

No. 28 OF 1960

**SPECIAL PENSION (HER HIGHNESS TUNKU PUAN BESAR
KURSHIAH) ACT, 1960**

I assent

Inte Jamahillail

Timbalan Yang di-Pertuan Agong

30th:
.....August, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 28 OF 1960

SPECIAL PENSION (HER HIGHNESS TUNKU PUAN
BESAR KURSHIAH) ACT, 1960

An Act to make special provisions for the grant of a pension and allowance to Her Highness Tunku Puan Besar Kurshiah, the Consort of His late Majesty Tuanku Abdul Rahman ibni Al-Marhum Tuanku Muhammed.

[15th April, 1960.]

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 Special Pension (Her Highness Tunku Puan Besar Kurshiah) Act, 1960, and shall be deemed to have come into force on the fifteenth day of April, 1960.

Short title and commencement.

2. There shall be granted to Her Highness Tunku Puan Besar Kurshiah, the widow of His late Majesty Tuanku Abdul Rahman ibni Al-Marhum Tuanku Muhammed, a pension and allowance at the rates specified in the Schedule hereto.

Grant of pension and allowance.

3. The provisions of section 12 of the Pensions Ordinance, 1951 (which relates to the non-assignability and non-attachment of pensions) shall apply *mutatis mutandis* to the pension and allowance granted under this Act.

Application of section 12 of the Pensions Ordinance, 1951.
1 of 1951.

4. The pension and allowance granted under this Act shall be charged on the Consolidated Fund.

Pension and allowance to be charged on Consolidated Fund.

SCHEDULE

Pension	...	...	...	...	\$1,500.00 per month
Maintenance Allowance	...	...	...	...	300.00 per month

FEDERATION OF MALAYA

Act of Parliament

No. 29 OF 1960

SUPPLEMENTARY SUPPLY (1960) (No. 2) ACT, 1960

I assent

Putu Jamail
.....
Timbalan Yang di-Pertuan Agong

30th
.....August, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 29 OF 1960

SUPPLEMENTARY SUPPLY (1960) (No. 2) ACT, 1960

An Act to apply a sum out of the Consolidated Fund for additional expenditure for the service of the year 1960, to appropriate such a sum for certain purposes and to provide for the replacement of amounts advanced from the Contingencies Fund.

[]

WHEREAS the sum of six hundred and seventy-seven million eight hundred and fifteen thousand five hundred and twelve dollars (\$677,815,512) has been provided by the Supply (1960) Act, 1959, and the Supplementary Supply (1960) Act, 1960, for the service of the year 1960;

AND WHEREAS it is now requisite to make a further provision of sixteen million two hundred and fifty-six thousand four hundred and thirty-six dollars (\$16,256,436):

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 Supplementary Supply (1960) (No. 2) Act, 1960. Short title.

2. (1) The issue of a sum not exceeding sixteen million two hundred and fifty-six thousand four hundred and thirty-six dollars (\$16,256,436) out of the Consolidated Fund for expenditure on the various services specified in the Schedule for the service of the year, 1960, not provided or not fully provided for by the said Supply (1960) Act, 1959, and the Supplementary Supply (1960) Act, 1960, is hereby authorised. Further expenditure for the year 1960.

(2) The said sum is appropriated for the purposes specified in the Schedule. Appropriation.

Head No.	SCHEDULE						Total Appropriation to Head
	Title						
(1)	(2)						(3)
							\$
1. Parliament	365,000
2. Conference of Rulers	19,959
7. Prime Minister	100,060

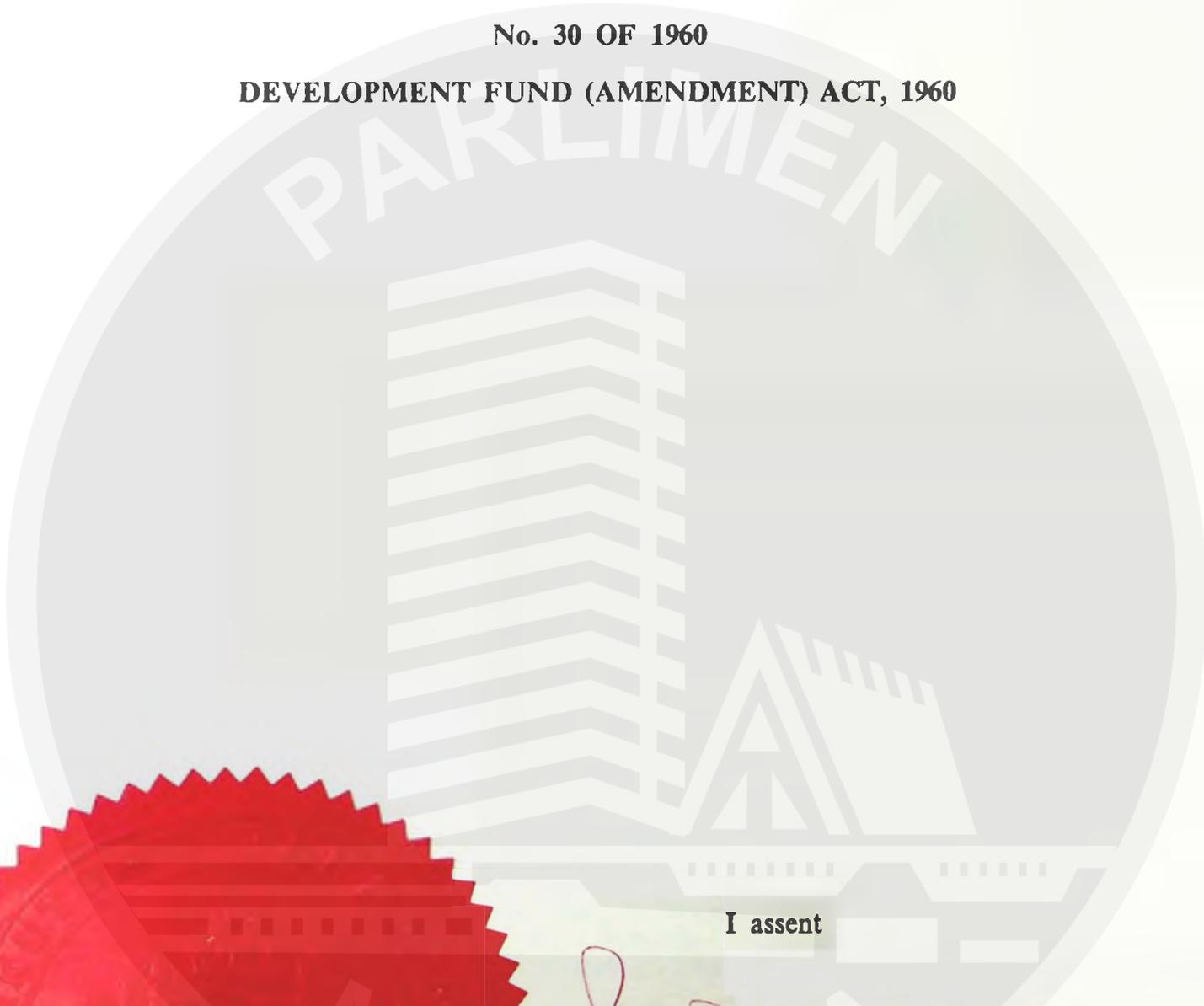
Head No.	Title	Total Appropriation to Head
(1)	(2)	(3)
		\$
9.	Federation Establishment Office	465
13.	Statistics	36,474
15.	Agriculture	30,000
20.	Veterinary	23,303
21.	Ministry of Commerce and Industry	1,058,827
22.	Ministry of Defence	10
28.	Ministry of Education	19,800
29.	Ministry of External Affairs	419,895
32.	Treasury	10,000,000
33.	Contributions to Statutory Funds	2,292,000
37.	Inland Revenue	100,000
38.	Pensions, Retiring Allowances and Gratuities	600,000
39.	Ministry of Health and Social Welfare	827,831
43.	Chemistry	35,825
49.	Town and Country Planning	15,000
55.	Ministry of Labour	38,590
56.	Labour and Industrial Relations	1,000
58.	Ministry of Rural Development	109,315
59.	Commissioner of Lands	28,000
64.	Minister of Transport	23,815
71.	Postal Services	55,100
73.	Public Works Annually Recurrent	48,000
75.	His Highness the Timbalan Yang di-Pertuan Agong	8,167
	TOTAL ...	16,256,436

FEDERATION OF MALAYA

Act of Parliament

No. 30 OF 1960

DEVELOPMENT FUND (AMENDMENT) ACT, 1960



I assent

Butra Jumahail
.....
Timbalan Yang di-Pertuan Agong

30th
.....August, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 30 OF 1960

DEVELOPMENT FUND (AMENDMENT) ACT, 1960

An Act to amend the Development Fund Ordinance, 1958.

[]

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 Development Fund (Amendment) Act, 1960. Short title.

2. Section 2 of the Development Fund Ordinance, 1958 (hereinafter in this Act referred to as "the principal Ordinance") is hereby amended— Amendment of section 2. 18 of 1958.

(a) by substituting a semi-colon and the word "and" for the full-stop at the end thereof;

(b) by adding thereto the following new paragraph:

"(c) all sums representing the repayments of principal of loans lawfully made from the Development Fund for any one or more of the purposes referred to in the First Schedule to this Ordinance."

3. Section 4 of the principal Ordinance is hereby amended— Amendment of section 4.

(a) by substituting for sub-section (1) thereof the following new sub-section:

"(1) The Yang di-Pertuan Agong shall in respect of every financial year cause to be laid before the House of Representatives a statement of—

(a) the proposed expenditure out of the Development Fund for that year;

(b) the sums necessary to meet each head and sub-head of such proposed expenditure; and

(c) the estimated total cost of projects, works and undertakings included under any head or sub-head of such proposed expenditure.";

(b) by substituting a comma for the full-stop at the end of sub-section (3) thereof and by inserting immediately thereafter the following:

“and provided further that the estimated total cost of any project, work or undertaking to which such sub-head relates, as specified in the last preceding statement laid before the House of Representatives pursuant to sub-section (1) or (4), is not thereby exceeded.”;

(c) by inserting immediately after sub-section (4) thereof the following two new sub-sections:

“(5) Subject to the provisions of this section, all appropriations made under this section shall lapse at the end of the financial year, and any balances remaining in the Development Fund shall thereafter be available for further appropriation:

Provided that if the purpose for which any sum shall have been appropriated remains uncompleted at the close of the year the Minister charged with responsibility for finance may direct that any balance of such appropriation shall not lapse but shall be applied for the completion of such purpose during an ensuing year.

(6) The Yang di-Pertuan Agong shall cause to be laid before the Senate a statement of any expenditure approved by the House of Representatives under sub-sections (2) and (4).”

**Amendment
of Second
Schedule.**

4. The Second Schedule to the principal Ordinance is hereby amended by inserting immediately before the item “No. 16 of 1949 ... The Loan Ordinance, 1949.” the item—
“No. 10 of 1946 ... The Loan Ordinance, 1946.”

FEDERATION OF MALAYA

Act of Parliament

No. 31 OF 1960

SUPPLEMENTARY SUPPLY (1959) (No. 5) ACT, 1960

PARLIMEN

I assent

Dato Jamail

Timbalan Yang di-Pertuan Agong

30th: August, 1960



FEDERATION OF MALAYA

Act of Parliament

No. 31 OF 1960

SUPPLEMENTARY SUPPLY (1959) (No. 5) ACT, 1960

An Act to apply a sum out of the Consolidated Fund for additional expenditure for the service of the year 1959, to appropriate such a sum for certain purposes and to provide for the replacement of amounts advanced from the Contingencies Fund.

[]

WHEREAS the sum of seven hundred and thirteen million nine hundred and thirty-eight thousand and thirteen dollars (\$713,938,013) has been provided by the Supply (1959) Ordinance, 1958, the Supplementary Supply (1959) Ordinance, 1959, the Supplementary Supply (1959) (No. 2) Ordinance, 1959, the Supplementary Supply (1959) (No. 3) Ordinance, 1959, and the Supplementary Supply (1959) (No. 4) Ordinance, 1959, for the service of the year 1959;

Ord. 74 of 1958.

Ord. 5 of 1959.

Ord. 19 of 1959.

Ord. 34 of 1959.

AND WHEREAS it is now requisite to make a further provision of seven hundred and sixty-nine thousand and eighty-six dollars (\$769,086):

Act. 1 of 1959.

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 Supplementary Supply (1959) (No. 5) Act, 1960. *Short title.*

2. (1) The issue of a sum not exceeding seven hundred and sixty-nine thousand and eighty-six dollars (\$769,086) out of the Consolidated Fund for expenditure on the various services specified in the Schedule for the service of the year 1959, not provided or not fully provided for by the said Supply (1959) Ordinance, 1958, the Supplementary Supply (1959) Ordinance, 1959, the Supplementary Supply (1959) (No. 2) Ordinance, 1959, the Supplementary Supply (1959) (No. 3) Ordinance, 1959, and the Supplementary Supply (1959) (No. 4) Ordinance, 1959, is hereby authorised. *Further expenditure for the year 1959.*

(2) The said sum is appropriated for the purposes specified in the Schedule. *Appropriation.*

SCHEDULE
[Section 2 (1)]

Head No. (1)	Title (2)	Total Appropriation to Head (3) \$
1A.	H.H. The Timbalan Yang di-Pertuan Agong ...	20,430
3.	Legislative Council	830
22.	Ministry of Commerce and Industry	10
29.	Ministry of Education	20
31.	Ministry of External Affairs	20
36.	Charges on Account of Public Debt	25,346
40.	Pensions, Retiring Allowances and Gratuities ...	712,430
50A.	Minister of Justice	10,000
	TOTAL ...	<u>769,086</u>

FEDERATION OF MALAYA

Act of Parliament

No. 32 OF 1960

SUPPLEMENTARY SUPPLY (1958) (No. 8) ACT, 1960



I assent



Putra Samadullahil
.....
Timbalan Yang di-Pertuan Agong

30th : August, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 32 OF 1960

SUPPLEMENTARY SUPPLY (1958) (No. 8) ACT, 1960

An Act to apply a sum out of the Consolidated Fund for additional expenditure for the service of the year 1958, and to appropriate such a sum for certain purposes.

[]

WHEREAS the sum of seven hundred and thirty-seven million four hundred and sixty-seven thousand nine hundred and eighty-seven dollars (\$737,467,987) has been provided by the Supply (1958) Ordinance, 1957, the Supplementary Supply (1958) Ordinance, 1958, the Supplementary Supply (1958) (No. 2) Ordinance, 1958, the Supplementary Supply (1958) (No. 3) Ordinance, 1958, the Supplementary Supply (1958) (No. 4) Ordinance, 1958, the Supplementary Supply (1958) (No. 5) Ordinance, 1958, the Supplementary Supply (1958) (No. 6) Ordinance, 1958, and the Supplementary Supply (1958) Ordinance, 1959, for the service of the year 1958;

*82 of 1957.
4 of 1958.
26 of 1958.
30 of 1958.
34 of 1958.
59 of 1958.
66 of 1958.
4 of 1959.*

AND WHEREAS it is now requisite to make a further provision of four hundred and eleven thousand seven hundred and fifteen dollars (\$411,715):

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 Supplementary Supply (1958) (No. 8) Act, 1960. Short title.

2. (1) The issue of a sum not exceeding four hundred and eleven thousand seven hundred and fifteen dollars (\$411,715) out of the Consolidated Fund for expenditure on the various services specified in the Schedule for the service of the year 1958, not provided or not fully provided for by the said Supply (1958) Ordinance, 1957, the Supplementary Supply (1958) Ordinance, 1958, the Supplementary Supply (1958) (No. 2) Ordinance, 1958, the Supplementary Supply (1958) (No. 3) Ordinance, 1958, the Supplementary Supply (1958) (No. 4) Ordinance, 1958, the Supplementary Supply (1958) (No. 5) Ordinance, 1958, the Supplementary

*Further
expenditure
for the year
1958.*

Supply (1958) (No. 6) Ordinance, 1958, and the Supplementary Supply (1958) Ordinance, 1959, is hereby authorised.

Appropriation.

(2) The said sum is appropriated for the purposes specified in the Schedule.

SCHEDULE
[Section 2 (1)]

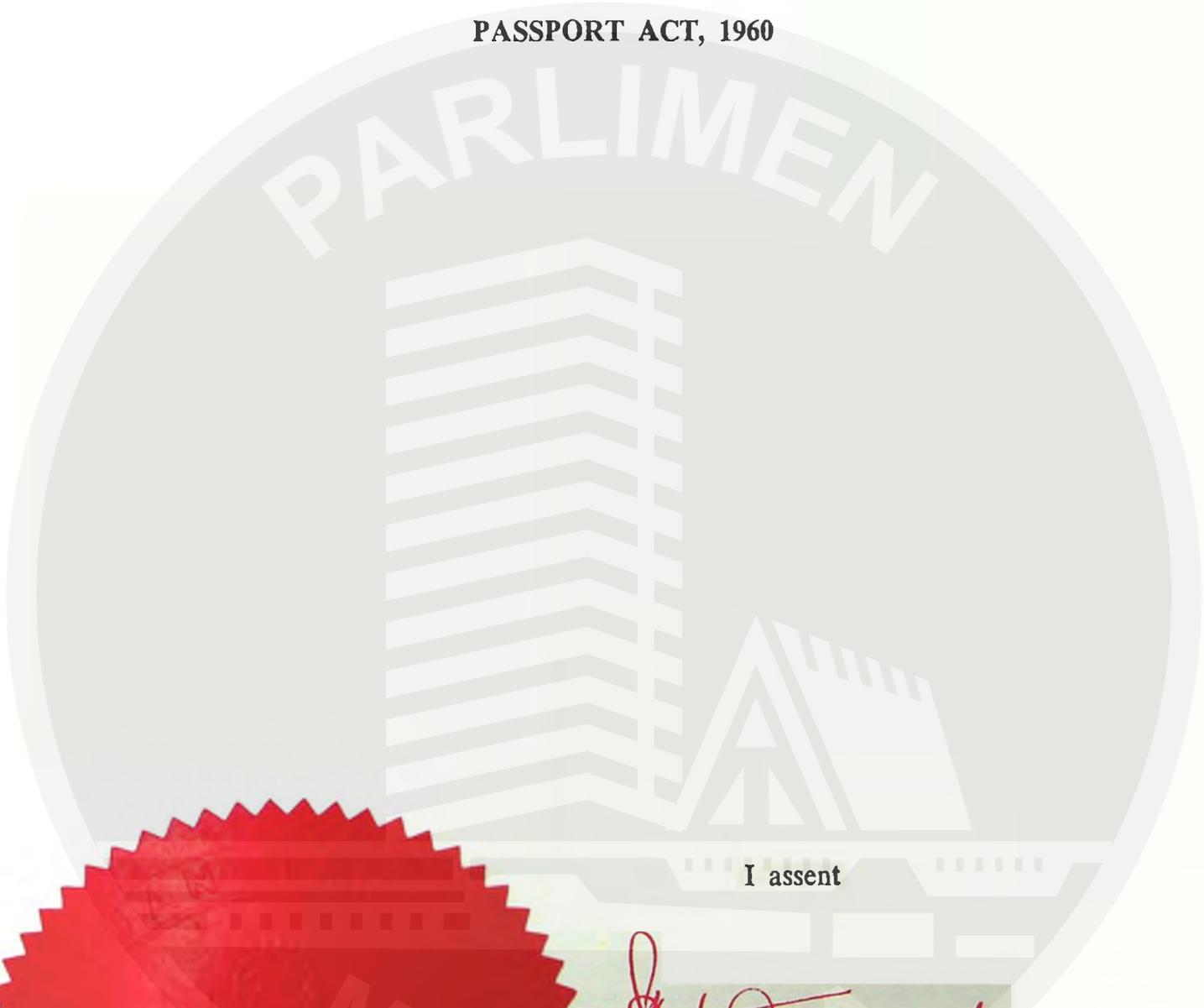
Head No. (1)	Title (2)	Total Appropriation to Head (3)
		\$
1.	Civil List	581
35.	Pensions, Retiring Allowances and Gratuities ...	411,134
	TOTAL ...	411,715

FEDERATION OF MALAYA

Act of Parliament

No. 33 OF 1960

PASSPORT ACT, 1960



I assent



Jusro Samadullah
.....
Yang di-Pertuan Agong
"
7th.
.....October, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 33 OF 1960

PASSPORT ACT, 1960

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

Interpre-
tation.

“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;

“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 one year 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.

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

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.

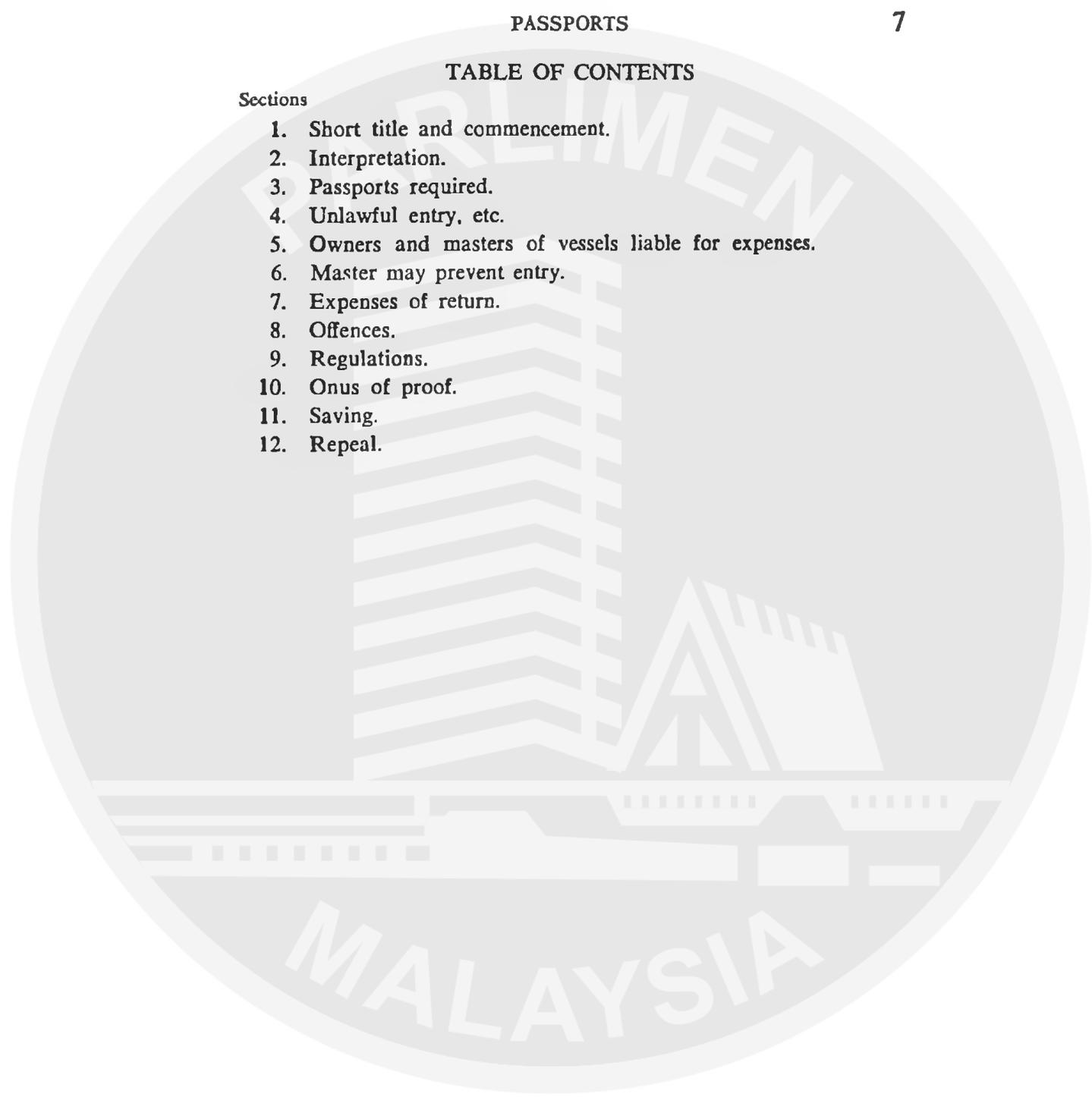
Repeal.
19 of 1949.

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

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.

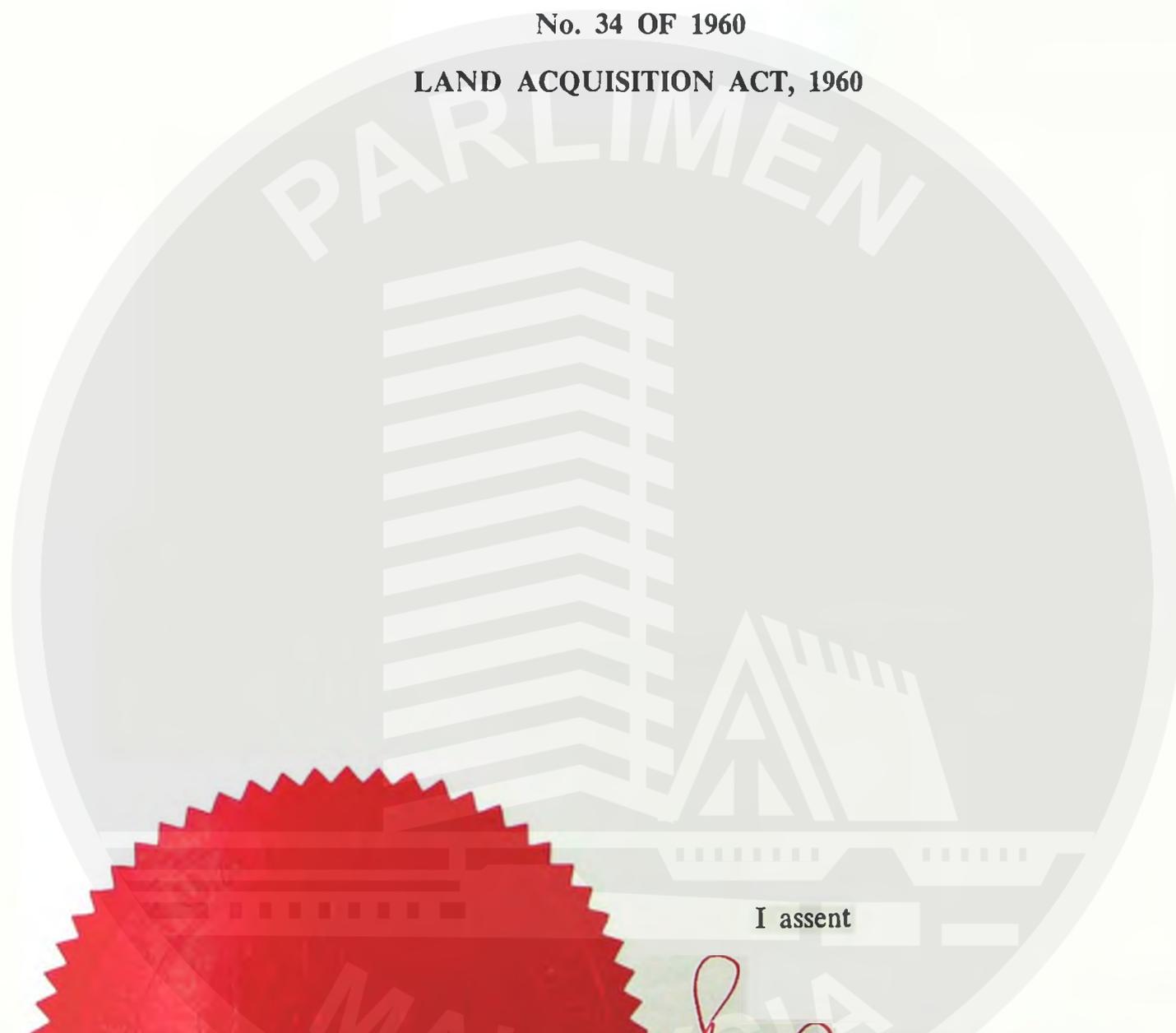


FEDERATION OF MALAYA

Act of Parliament

No. 34 OF 1960

LAND ACQUISITION ACT, 1960



I assent



Putra Jamaluddin

Yang di-Pertuan Agong

7th:
.....October, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 34 OF 1960

LAND ACQUISITION ACT, 1960

An Act to consolidate the law relating to the acquisition of land, the assessment of compensation to be made on account of such acquisition, and other matters incidental thereto.

[]

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 Land Acquisition Act, Short title.
1960.

PART I

PRELIMINARY

2. (1) In this Act, unless the context otherwise requires— Interpreta-
tion.

“building” includes any dwelling-house or factory;

“Certificate of Urgency” means a certificate in Form I issued under section 19;

“Collector” means any Collector of Land Revenue, Land Officer, District Officer or other officer appointed under the State land law, and includes an Assistant Collector, Assistant Land Officer or Assistant District Officer;

“Commissioner” means the officer designated by the State Authority to be the Commissioner in the State for the purposes of this Act;

“Court” means the High Court;

“Form” means any Form set out in the Second Schedule;

“issue document of title” means a grant, lease of State land or other document evidencing title, including an extract from the Mukim Register, and in relation to the States of Penang and Malacca, includes an original grant or lease or other title or deed evidencing title;

“land” means land held under any grant, lease of State land or other registered title and, in the States of Penang and Malacca, shall include land held by freehold, lease or other deed evidencing title, or under customary right, and includes things attached to the earth or permanently fastened to things attached to the earth, and also every interest in land and benefits to arise therefrom, including the right to occupy land in expectation of title;

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

“persons entitled to act” shall be deemed to include the following persons as and to the extent hereinafter provided—

- 36 of 1957.
- (a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;
 - (b) subject to the provisions of the Married Women Ordinance, 1957, a married woman shall be deemed the person so entitled to act and, whether of full age or not, to the same extent as if she were unmarried and of full age; and
 - (c) the guardians of minors and the committees of mentally disordered persons shall be deemed respectively the persons so entitled to act to the same extent as the minors or mentally disordered persons themselves could have acted if free from disability:

Provided that:

- (i) no person shall be deemed entitled to act whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) the provisions of the law for the time being relating to civil procedure relating thereto shall *mutatis mutandis* apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) no person entitled or deemed to be entitled to act shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to transfer the land and receive and give a good discharge for the purchase money on a voluntary sale;

“person interested” includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Act, but does not include a tenant by the month or at will;

“proper registering authority” includes, in the States of Kelantan and Trengganu the Registrar, in the State of Johore the Commissioner of Lands and Mines and the Collector, and in the States of Penang and Malacca the Registrar of Deeds and the Collector;

“register document of title” means a grant, lease of State land, entry in the Mukim Register or other document or record evidencing title registered or kept by the proper registering authority and, in relation to the States of Penang and Malacca, includes entries in the registry book recording the registration of deeds;

“registered deed” means, in relation to the States of Penang and Malacca, any deed registered under the provisions of the Registration of Deeds Ordinance or the Mutations in Title to Land Ordinance;

*S.S. Cap.
121.
S.S. Cap.
126.*

“registered proprietor” includes, in relation to the States of Penang and Malacca, the current beneficial owner under any registered deed;

“scheduled land” means any land or lands included in a schedule prepared under section 8 and appended to any declaration or notification in Forms D, E, J and K;

“State Authority” means the Ruler or the Governor of the State, as the case may require;

“State land law” means the State law for the time being in force relating to land and land tenure and the registration of title thereto and the collection of revenue therefrom.

(2) Where in any notification, declaration or other instrument issued under this Act any locality referred to therein cannot, in the opinion of the authority promulgating such notification, declaration or other instrument otherwise be conveniently described, it shall be sufficient if the lands in such locality are described by their survey lot numbers, or by the lot numbers of adjacent or surrounding lands.

(3) Any notification, declaration or other instrument made or issued under this Act shall be valid and effectual for all purposes notwithstanding that pieces or parcels of any lands referred to therein are held under different titles or by different persons.

(4) In the application of this Act in a State, words and expressions used in this Act shall, unless the context otherwise requires or it is herein otherwise expressly provided, have the meanings assigned to them by the State land law.

PART II
ACQUISITION

Acquisition
of land.

3. The State Authority may acquire any land which is needed—

- (a) for any public purpose; or
- (b) by any person or corporation undertaking a work which in the opinion of the State Authority is of public utility; or
- (c) for the purpose of mining or for residential or industrial purposes.

Preliminary Investigation

Preliminary
notice.

4. (1) Whenever the State Authority is satisfied that any land in any locality in the State is likely to be needed for any of the purposes referred to in section 3 a notification in Form A shall be published in the *Gazette*.

(2) The Collector shall give public notice of any notification published under sub-section (1) in the manner prescribed by section 52.

Power of
entry and
survey.

5. (1) The Commissioner may by written authority in Form B generally or specifically authorise any officer or person, together with servants and workmen, to enter upon any land in any locality specified in a notification published under section 4, and to do such work as may be specified in such Form.

(2) A person authorised under sub-section (1) shall, on demand by the occupier of any land upon which he enters, produce to such occupier his letter of authority in Form B together with a copy of the relevant notification in Form A.

(3) A person authorised under sub-section (1) shall not enter into any building or upon any enclosed court or garden attached to a dwelling house unless—

- (a) he has first obtained the consent of the occupier thereof, or
- (b) failing such consent, he has given the occupier three days' notice in writing of his intention to do so.

Payment for
damage.

6. (1) Where any person authorised under sub-section (1) of section 5 causes damage to any land entered upon he shall as soon as possible compensate the occupier for all such damage.

(2) In the case of any dispute as to the compensation to be paid under sub-section (1) the person authorised shall at once refer the dispute to the decision of the Collector.

(3) Any occupier aggrieved by a decision of the Collector under sub-section (2) may appeal to the State Authority, whose decision thereon shall be final.

Declaration of Intended Acquisition

7. Whenever any lands are needed for any of the purposes referred to in section 3 the Collector shall prepare and submit to the State Authority—

Preparation
of plan and
list of lands.

- (a) a plan of the whole area of such lands, showing the particular lands, or parts thereof, which it will be necessary to acquire; and
- (b) a list of such lands, in Form C.

8. (1) When the State Authority decides that any of the lands referred to in section 7 are needed for any of the purposes referred to in section 3, a declaration in Form D shall be published in the *Gazette*.

Declaration
that land is
required for
a public
purpose.

(2) A copy of the list of lands referred to in paragraph (b) of section 7, amended, if necessary, in accordance with the decision of the State Authority, shall be included as a schedule to the declaration in Form D.

(3) A declaration in Form D shall be conclusive evidence that all the scheduled land referred to therein is needed for the purpose specified therein.

9. (1) Upon the publication pursuant to section 8 of the declaration in Form D that any land is needed for the purpose specified in such Form, then—

Land to be
marked out
and notice
entered on
register, etc.

- (a) the Collector shall cause the areas affected by the acquisition to be marked out upon the land, unless this has already been done to his satisfaction; and
- (b) the Collector or other registering authority shall make a note of the intended acquisition in the manner specified in sub-section (2) or (3).

(2) In States other than the States of Penang and Malacca the note of the intended acquisition required by paragraph (b) of sub-section (1) shall be made—

- (a) where the scheduled land is held by registered title, upon the register document of title or Mukim Register, as may be appropriate; or
- (b) where the scheduled land is occupied in expectation of title, upon the Register of Approved Applications, Register of Holdings or other appropriate register.

(3) In the States of Penang and Malacca the note of the intended acquisition required by paragraph (b) of sub-section (1) shall be made—

- (a) where the scheduled land is held under the Malacca Lands Customary Rights Ordinance, in the Mukim Register;

S.S. Cap.
125.

(b) in all other cases in both—

- (i) the appropriate Settlement Register, Town Register, Mukim Register or other permanent record in the Land Office; and
- (ii) in the State of Penang the Mukim Book and Index of Land of the Penang Registry of Deeds, and in the State of Malacca the Registers of Grants in the Malacca Registry of Deeds.

Commencement of Proceedings

Collector to commence proceedings.

10. (1) The Collector shall, having completed the action required by section 9, commence proceedings for the acquisition of the land by giving public notice in Form E in the manner prescribed by section 52, and by fixing the date of an inquiry for the hearing of claims to compensation for all interests in such land.

(2) The Collector shall not hold such inquiry earlier than twenty-one days after the date of publication of the notice referred to in sub-section (1).

(3) A copy of the schedule to the declaration in Form D gazetted under sub-section (2) of section 8 shall be appended to every notice in Form E.

Service of notices.

11. (1) The Collector shall, in addition to giving public notice as required by sub-section (1) of section 10, in respect of all scheduled land specified in every notice in Form E, serve copies of such notice in the manner prescribed by section 53, upon—

- (a) the occupier of such land;
- (b) the registered proprietor of such land, where he is not the occupier thereof;
- (c) any person having a registered interest in such land;
- (d) any person whom he knows or has reason to believe to be interested therein.

(2) The Collector in any particular case may also, by service of a notice in Form F, require the registered proprietor of any land, specified in any notice in Form E, or any other person who may in the opinion of the Collector have knowledge of the facts referred to therein, within such period as may be prescribed in such notice to furnish a statement in writing of the information required by such Form.

Procedure at Enquiry

Enquiry by the Collector.

12. (1) On the date appointed under sub-section (1) of section 10 the Collector shall make full enquiry into the value of all scheduled lands and shall as soon as possible

thereafter assess the amount of compensation which in his opinion is appropriate in each case, according to the considerations set out in the First Schedule.

(2) The Collector shall also enquire into the respective interests of all persons claiming compensation or who in his opinion are entitled to compensation in respect of the scheduled land, and into the objections, if any, made by any interested person to the area of any scheduled land.

(3) The Collector may for a sufficient cause postpone any enquiry or adjourn any hearing of an enquiry from time to time.

13. (1) The Collector making an enquiry under section 12 shall have all the powers of a Court for the summoning and examination of witnesses, including the persons interested in the land which is the subject of the enquiry, the administration of oaths or affirmations, and for compelling the production and delivery to him of documents, including issue documents of title and other documents evidencing title.

Power to
summon
witnesses,
etc.

(2) Every person required to appear before or to make or deliver a written statement to the Collector by notice in Form E or F shall, without prejudice to the generality of the powers conferred by sub-section (1), be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code.

F.M.S.
Cap. 45.

14. (1) Upon the conclusion of the enquiry under section 12 relating to any scheduled land the Collector shall prepare a written award under his hand in Form G, in which he shall, in respect of each separate area of scheduled land, make a separate award in respect of each person whose interest in the land has been established in such enquiry.

Award of
the
Collector.

(2) Every award prepared under sub-section (1) shall be filed in the office of the Collector and shall be final and conclusive evidence of the area of any scheduled land, of its value in the opinion of the Collector, and of the apportionment of the compensation awarded by the Collector, whether the persons interested therein have or have not appeared at the enquiry.

(3) An award under this section shall not be invalidated by reason only of the fact that the area in respect of which the award is made is within half an acre greater or smaller than the area of scheduled land:

Provided that any person interested who is aggrieved by any increase in such area may make an objection to the award in the manner prescribed by section 37.

(4) Wherever the area of land in respect of which an award is made under this section—

(a) exceeds by not more than half an acre the area of the scheduled land, it shall not be necessary for any further declaration in respect thereof under section 8 to be made and published;

(b) is less than the area of the scheduled land by not more than half an acre, it shall not be necessary for any formal withdrawal therefrom to be made under section 35.

(5) The Collector shall determine the amount of the costs incurred in the proceedings and by what persons and in what proportion they are to be paid.

Power of Collector to enter into arrangement, etc.

15. (1) In the course of making any enquiry and award under sections 12 and 14 the Collector may in his discretion, in respect of any scheduled land, instead of assessing or awarding monetary compensation enter into any arrangement with a person having an interest in such land in such a way as may be equitable, having regard to the interests of the parties concerned.

(2) Whenever the Collector enters into any arrangement under sub-section (1) he shall make an entry thereof in the appropriate register, and record therein the fact that no monetary compensation has been assessed or awarded.

Service of award.

16. (1) On making any award under sub-section (1) of section 14 in respect of any scheduled land the Collector shall prepare and serve on each person interested in such land a notice in Form H.

(2) Every notice in Form H shall include an extract from the written award of the Collector in Form G, relating to the land in which the person to whom such notice is addressed has an interest.

PART III

SUMMARY ENQUIRY

Summary enquiry.

17. (1) Whenever a notice in Form E has been served in respect of any scheduled land, and the Collector is satisfied, either by reason of the number of persons interested in such land or the small area of land involved in each separate award to be made in respect of the scheduled land, or otherwise, that it is expedient to do so, he may in lieu of making an enquiry under section 12 proceed by way of a summary enquiry under this section.

(2) A summary enquiry shall be held in such manner and at such place or places as the Collector may think fit and, on enquiring into the respective interests of all persons claiming compensation or who in his opinion are entitled to compensation in respect of the scheduled land, and into the objections, if any, made by any interested person to the area of the scheduled land, the Collector may, in lieu of making a written award under section 14, make an oral award, either in the form of a monetary offer of compensation or otherwise, to every such person entitled in his opinion thereto.

(3) When any award is made under sub-section (2) the Collector shall record such award, together with the acceptance or rejection thereof, in Form G.

(4) The Collector may, where any award under sub-section (2) is accepted—

- (a) require the title to the scheduled land to be delivered to him forthwith; and
- (b) upon any such delivery, pay to the person interested therein the amount of the award.

(5) The Collector may, where any award under sub-section (2) is rejected or where the person interested fails to attend the enquiry—

- (a) adjourn the enquiry and proceed in accordance with the provisions of section 12; or
- (b) make an application under sub-section (2) of section 29.

(6) When any payment is made in respect of any scheduled land under paragraph (b) of sub-section (4), possession of such land shall, without any action under section 22, be deemed to have been taken on the date of the making of such payment.

(7) In making a summary enquiry under this section the Collector may exercise all the powers conferred on him by this Act.

—
PART IV

TAKING POSSESSION OF LAND

18. The Collector may take possession—

- (a) of any land in respect of which an award has been made under section 14, such possession being taken at the time of the service upon the occupier of such land of a notice in Form H, or at any time thereafter;

General
power
to take
possession.

(b) of any land specified in a Certificate of Urgency issued under section 19, whether or not any award has been made in respect of such land:

Provided that the Collector shall not take possession of any part of any land under paragraph (b) which is occupied by any building, except in accordance with the provisions of section 20.

Power to take possession in urgent cases.

19. (1) Where any country land or arable land or unoccupied land, described in any notice in Form E given under section 10, is in the opinion of the State Authority urgently required for use for a public purpose the Commissioner may, on or after the expiration of fifteen days from the date of the giving of such notice, issue a Certificate of Urgency directing the Collector to take possession of such land, subject to the provisions of section 20.

(2) In this section—

“arable land” means any land within the State of Penang or Malacca used for agricultural purposes or for purposes connected therewith;

“country land” has the meaning attributed to it by the State land law;

“unoccupied land” includes any surveyed lot or portion thereof which has not been cultivated, or upon which there is no building of any kind and, in the case of any land alienated subject to any condition requiring the erection thereon of any permanent structure, includes any such land which has been cultivated, or upon which there is no building of any kind, or upon which there is a temporary building.

Special provisions relating to buildings.

20. Where on any scheduled land in respect of which a Certificate of Urgency has been issued there is any building the Collector shall, upon taking formal possession as provided in section 22 of the land not built upon, serve notices in Form J upon—

(a) the occupier of the building requiring that he vacate the building within such period, not exceeding sixty days from the date of the notice, as may be specified therein;

(b) the owner of the building making an offer of compensation in respect of the building—

(i) where the building is a permanent structure, of the value of the building as it stands;

(ii) where the building is of temporary construction, or is otherwise capable of removal and re-erection, of the value of

the building or the cost of its removal and re-erection.

21. (1) Where the owner of a building accepts an offer of compensation under section 20 the Collector—

Procedure on acceptance or rejection of offer of compensation.

(a) may take possession of such building on the expiration of the period prescribed in the notice in Form J; or

(b) may, upon its removal by the proprietor, pay the cost of its removal and re-erection.

(2) Where the owner of a building does not accept an offer of compensation under section 20 the Collector—

(a) where the building is a permanent structure, shall not take possession thereof until he has obtained a valuation of such building by a competent valuer or,

(b) where the building is of temporary construction, or is otherwise capable of removal and re-erection, may himself remove and re-erect such building.

22. (1) The Collector shall take formal possession of any scheduled land by serving upon the occupier thereof or, if he cannot be found, by posting thereon, a notice in Form K.

Formal possession.

(2) A copy of the list of lands gazetted under sub-section (1) of section 8, or any relevant part thereof, shall be included as a schedule to the notice in Form K.

(3) Upon taking possession of land under sub-section (1) the Collector shall also serve a copy of the notice in Form K upon—

(a) the registered proprietor of the land, where he is not the occupier; and

(b) the proper registering authority, where he is not the Collector himself.

23. The proper registering authority, upon receipt of the notice in Form K, or the Collector of his own motion after completing Form K, shall, upon the register document of title or other appropriate record in his possession as specified in sub-section (2) or (3) of section 9, make with respect to any scheduled land a note—

Entry in register.

(a) that the whole of such land has been acquired and has vested in the Ruler or, in the case of the States of Penang and Malacca, in the State, as the case may be; or

(b) that so much of the land as is specified in the last column of the schedule to such Form has been acquired.

Delivery of
issue and
other
documents
of title.

24. (1) Where the issue document of title or other deed or deeds evidencing title to any scheduled land has not previously been delivered to him, the Collector shall, by a notice in writing in Form L require any person in whose possession such document or deed may be, to deliver such document or deed to the Collector; and upon service of such notice upon him such person shall be legally bound to deliver such document or deed to the Collector:

Provided that in the States of Penang and Malacca no person shall be required so to deliver a document of title, unless the scheduled land is held under a single title.

(2) Where any document of title delivered to the Collector under sub-section (1) relates, or such deed or deeds relate, to a title of which the records are kept by some authority other than the Collector, the Collector shall on receipt thereof forward such document, deed or deeds, as the case may be, to the proper registering authority.

Procedure
on receipt
of document
of title, etc.,
in States
other than
Penang and
Malacca.

25. In States other than the States of Penang and Malacca, upon receipt of any document of title pursuant to the provisions of section 24 the Collector or the proper registering authority, as the case may be, shall—

- (a) where the whole of the land comprised therein has been acquired, cancel such document;
- (b) where only part of the land comprised therein has been acquired, make upon such document an entry that so much of the land as is specified in the last column of notice in Form K has been acquired, and thereafter shall return such document to the person by whom it was delivered to the Collector.

Procedure
on receipt
of document
of title, etc.,
in Penang
and
Malacca.

26. (1) In the States of Penang and Malacca, upon receipt of any document, deed or deeds pursuant to the provisions of section 24, the proper registering authority shall, where the land is held under a single title—

- (a) retain the document of title relating thereto;
- (b) make a note in the appropriate register referred to in paragraph (b) of sub-section (3) of section 9 that the whole of the land comprised in the title thereto is now vested in the State;
- (c) make a note similar to that referred to in paragraph (b) upon the filed copy of the original document of title, where such a document is in existence; and

(d) where a part only of such land is acquired, issue a new grant or lease, or, in the case of land held under the Malacca Lands Customary Rights Ordinance, make an entry on the register in respect of the unacquired portion of such land. *S.S. Cap. 125.*

(2) In any case other than that referred to in sub-section (1) the proper registering authority shall—

- (a) make a note on the deed evidencing title that the whole, or, as the case may be, a part of the land to which such deed relates has been acquired by the State;
- (b) make a note in the appropriate register referred to in paragraph (b) of sub-section (3) of section 9 that the whole or, as the case may be, a part of the land to which such deed relates has been acquired by the State;
- (c) where the whole of the land referred to in such deed has been acquired, retain such deed in his possession;
- (d) where a part only of the land so referred to has been acquired, return such deed to the person who made due delivery thereof.

(3) Notwithstanding the foregoing provisions of this section, where the original document of title or any deed conveying title to any scheduled land is of historic or other interest to the owner, such owner may apply in writing to the Collector for the return to him of such document or deed; and the Collector shall, after cancelling such document or deed in the manner, if any, provided by any rules made under section 69, return such document or deed to such owner.

(4) Whenever a new grant or lease is issued under the provisions of paragraph (d) of sub-section (1)—

- (a) it shall be presumed that the Governor has approved the re-grant of the unacquired portion of the land referred to in such paragraph;
- (b) the provisions of the Lands Ordinance relating to grants issued in replacement of earlier titles shall apply thereto. *S.S. Cap. 113.*

27. The Collector shall, as soon as may be after taking the action prescribed by section 25 or 26, as the case may be— *Final survey, etc.*

- (a) cause a final survey to be made of all the land acquired; and

(b) except in any case referred to in sub-section (2) of section 26, cause documents of title to be prepared for any unacquired part or parts of any land;

and the proper registering authority shall then—

- (i) recall and cancel all existing documents of title;
- (ii) register any new document of title; and
- (iii) send the issue document of title to the person by whom the previous document of title was surrendered.

Valuation of differences in area.

28. Whenever as a result of a final survey as provided in paragraph (a) of section 27 a difference is found to exist between the area of any land acquired and the area of scheduled land specified in an award under section 14, such difference shall be valued at the same rate as that at which the land in question has been valued in the award in Form G.

Payment of Compensation

Payment of compensation or deposit in Court.

29. (1) After a notice of award in Form H has been served in the manner prescribed by section 53 upon all interested persons the Collector shall, as soon as may be, make payment of each amount awarded to the person entitled thereto unless—

- (a) there shall be no person competent to receive such payment; or
- (b) the person entitled thereto does not consent to receive the amount awarded; or
- (c) there is a dispute as to the right or title of the person to receive the compensation, or as to the apportionment thereof.

(2) In the cases referred to in paragraphs (a), (b) and (c) of sub-section (1) the Collector shall apply *ex parte* to the Registrar of the Court in chambers, supported by affidavit, for an order to deposit the amount awarded into Court and, notwithstanding anything to the contrary in the law for the time being in force relating to civil procedure, the Registrar shall have power to make such order.

Receipt of payment under protest, etc.

30. Notwithstanding anything contained in section 29—

- (a) any interested person may receive a payment of the amount awarded under protest as to the sufficiency of such amount;
- (b) any person who has received any payment of any amount awarded otherwise than under protest shall not be entitled to require that his claim be referred to the Court under section 37.

31. Any person who may have received the whole or any part of any compensation awarded for an interest in any scheduled land either in error or before it has been established that another person is rightfully entitled to such interest shall be liable, on demand by the Collector, to refund the amount received or to pay it to the person entitled thereto.

Payment in error, etc.

32. (1) When the amount of any compensation awarded under this Act in respect of any land is not paid or deposited on or before taking possession of such land, the Collector shall pay the amount awarded with interest thereon at the rate of six per cent per annum from the time of so taking possession until the time of such payment or deposit.

Payment of interest.

(2) Where any valuation is made under section 28 relating to any difference in area found on final survey, there shall be added to the amount of such valuation interest thereon at the rate of six per cent per annum from the date at which possession was taken or compensation paid, whichever shall have been the earlier; and the Collector shall, as the case may require, either pay any such amount and interest to the person interested, or obtain from him a refund thereof.

Extension to and Withdrawal from Acquisition

33. (1) Whenever the State Authority is of the opinion that a claim to compensation made by a person interested on account of the severing of the land to be acquired from his other land is unreasonable or excessive, the State Authority may at any time before the possession of the land has been taken order the acquisition of the whole or of any additional portion of such remaining land.

Acquisition of other land where severance claim is excessive.

(2) On the making of any order under sub-section (1) no fresh declaration or other proceedings under sections 7 to 11 shall be necessary, but the Collector shall—

- (a) without delay furnish to the person interested a copy of the order of the State Authority; and
- (b) thereafter proceed to make an award as in section 14.

34. (1) The provisions of this Act shall not be applied for the purpose of acquiring a part only of a building if—

Acquisition of part of a building.

- (a) such part is reasonably required for full and unimpaired use of the building; or
- (b) the person interested in such building desires that the whole thereof shall be acquired:

Provided that such person may at any time before the Collector has made an award under

section 14 by notice in writing withdraw or modify his expressed desire that the whole of such building shall be so acquired.

(2) If any question arises as to whether any land proposed to be taken under this Act does or does not form part of a building which is reasonably required for the full and unimpaired use thereof within the meaning of this section, such acquisition shall be determined by agreement between the parties; and in default of any such agreement, the Collector—

(a) shall refer the determination of such question to the Court; and

(b) shall not take possession of such land until after such question has been determined.

Withdrawal
from
acquisition.

35. (1) The State Authority shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the State Authority withdraws from any acquisition under sub-section (1), the Collector shall—

(a) determine the amount of compensation due for the damage, if any, done to such land by action taken under section 5 or sub-section (2) of section 9 and not already paid for under section 6, and pay such amount to the person injured; and

(b) pay to the persons interested all such costs as shall have been incurred by them by reason or in consequence of the proceedings for acquisition, together with compensation for the damage, if any, which they may have sustained by reason or in consequence of such proceedings.

(3) The provisions of the First Schedule shall apply, so far as may be, to the determination of the compensation payable under this section.

(4) The Collector or other registering authority shall make a note of any withdrawal under this section in the manner specified in sub-section (2) or (3) of section 9.

PART V

REFERENCE TO COURT

Reference
to Court.

36. (1) No reference to Court under this Act shall be made otherwise than by the Collector.

(2) The Collector may, at any time of his own motion by application in Form M refer to the Court for its determination any question as to—

- (a) the true construction or validity or effect of any instrument;
- (b) the person entitled to a right or interest in land;
- (c) the extent or nature of such right or interest;
- (d) the apportionment of compensation for such right or interest;
- (e) the persons to whom such compensation is payable;
- (f) the costs of any enquiry under this Act and the persons by whom such costs shall be borne.

(3) Without prejudice to the powers of the Court under this Part, the costs of any reference under sub-section (2) shall be borne by such person as the Court may direct or, in the absence of any such direction, by the Collector.

(4) After an award has been made under section 14 the Collector shall refer to the Court for determination any objection to such award duly made in accordance with the provisions of this Part.

Application by persons interested

37. (1) Any person interested in any scheduled land who, pursuant to any notice under section 10 or 11, has made a claim to the Collector in due time and who has not accepted the Collector's award thereon, or has accepted payment of the amount of such award under protest as to the sufficiency thereof, may, subject to the provisions of this section, make objection to—

Application
to Court.

- (a) the measurement of the land;
- (b) the amount of the compensation;
- (c) the persons to whom it is payable;
- (d) the apportionment of the compensation.

(2) Where the total amount claimed in compensation in respect of any interest in any scheduled land does not exceed five hundred dollars the written award of the Collector shall be final with regard to both the measurement of the land and the amount of compensation awarded, and no objection may be made under sub-section (1) in respect thereof.

(3) Where the total amount of any award in respect of any scheduled land exceeds five thousand dollars any Government or any person or corporation undertaking a work which in the opinion of the State Authority is of public utility, and on whose behalf such land was acquired

pursuant to the provisions of section 3, shall be deemed to be a person interested in any scheduled land under the provisions of sub-section (1), and may make objections on any of the grounds specified in sub-section (1).

Form and
content of
application,
etc.

38. (1) Any objection made under section 37 shall be made by a written application in Form N to the Collector requiring that he refer the matter to the Court for its determination.

(2) Every application under sub-section (1) shall state fully the grounds on which objection to the award is taken, and at any hearing in Court no other grounds shall be given in argument, without leave of the Court.

(3) Every application under sub-section (1) shall be made—

(a) if the person making it was present or represented before the Collector at the time when the Collector made his award, within six weeks from the date of the Collector's award under section 14;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 16 or within six months from the date of the Collector's award under section 14 whichever period shall first expire.

(4) The period of six weeks prescribed by paragraph (a) of sub-section (3) and the periods of six weeks and six months prescribed by paragraph (b) of sub-section (3) shall not be capable of enlargement by any Court, except in such special circumstances as the Court may think fit.

(5) On receiving any application under sub-section (1) the Collector shall, subject to the provisions of section 39, as soon as may be refer the matter to the Court by a reference in Form O.

Deposit.

39. (1) Before making reference to the Court the Collector may require each person making application therefor to deposit with the Collector such sum not exceeding one thousand dollars, or the amount of the Collector's award, in respect of the interest under reference whichever is the less, as he may consider reasonable as security for the costs of reference and appeal.

(2) In the event of any deposit required under sub-section (1) not being made within fourteen days of its being required by the Collector the application for reference shall be deemed to have been withdrawn and the Collector's award shall thereupon become final.

The Court

40. (1) Except as provided in this section the Court shall consist of a Judge sitting alone. Constitution of Court.

(2) Where—

(a) the objection before the Court is in regard to the amount of compensation, and

(b) the amount awarded is not less than five thousand dollars,

the Court shall also appoint two assessors for the purpose of aiding the Judge in determining the objection.

(3) The Court may also, wherever it considers such action desirable, appoint one or more assessors for the purpose of aiding the Judge in determining the objection, in any other case.

41. (1) Every person appointed as an assessor under section 40 shall be legally bound to attend and serve as an assessor, unless excused for some reason to be approved by the Judge. Assessors.

(2) If an assessor dies, or becomes incapable of acting, or is excused by the Judge, some other suitably qualified person shall be appointed in his stead.

(3) Every assessor shall receive such fee for his services as the Judge shall direct provided that such fee shall not exceed one hundred dollars a day, or such higher figure as the Minister may, with the approval of the National Land Council, by notification in the *Gazette* prescribe.

(4) The fee of each assessor shall be deemed to be costs in the proceeding.

42. (1) The opinion of each assessor shall be given orally, and shall be recorded in writing by the Judge. Opinion of assessors.

(2) In case of a difference of opinion between the Judge and the assessors or either of them upon a question of law or practice, or of usage having the force of law, the opinion of the Judge shall prevail.

(3) In case of difference of opinion between the Judge and both of the assessors as to the amount of compensation or as to the amount of any item thereof the decision of the Judge shall prevail.

Procedure

43. On receiving a reference from the Collector pursuant to the provisions of sub-section (5) of section 38, the Court shall cause a notice in Form P, specifying the day on which Notice relating to reference.

the Court will proceed to hear and determine the objection contained in such reference, to be served on the following persons, and directing their appearance before the Court at that hearing:

- (a) the applicant;
- (b) the person or corporation, if any, on whose behalf the proceedings were instituted pursuant to the provisions of section 3;
- (c) all persons interested in the objection, except such, if any, as have consented without protest to receive payment of the compensation awarded; and
- (d) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

Restriction
on scope of
proceedings.

44. (1) In every proceeding under this Part the scope of the inquiry shall be restricted to a consideration of the interests of the persons affected by the objection.

(2) The Court shall consider the interests of all persons interested who have not accepted the award, whether those persons have themselves made an objection or not.

Proceedings
to be in
open Court.

45. (1) Every proceeding under this Part shall take place in open Court.

(2) Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the law for the time being in force relating to civil procedure shall apply to all proceedings before the Court under this Act.

Copy of
First
Schedule to
be supplied
to assessors.

46. Where the proceedings under this Part are in regard to the amount of compensation, and assessors have been appointed, a copy of the provisions of First Schedule shall be supplied to each assessor.

Decision and Award

Award to be
in writing.

47. (1) Every decision made under this Part shall be in writing signed by the Judge and by the assessor or assessors, if any, concurring therein.

(2) Where such decision comprises an award of compensation it shall specify—

- (a) the amount awarded on account of the market value of the land under paragraph (a) of section 2 of the First Schedule;
- (b) the amount, if any, deducted under paragraph (b) of section 2 of the First Schedule;

(c) the amounts, if any, respectively awarded under paragraphs (c), (d) and (e) of section 2 of the First Schedule; and

(d) in respect of each such amount, the grounds for awarding or deducting the said amounts.

(3) Every such written decision or award shall be deemed to be a decree and the statement of the grounds of any such award a judgment within the meaning of the law for the time being in force relating to civil procedure.

48. If the sum which in the opinion of the Court the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per cent per annum from the date on which the Collector took possession of the land to the date of payment of such excess to the Court or to the person interested.

Collector may be required to pay interest.

49. (1) Any person interested, including the Collector and any person or corporation on whose behalf the proceedings were instituted pursuant to the provisions of section 3 may appeal from a decision of the Court to the Court of Appeal:

Appeal from decision as to compensation.

Provided that where the decision comprises an award of compensation there shall be no appeal therefrom unless the amount awarded by the Court exceeds five thousand dollars.

(2) Every appeal under this section shall be presented within the time and in the manner provided for appeals in suits in the Supreme Court:

Provided that the time within which an appeal may be presented shall only be capable of enlargement by order of a Court in such special circumstances as the Court may think fit.

(3) An appeal shall lie from any judgment or order of the Court of Appeal made on appeal under this section to the Yang di-Pertuan Agong, as provided for by Article 131 of the Constitution.

50. The cost of all proceedings under this Part, other than those arising from an objection to the amount of an award, shall be borne by the persons interested, in such proportions as the Court may determine.

Costs may be apportioned.

51. (1) In any proceedings arising from an objection to the amount of an award, costs shall be borne in accordance with the following provisions:

Costs.

(a) where the amount of the Court award does not exceed the sum awarded by the Collector the costs shall be paid by the applicant;

(b) where the amount of the Court award exceeds the sum awarded by the Collector, the costs shall ordinarily be paid by the Collector, but if the Court is of opinion that the claim of the applicant was so excessive or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made, or that he should pay a part of the Collector's costs, the Court may at its discretion make such order as to costs as it may think fit;

(c) where the claim of the applicant made pursuant to any notice under section 10 or 11 exceeds by twenty per cent or more the amount of the Court award, he shall not be entitled to his costs.

(2) The costs, if any, payable by the applicant may be recovered as if they were costs incurred in a suit in the Supreme Court and as if the award were the decree therein.

PART VI

SERVICE OF NOTICES

Public
notice.

52. Whenever it is provided in this Act that public notice (otherwise than by notification in the *Gazette*) shall be given of any notification, declaration or other document, sufficient notice thereof shall be deemed to be given if the Collector shall cause copies of such notification, declaration or document to be posted at the District Land Office, on public notice-boards in the mukim or township in which the land to which such notification, declaration or document refers, is situate and in such other places on or near the lands specified in that notification, declaration or document as the Collector may think fit.

Service of
notices.

53. (1) Service of any notice or other document under this Act shall, subject to the provisions of section 54, be made by delivering or tendering a copy thereof, duly signed by the Collector or other proper authority, either—

(a) to the person to whom the notice is addressed or, if he cannot be found,

(b) to any adult member of his family residing with him,

and by obtaining the signature of the person to whom such copy is delivered or tendered to an acknowledgment of service endorsed upon the original document or an office copy thereof, or entered in a book to be kept for that purpose.

(2) If the person to whom any copy referred to in subsection (1) is delivered or tendered is unwilling or unable to sign the acknowledgment thereof, or if no proper person can be found on whom to effect service, service may be effected by fixing a copy thereof—

- (a) upon the outer door of the building in which the person therein named ordinarily dwells or carries on business; and
- (b) on any public notice-board in the town, village or mukim in which the person to be served usually resides.

(3) Where the person to be served is the occupier of any scheduled land specified in any notice then, failing personal service, a copy of the notice shall also be posted in some conspicuous part of such land.

(4) In each of the cases referred to in sub-sections (2) and (3) the serving officer shall enter on the original of the document served, or on an office copy thereof, or in a book to be kept for that purpose, a statement of the time, place and manner in which he effected the service, and shall sign such statement.

54. Where neither any party interested nor any adult member of his family can be found the Collector may, and where he does not reside within the State the Collector shall—

Service upon agent, etc.

- (a) effect service upon an agent authorised to receive service on behalf of the party or upon a person entitled to act for such party; or
- (b) where there is no such agent or person entitled to act within the State, effect service by sending the notice by registered post to the party if, after reasonable inquiry, his address can be ascertained.

55. (1) In any proceedings under this Act—

Service on and appearance of interested persons.

- (a) a copy of every notification, declaration and other document required by this Act to be served upon any person interested in any scheduled land shall also be served upon a representative of any Government, person or corporation on whose behalf the proceedings were instituted pursuant to the provisions of section 3;
- (b) any representative referred to in paragraph (a) may appear and be heard on behalf of any such Government, person or corporation as if such Government, person or corporation were a party to the proceedings.

(2) A certificate under the hand of the State Secretary certifying that any person or officer is such a representative as is referred to in sub-section (1) shall be conclusive evidence thereof.

Omission, etc., not to invalidate proceedings. **56.** No omission or failure to make due publication of a notice or to make due service upon persons and parties interested as provided in this Part shall invalidate any proceedings under this Act.

PART VII

TEMPORARY OCCUPATION OR USE OF LAND

Temporary occupation or use of land. **57.** Whenever it appears to the State Authority that the temporary occupation and use of any land is needed—

(a) for any purpose specified in section 3; or

(b) in order to carry out public works on any land,

the State Authority may direct the Collector to procure the occupation or use of any such land for such term as he shall think fit, not exceeding three years from the date of commencement of such occupation or use, in the manner prescribed by this Part.

Offer of compensation. **58.** (1) On receiving any direction under section 57 the Collector shall give notice in writing in Form Q to the persons interested in such land of the purpose for which the land is needed, and shall make such offer of compensation, or shall negotiate the payment of such compensation, as shall be reasonable in all the circumstances of the case.

(2) Compensation under sub-section (1) may be in the form of a single sum of money, in the form of periodical payments of money, or in such other form as may be agreed.

(3) In making any assessment of compensation under this section the Collector shall, where the land is required in order to carry out public works, take into account any increase in the value of the land to be occupied or used, or any advantages which will accrue to any person interested therein, by reason of the purpose for which such public works are being carried out.

Restoration of land, etc. **59.** On the expiration of the term of occupation or use referred to in section 57 the land shall be restored to the condition it was in before such occupation or use and, failing such restoration, compensation in addition to that referred to in section 58 shall be paid for any damage done to the land, or for the extent by which the value of the land has been reduced by reason of such occupation or use.

60. Where the Collector is unable to agree with the persons interested on the amount of compensation to be paid under section 58 or 59, or on the apportionment thereof, or as to the condition of the land at the expiration of the term for which it is occupied or used, the Collector shall refer such difference to the Court for its decision.

Reference where compensation cannot be agreed.

61. Wherever the State Authority is satisfied that any land referred to in section 57 is needed solely as a means of access to any other land, then—

Where land is needed for access.

(a) the right of access so acquired shall extend to the passage of vehicles of all kinds including heavy machinery, whether owned or operated by the authority responsible for the public works or by any contractor or servant employed by such authority; and

(b) the compensation to be paid under section 58 shall be limited to the damage done on such land to trees, plants, growing crops and permanent improvements thereon.

PART VIII

MISCELLANEOUS

62. The Collector, any Government Surveyor, any Settlement Officer, and any officer or person authorised under section 5 shall have the right at all reasonable times to enter upon any land for any of the purposes of this Act.

Right of entry.

63. If the Collector is opposed or impeded in taking possession under this Act of any land he may apply to the Chief Police Officer for assistance in taking such possession; and the Chief Police Officer shall thereupon take such steps as he may consider necessary to enforce the surrender of such land to the Collector.

Application for police assistance.

64. Whoever—

(a) wilfully obstructs any officer or person referred to in section 62 or 63 in doing any of the acts authorised or required by any provision of this Act; or

Penalty for obstruction, etc.

(b) wilfully fills up, destroys, damages or displaces any trench or mark made or put on any land under any provision of this Act,

shall on conviction be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding two hundred dollars, or to both such imprisonment and fine.

Payment of costs, etc., of acquisition, etc.

65. Subject to the provisions of section 50, the costs and charges incurred by the Collector in acquiring any land or the use or occupation of any land under the provisions of this Act shall be defrayed by the Government of the State or, where such land is acquired, used or occupied on behalf of any person or corporation pursuant to the provisions of section 3, by such person or corporation.

Land to vest free from incumbrances.

66. Upon the completion of any proceedings for the acquisition of land under this Act the land shall vest in the Ruler or in the case of the States of Penang and Malacca, in the State, as the case may be, free from incumbrances.

Exemption from stamp duty and fee.

67. No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy thereof.

Bar to setting aside of awards.

68. No suit shall be brought to set aside an award or apportionment under this Act.

Rules.

69. The Minister may, with the approval of the National Land Council, make rules generally for carrying out the provisions of this Act and, without prejudice to the generality of such power, may—

(a) provide for the guidance of officers in all matters connected with this Act;

(b) add to, amend or revoke all or any of the Forms in the Second Schedule;

(c) provide for the return to their owners of documents and deeds of historic or other interest, pursuant to the provisions of sub-section (3) of section 26.

Repeal.
Cap. 140.
16/1936.
No. 57.
8/1934.
6/1332.
4/1958.
9/1952.
Cap. 128.

70. The Land Acquisition Enactment of the Federated Malay States, the Land Acquisition Enactment of the State of Johore, 1936, the Land Acquisition Enactment (No. 57) of the State of Kedah, the Land Acquisition Enactment of the State of Kelantan, the Acquisition of Land for Railway Purposes of the State of Perlis, the Land Acquisition (Extension to Perlis) Enactment, 1958, of the State of Perlis, the Land Acquisition (Extension to Trengganu) Ordinance, 1952, and the Land Acquisition Ordinance of the Straits Settlements, are hereby repealed.

FIRST SCHEDULE

(Sections 12, 35 and 46)

PRINCIPLES RELATING TO THE DETERMINATION OF
COMPENSATION

1. (1) For the purposes of this Act the term “market value” where Market value. applied to any scheduled land shall mean the market value of such land:

- (a) at the date of publication in the *Gazette* of the notification under section 4, provided that such notification shall within six months from the date thereof be followed by a declaration under section 8 in respect of all or some part of the land in the locality specified or;
- (b) in other cases, at the date of the publication in the *Gazette* of the declaration made under section 8.

(2) In assessing the market value the effect of any express or implied condition of title restricting the use to which the scheduled land may be put shall be taken into account.

(3) If the market value of any scheduled land has been increased, or is currently increased, in either of the following ways, such increase shall be disregarded:

- (a) an increase by means of any improvement made by the owner or his predecessor in interest within two years before the declaration under section 8 was published in the *Gazette*, unless it be proved that such improvement was made *bona fide* and not in contemplation of proceedings for the acquisition of the land;
- (b) an increase by reason of the use of the land, or of any premises thereon, in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to the public health.

2. In determining the amount of compensation to be awarded for any scheduled land acquired under this Act there shall be taken into consideration the following matters and no others: Matters to be considered in determining compensation.

- (a) the market value as determined in accordance with paragraph 1 of this Schedule;
- (b) any increase in the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained or likely to be sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing such land from his other land;
- (d) the damage, if any, sustained or likely to be sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner or his actual earnings; and

(e) if, in consequence of the acquisition, he is or will be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

Matters to be neglected in determining compensation.

3. In determining the amount of compensation to be awarded for any scheduled land acquired under this Act the following matters shall not be taken into consideration:

- (a) the degree of urgency which has led to the acquisition;
- (b) any disinclination of the person interested to part with the land acquired;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 8 by or in consequence of the use to which it will be put;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;
- (f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the declaration under section 8, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.

Limitation on award.

4. Where at any inquiry made by the Collector under section 12, or in any statement in writing required by the Collector under sub-section (2) of section 11, any person interested has—

- (a) made a valuation of or claimed compensation for any land or any interest therein, such person shall not at any time be awarded any amount in excess of the amount stated or claimed;
- (b) refused, or has omitted without sufficient reason to be allowed by a Judge, to make a claim to compensation, such person shall not at any time be awarded any amount in excess of the amount awarded by the Collector.

SECOND SCHEDULE

(Sections 2 and 69)

FORM A

Land Acquisition Act, 1960

(Section 4)

NOTICE THAT LAND IS LIKELY TO BE ACQUIRED

It is hereby notified that lands in the locality described in the Schedule hereto, including those lands, if any, specified by lot number or by the lot numbers of neighbouring lands, are likely to be needed for the following purpose:

.....
.....

2. It is further notified that any person authorised by the Commissioner in that behalf may enter upon any land in such locality in order to examine it and undertake survey operations. If any damage is

done in the course of such work compensation therefor will be paid. Any dispute as to the amount of such compensation will be referred to the Collector at.....

Dated this.....day of....., 19.....

.....
Commissioner

SCHEDULE

District.....
Mukim.....
Township.....
Description of the locality.....
.....
.....

FORM B

Land Acquisition Act, 1960

(Section 5)

AUTHORITY TO ENTER AND SURVEY

To.....
.....
.....

You and your servants and workmen are hereby authorised, subject to the provisions of paragraph 2, to enter upon—

- (i) any lands in a locality which has been the subject of a notification issued under section 4 of the Land Acquisition Act, or
- (ii) any lands in the locality scheduled in *Gazette Notification* No.....of.....*

*Delete which is inapplicable.

and to do any or all of the following:

- (a) survey and take levels of the land;
- (b) dig or bore into the sub-soil;
- (c) do all other acts necessary to ascertain whether the land is adapted for the purpose for which it is to be acquired;
- (d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed to be made thereon;
- (e) mark such levels, boundaries and line by placing marks and cutting trenches;
- (f) cut down and clear away any standing crop, fence or jungle, where otherwise the survey cannot be completed, or the levels cannot be taken, or the boundaries or line of the work cannot be marked.

2. Neither you nor any of your servants and workmen may enter into any building or upon any enclosed court or garden attached to a dwelling house, unless you have first obtained the consent of the occupier thereof, or, failing such consent, have given such occupier three days' notice in writing of your intention to do so.

Dated this.....day of....., 19.....

.....
Commissioner

FORM C

Land Acquisition Act, 1960

(Section 7)

SCHEDULE OF LANDS AFFECTED BY ACQUISITION

District.....

Mukim/Township.....

Survey Lot No.	Title or Occupation	Registered Proprietor or recorded occupant	Area of lot	Approximate area to be acquired

FORM D

Land Acquisition Act, 1960

(Section 8)

DECLARATION OF INTENDED ACQUISITION

It is hereby declared that the particular lands and areas specified in the Schedule hereto are needed for the following purpose :

.....

2. A plan of the particular lands and areas so specified may be inspected during the normal hours of business in the Land Office of the District in which such lands and areas are situated.

Dated this.....day of....., 19.....

.....
Commissioner

[Schedule as in Form C, amended, if necessary, in accordance with the decision of the State Authority.]

FORM E

Land Acquisition Act, 1960

(Section 10)

INTENDED ACQUISITION: NOTICE OF ENQUIRY

In accordance with the declaration of intended acquisition of the lands described in the Schedule hereunder, notice is hereby given that an enquiry to hear all claims to compensation for all interests in such land will be held on.....day of..... at.....hours at.....

2. All persons having interests in the said land, whether as proprietor, occupier, lessee, chargee, tenant or otherwise, are hereby required to appear before the undersigned at the above time either personally or by agent and there to state—

- (a) the nature of their respective interests in the land;
(b) the amount and particulars of their claims to compensation for such interests;
(c) their objections, if any, to the measurements of approximate area given in the Schedule below;
(d) the names of any other person known to the party or his agent to possess any interests in the land or any part thereof, and to produce all documents and deeds relating to their claims.

3. Notice is further given that the undersigned may require—

- (a) that in any particular case any such statement or statements should be reduced to writing and signed by the party or his agent;
(b) that any person in possession of the issue document of title or of any deed or deeds evidencing title in respect of any land scheduled below deliver up such document, deed or deeds at the time of the inquiry.

Dated this.....day of....., 19.....

Collector

[Schedule in Form D]

FORM F

Land Acquisition Act, 1960

(Section 11)

NOTICE TO REQUIRE EVIDENCE IN WRITING

To.....
.....
.....

Whereas the undersigned has reason to believe that you have particular knowledge of the land referred to in the attached notice (Copy of Form E to be attached):

Take notice that you are hereby required to furnish, withindays of this date, a statement in writing declaring the following:

- (a) separate valuations of the land and of the improvements, if any, thereon, showing the basis upon which such valuations are made;
- (b) the name of every person possessing any interest in the land or any part thereof, either as co-owner, chargee, lessee, sub-lessee, tenant or otherwise; and
- (c) the nature of any such interests and the amount of the rents and profits, if any, received or receivable on account thereof for the three years immediately preceding the date of this notice.

Dated this.....day of....., 19.....

.....
Collector

I, the undersigned.....hereby acknowledge receipt of the above notice.

Dated this.....day of....., 19.....

FORM G

Land Acquisition Act, 1960

(Section 14)

WRITTEN AWARD OF COMPENSATION

Acquisition Hearing No.....in respect of Lands scheduled in *Gazette* Notification.....

The awards set out in the Schedule hereto are hereby made in respect of the areas of land specified therein, to the persons interested therein, as specified below.

SCHEDULE

Lot No.	Area required	Persons interested	Nature of interest	Apportionment of Award	For Official use

Dated this.....day of....., 19.....

.....
Collector

FORM H

Land Acquisition Act, 1960

(Section 16)

NOTICE OF AWARD AND OFFER OF COMPENSATION

Acquisition Proceedings No..... Gazette Notification No.....

To.....
.....
.....

You are hereby informed that at the hearing before the undersigned on the.....day of....., an award as in the Schedule hereto was made in respect of the lands specified therein in which you have an interest.

2. In accordance with this award I hereby offer you the sum of \$.....being the amount specified below as full compensation for your interest in this land.

Dated this.....day of....., 19.....

.....
Collector

SCHEDULE

(Relevant extract from Form C including all awards, if any, to other persons interested in the land)

I, the undersigned..... hereby acknowledge receipt of the above offer.

2. I am prepared to attend the Land Office on any appointed day to receive payment in cash.*

I request that the amount due be sent to me by cheque/money order at the above address.*

I do not accept the above offer.*

Dated this.....day of....., 19.....

.....

* Delete as appropriate.

FORM I

Land Acquisition Act, 1960

(Section 19)

CERTIFICATE OF URGENCY

Acquisition Proceedings No..... Gazette Notification No.....

To The Collector of Land Revenue,

.....

Whereas the land scheduled below, being country land/arable land/unoccupied land*, was declared by the above Gazette Notification to be required for a public purpose:

And whereas such land is now urgently required for use for a public purpose:

Now therefore in exercise of the powers conferred by section 19 of the Land Acquisition Act, 1960, I hereby certify that such land is urgently required for use for a public purpose and DIRECT you forthwith to take possession of such land.

Dated this.....day of....., 19.....

.....

Commissioner

* Delete as appropriate.

(Schedule as in Form D)

—

FORM J

Land Acquisition Act, 1960

(Section 20)

To Occupier/Owner of the building on Lot No.....

Title No.....Mukim/Township.....

Whereas the above land has this day been acquired by virtue of a Certificate of Urgency signed by the State Secretary:

Now I hereby require that you vacate the building referred to above and situated on the said land within.....days of this date.

2. Take notice further that I hereby offer to the owner of the premises compensation to the amount of \$.....which compensation represents—

(a) the value of the building*

(b) the cost of removing and re-erecting such building elsewhere.*

*Delete whichever is inapplicable.

Dated this.....day of....., 19.....

.....

Collector

FORM K

Land Acquisition Act, 1960
(Section 22)

NOTICE THAT POSSESSION HAS BEEN TAKEN OF LAND

Acquisition Proceedings No..... Gazette Notification No.....

It is hereby notified that I have to-day, pursuant to section 22 of the Land Acquisition Act, 1960, taken formal possession of the land shown in the Schedule below to the extent declared in the last column of that Schedule.

* A copy of a Certificate of Urgency issued by the Commissioner is annexed. *Delete if inapplicable.

Dated this.....day of....., 19.....

.....
Collector

(Schedule as in Form D as amended)

FORM L

Land Acquisition Act, 1960
(Section 24)

Acquisition Proceedings No..... Gazette Notification No.....

NOTICE TO DELIVER UP DOCUMENT/S

To.....

Whereas the whole/part of the land comprised in Title.....
Lot.....Mukim/Township.....has been formally
acquired by the Government of the State:

And whereas I have reason to believe that the documents of title/
deeds hereinafter referred to are in your possession:

Now therefore in exercise of the powers conferred by section 24
of the Land Acquisition Act, 1960, I hereby require you to deliver
to me the document/s of title/deed/s specified in the Schedule hereto
within a period of.....days from the date of the service on you
of this Notice.

Dated this.....day of....., 19.....

.....
Collector

SCHEDULE

(Here list document/s of title or deeds)

FORM M

Land Acquisition Act, 1960

(Section 36)

REFERENCE TO COURT

To.....
 The High Court,.....
 In the matter of.....
 I....., Collector for the District
 of.....in the State of....., in
 exercise of the powers conferred by sub-section (2) of section 36 of the
 Land Acquisition Act, 1960, hereby refer the following question to the
 Court for its determination:

2. The parties interested, so far as I know or have been informed,
 are as follows:

Dated this.....day of....., 19.....

.....
Collector

FORM N

Land Acquisition Act, 1960

[Section 38 (1)]

APPLICATION THAT AN OBJECTION BE REFERRED TO COURT

To:
 The Collector of Land Revenue.....
 ACQUISITION PROCEEDINGS NO.....

I.....of.....hereby make an
 objection to the award of the Collector.....
 dated.....in respect of land Lot.....Title.....

2. My interest in the said land is as follows:.....

3. My objection is to:

- (a) the measurement of the land;
- (b) the amount of the compensation;
- (c) the persons to whom it is payable;
- (d) the apportionment of the compensation.

Deletes items
 inapplicable.

4. The grounds of my objection are as follows:

Here set out
 fully the
 grounds on
 which objection
 to the award
 is taken.

.....

5. In accordance with the provisions of sub-section (1) of section 38
 of the Land Acquisition Act, 1960, I hereby require you to refer the
 matter to the Court for its determination.

Dated this.....day of....., 19.....

.....
Signature of the applicant

FORM O

Land Acquisition Act, 1960

[Section 38 (5)]

Acquisition Proceedings No..... Gazette Notification No.....

REFERENCE TO COURT

To the Registrar, High Court,

Whereas I have received an Application under section 38 of the Land Acquisition Act, 1960, requiring me to refer to the Court the following matter for its determination:

*And whereas a due deposit of.....dollars has been deposited with me as security for the costs of the reference and appeal: *Delete if inapplicable.

Now therefore pursuant to the provisions of section 38 of the said Act I hereby refer the following objection to the Court:

[Here summarise objection/s]

2. The following is the situation and extent of the land, and particulars of any trees, buildings, or standing crops thereon:

[Here set out details]

3. The following are the names and addresses of all the persons whom I have reason to believe are interested in such land:

(Name) (Address) (Interest)

4. The following notices have been served upon the parties interested:

(Notice) (Name of Party)

5. The following statements in writing have been made or delivered by the following interested parties:

(Name of Party) (Particulars of statement)

†6. The amount awarded for damages under section 6 of the said Act was.....dollars.

7. The amount of compensation awarded under section 14 wasdollars.

†8. The following are the grounds on which the amount of compensation was determined: †To be completed only where the objection is to the amount of compensation.

[Here set out grounds]

9. I attach hereto copies of the following documents:

[Here list documents]

Dated this.....day of....., 19.....

.....

Collector

[The above paragraphs may be completed by appropriate references to documents to be annexed thereto.]

FORM P

Land Acquisition Act, 1960
(Section 43)

NOTICE

To.....

.....
LAND REFERENCE NO.....OF.....

Notice is hereby given that on the.....
day of.....at the hour of.....in
the.....noon, the High Court sitting at.....
will proceed to hear and determine the objections contained in the
above Reference, and relating to the following land:

[Here insert details of land]

2. You are hereby directed to appear before the Court at such
hearing.

Dated this.....day of....., 19.....

.....
Registrar

FORM Q

Land Acquisition Act, 1960
(Section 58)

NOTICE OF TEMPORARY OCCUPATION OR USE OF LAND

To.....

.....
Owner of Lot.....Title.....Mukim
Occupier.....Township.....

All persons having any interest in the above land are hereby notified
that it is required for temporary occupation/use for the term
of.....from date.....for the
following purpose:

.....
.....

2. In exercise of the powers conferred by section 56 of the Land
Acquisition Act, 1960, I hereby give notice that I am prepared to

*make an offer of compensation of.....
*negotiate payment of compensation.....

for the occupation/use of the above land and that I require every
person having any interest in the land to appear before me on
the.....day of.....at.....
at the hour of.....in the fore/afternoon.

Dated this.....day of....., 19.....

.....
Collector

*Delete
whichever is
inapplicable.

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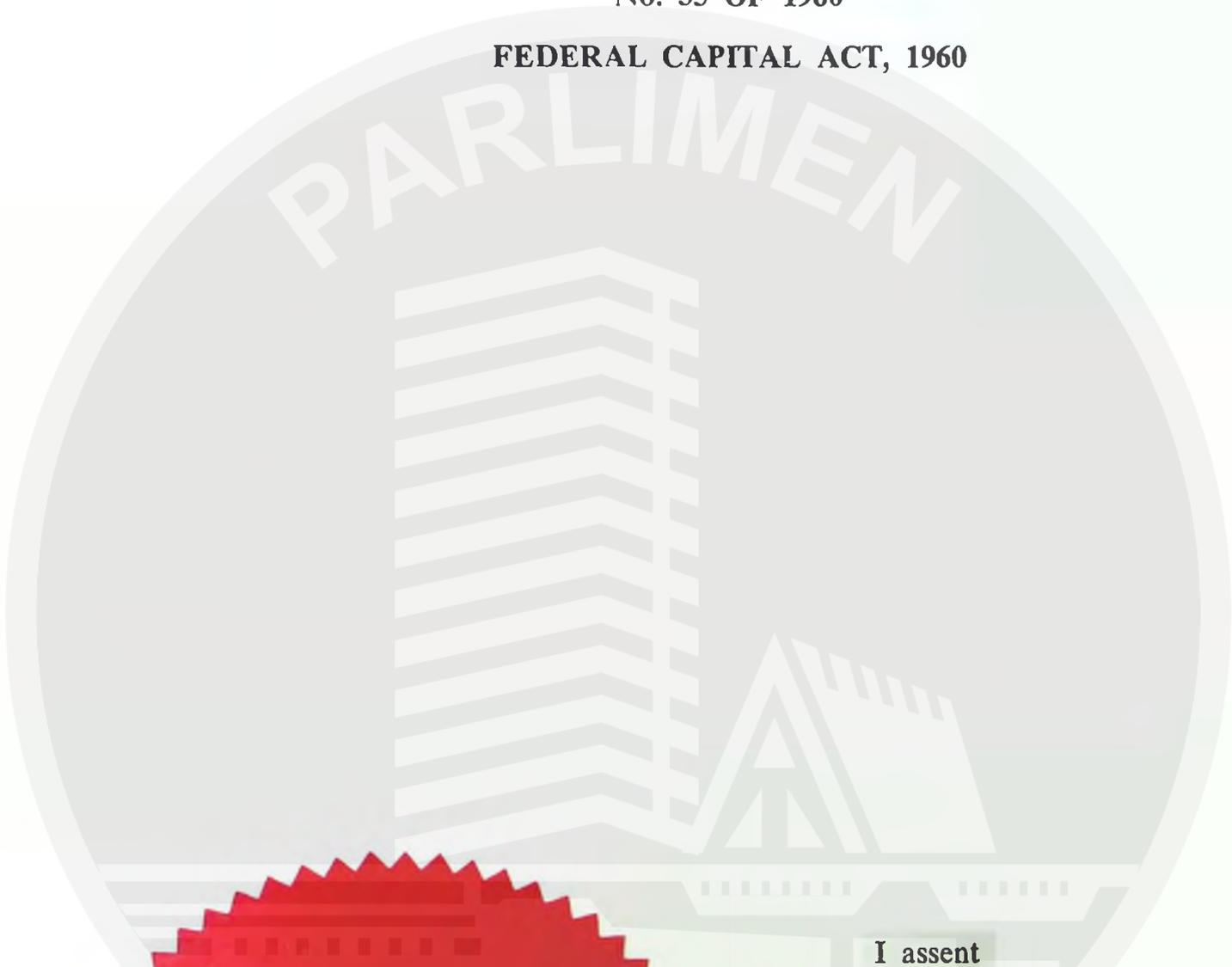
SCHEDULES

FEDERATION OF MALAYA

Act of Parliament

No. 35 OF 1960

FEDERAL CAPITAL ACT, 1960



I assent



Putra Jamalullail
Yang di-Pertuan Agong

4th
.....October, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 35 OF 1960

FEDERAL CAPITAL ACT, 1960

An Act to provide for the local government of the Federal Capital and for matters incidental thereto.

[]

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 Federal Capital Act, 1960, and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

Short title and commencement.

2. In this Act, unless the context otherwise requires—
“Advisory Board” means the Advisory Board established under section 5;

Interpretation.

“appointed day” means the day appointed under section 1;
“Commissioner” means the Commissioner appointed under section 3;

“Minister” means the Minister for the time being charged with responsibility for the municipality;

“municipality” means the municipality of Kuala Lumpur.

PART I

THE COMMISSIONER AND ADVISORY BOARD

3. (1) The municipal affairs of the municipality of the Federal capital of Kuala Lumpur shall, on and after the appointed day, be administered by a Commissioner.

Appointment of Commissioner.

(2) The Commissioner shall be appointed by the Yang di-Pertuan Agong for a term of five years or, if the Yang di-Pertuan Agong in any particular case so determines, for such shorter term as may be so determined.

(3) Subject to the provisions of this Act, the Commissioner shall hold office upon such conditions as the Yang di-Pertuan Agong may from time to time determine.

(4) If at any time it appears to the Yang di-Pertuan Agong that the removal from office of any person holding the office of Commissioner is necessary in the interests of the effective administration of the affairs of the municipality, he may, without assigning any reason therefor, remove such person from office.

(5) The Yang di-Pertuan Agong may from time to time accept the resignation of the Commissioner.

(6) Where by or under this Act or any other written law the Commissioner is empowered to exercise any powers or perform any duties he may by instrument in writing delegate, subject to such conditions and restrictions as may be prescribed in such instrument, the exercise of such powers or the performance of such duties to any person described by name or office :

Provided that nothing in this section shall apply to any power to make any subsidiary legislation conferred upon him by or under this Act or any other written law.

Commis-
sioner to
be a body
corporate.

4. (1) The Commissioner shall be for all purposes a corporation sole under the name of the "Pesuruh Jaya Ibu Kota Kuala Lumpur" or, in English, the "Commissioner of the Federal Capital of Kuala Lumpur".

(2) The Commissioner shall have an official seal which shall be authenticated by the signature of the person for the time being holding the office of Commissioner, or by any other person authorised by the Commissioner in that behalf.

(3) The seal of the Commissioner shall be officially and judicially noticed, and every document purporting to be issued or made by the Commissioner and sealed with the seal of the Commissioner, authenticated as provided under sub-section (2), shall in any litigation or proceeding be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Commissioner certifying that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of the fact so certified.

Advisory
Board.

5. (1) There shall be established for the purpose of this Act a body, to be known as the "Lembaga Penasehat Kuala Lumpur" or, in English, the Advisory Board of the Federal Capital, to advise the Commissioner upon such matters connected with the administration of the municipality as the Yang di-Pertuan Agong may by order prescribe, and upon any questions referred to the Board by the Minister or the Commissioner.

(2) Subject to the provisions of this Act and any regulations made thereunder, the meetings and procedure of the Advisory Board shall be determined by the Board.

(3) All members of the Advisory Board shall be deemed to be public servants within the meaning of the Penal Code.

6. (1) The Advisory Board shall consist of such persons as shall be appointed members thereof by the Yang di-Pertuan Agong by notification in the *Gazette*.

Constitution of Advisory Board.

(2) The Yang di-Pertuan Agong may, subject to the provisions of this Act, by regulations provide for the number, nature, appointment, term of office, qualifications, disqualifications, seniority and conditions of retirement of members of the Advisory Board, and for the meetings and procedure of the Board.

7. (1) The Commissioner shall so far as is practicable attend and preside at all meetings of the Advisory Board, and in his absence any member of the Board appointed by the Minister in that behalf in writing or, in the absence of any such member, the senior member of the Advisory Board actually present shall preside.

Commissioner to preside at meetings of Advisory Board.

(2) The Commissioner or other person presiding at any meeting of the Advisory Board shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

8. (1) Minutes shall be kept of all proceedings of the Advisory Board.

Minutes.

(2) At every ordinary meeting of the Advisory Board the Minutes of the last preceding meeting shall be confirmed, with or without amendment, as the case may require, before proceeding to the despatch of any other business.

9. The Commissioner may, after consultation with the Minister, act in opposition to the advice given to him by the Advisory Board, if in any case he shall think fit to do so; but in any such case—

Commissioner may act in opposition to Advisory Board.

(a) he shall record fully in writing, for inclusion in the Minutes, the grounds and reasons for his decision;

(b) it shall be competent for any member of the Advisory Board to require that there shall be recorded in the Minutes any advice or opinion that he may have given upon the question in dispute, and the grounds therefor.

10. The Public Authorities Protection Ordinance, 1948, shall apply to any action, suit, prosecution or proceeding against the Commissioner or the Advisory Board or against any member, officer, servant or agent of the Commissioner in respect of any act, neglect or default done or committed by him in such capacity.

Public authorities protection. 19 of 1948.

Powers and duties of Commissioner.

11. (1) The Commissioner shall, subject to the provisions of this Act, have and may exercise all the powers and perform all the duties conferred or imposed upon the Municipal Councillors of Kuala Lumpur, the President and any Councillor or officer thereof immediately before the appointed day.

(2) Subject to the provisions of this Act and any order made under sub-section (2) of section 16, wherever in any written law, deed, document or other instrument, the operation of which has not lapsed or been discharged prior to the appointed day, there appears the name of the Municipal Councillors of Kuala Lumpur, such law, deed, document or other instrument shall, unless the context otherwise requires, be read and construed as if there were substituted therefor the corporate name of the Commissioner.

Power of Minister to issue directions.

12. (1) The Minister may from time to time give the Commissioner directions of a general character, and not inconsistent with the provisions of this Act, on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commissioner by or under this Act in relation to matters which appear to him to affect the interests of the municipality, and the Commissioner shall as soon as possible give effect to all such directions.

(2) The Commissioner shall furnish the Minister with such returns, accounts and other information with respect to the property and activities of the Commissioner as the Minister may from time to time require.

Annual report.

13. (1) The Commissioner shall, as soon as practicable after the end of each year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Commissioner during the preceding year, and containing such information relating to the policy of the Commissioner and the affairs of the municipality as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be laid on the table of the Dewan Negara and the Dewan Ra'ayat.

Law Officers, etc., empowered to appear for Commissioner.

14. The Attorney-General, the Solicitor-General, and any Federal Counsel may appear and plead and do all other things necessary in respect of any litigation or proceeding in any court in the Federation in respect of any matter affecting the Commissioner or the affairs of the municipality.

PART II

BOUNDARIES OF THE MUNICIPALITY

15. (1) In accordance with the provisions of Clause (1) of Article 154 of the Constitution the municipality of Kuala Lumpur as constituted and existing on Merdeka Day shall be the Federal Capital. Power to determine boundaries of Federal Capital.

(2) The Yang di-Pertuan Agong may, with the approval of the Ruler of the State of Selangor, by order alter the boundaries of the municipality.

(3) The Minister shall cause a copy of every order made under sub-section (2) to be laid on the table of the Dewan Negara and the Dewan Ra'ayat.

(4) The Yang di-Pertuan Agong may by notification in the *Gazette* from time to time divide the municipality into districts or other sub-divisions and exempt from the operation of this Act or of any written law affecting the municipality such place or places within the boundaries of the municipality as may be specified in such notification.

(5) Any exemption under sub-section (4) shall not exempt any person residing within any such place from the operation of any written law relating to rates or taxation.

PART III

TRANSITIONAL PROVISIONS

16. (1) Subject to the provisions of this Act, the provisions of the Municipal Ordinance of the Straits Settlements and the Town Boards Enactment of the Federated Malay States as in force in relation to the municipality and of any other written law affecting the municipality, and in force immediately before the appointed day shall, until amended or revoked by the authority having power to do so under the provisions of the Constitution or of this Act or any other written law, continue in force on and after the appointed day with such modifications as may be made therein under this section; and unless the context otherwise require references therein—

- (a) to the Municipal Councillors of Kuala Lumpur or to the President or to any Councillor thereof shall be construed as references to the Commissioner;
- (b) to the Ruler or Ruler in Council shall be construed as references to the Minister,

as the circumstances may require.

Existing laws, etc. S.S. Cap. 133. F.M.S. Cap. 137.

(2) The Yang di-Pertuan Agong may within the period of two years beginning with the appointed day by order amend, adapt or repeal any written law affecting the municipality and in force immediately before the appointed day if he shall consider it expedient or necessary to do so for the purpose of bringing the provisions of such written law into accord with the provisions of this Act or of removing any difficulties arising with respect to the transitional provisions of this Act.

Transfer of
property, etc.

17. (1) Subject to the provisions of this section and to any direction of the Yang di-Pertuan Agong, all property and assets which immediately before the appointed day were vested in the Municipal Councillors of Kuala Lumpur or in any person on behalf of such Councillors shall on the appointed day vest in the Commissioner.

(2) All land immediately before the appointed day vested in or reserved under the provisions of any written law relating to land for the purpose of the Municipal Councillors of Kuala Lumpur shall, upon the appointed day, as the case may be vest in or be deemed to be reserved for the purpose of the Commissioner.

Existing
contracts
and pro-
ceedings.

18. (1) Subject to the provisions of this Part, all deeds, bonds, agreements, instruments, and working arrangements subsisting immediately before the appointed day and affecting any of the property transferred under section 17 shall be of full force and effect against or in favour of the Commissioner, and enforceable as fully and effectually as if, instead of the Municipal Councillors of Kuala Lumpur, or any person acting on behalf of such Councillors, the Commissioner had been named therein or had been a party thereto.

(2) Subject to the provisions of this Act, any proceedings or cause of action pending or existing immediately before the appointed day by or against the Municipal Councillors of Kuala Lumpur or any person acting on behalf of such Councillors may be continued or instituted by or against the Commissioner as it might have been by or against the Municipal Councillors of Kuala Lumpur or such person if this Act had not been enacted.

Continuance
of agree-
ments of
service, etc.

19. Every person who immediately before the appointed day was employed by the Municipal Councillors of Kuala Lumpur shall upon the appointed day be deemed to be transferred to the service of the Commissioner upon the same terms and conditions of service as those obtaining immediately before the appointed day.

20. All the powers conferred upon the Ruler in Council of the State of Selangor by section 3 of the Municipal Ordinance (Extended Application) Ordinance, 1948, shall in relation to the municipality, be deemed to be conferred, on and after the appointed day, upon the Yang di-Pertuan Agong.

*Powers relating to the Municipal Ordinance.
F.M.
3 of 1948.*

21. (1) On the coming into force of this Act Parts I and II of the Local Authorities Elections Ordinance, 1950, shall cease to apply to the municipality, and any order then subsisting under section 52 of such Ordinance in relation to the municipality shall thereupon determine.

*Repeal
52 of 1950.*

*Sel. G.N.
194/60.*

(2) The Constitution of the Municipality of Kuala Lumpur, promulgated under section 4 of the Local Authorities Elections Ordinance, 1950, as from time to time amended, is hereby repealed, and any person who immediately before the appointed day was the President or a Councillor of the Council established under the Municipal Ordinance and such Constitution shall on the appointed day cease to be such President or Councillor, as the case may be.

*Sel. G.N.
351/51.*

(3) The Federal Capital (Municipal Elections) Ordinance, 1958, is hereby repealed.

32 of 1958.

MALAYSIA

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FEDERATION OF MALAYA

Act of Parliament

No. 36 OF 1960

**CONSOLIDATED FUND (EXPENDITURE ON ACCOUNT)
ACT, 1960**

I assent

Putra Jamalullail
.....
Yang di-Pertuan Agong

28th
.....December, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 36 OF 1960

**CONSOLIDATED FUND (EXPENDITURE ON
ACCOUNT) ACT, 1960**

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of December, 1961.

{1st January, 1961.}

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 Consolidated Fund (Expenditure on Account) Act, 1960, and shall come into force on the first day of January, 1961.

Short title
and com-
mencement.

2. In conformity with the provisions of paragraph (a) of Article 102 of the Constitution the issue of a sum not exceeding one hundred and twenty-five million dollars (\$125,000,000) from the Consolidated Fund for the service of that part of the year 1961 preceding the date of the coming into force of the Supply Act in respect of that year is hereby authorised.

Issue of
\$125
million
out of the
Consoli-
dated
Fund.

MALAYSIA

FEDERATION OF MALAYA

Act of Parliament

No. 37 OF 1960

EMPLOYEES PROVIDENT FUND (AMENDMENT) (No. 2) ACT, 1960

An Act to amend the Employees Provident Fund Ordinance, 1951.

[]

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 Employees Provident Fund (Amendment) (No. 2) Act, 1960. Short title.

2. Section 2 of the Employees Provident Fund Ordinance, 1951 (hereinafter referred to as "the principal Ordinance"), is hereby amended by inserting immediately after the definition of "amount of wages for the month" the following new definition: Amendment of section 2. 21 of 1951.

"'approved company' means a company—

(a) incorporated in the Federation or in Singapore which has been continuously so incorporated for a period of at least seven years and has a place of business in the Federation; and

(b) having as its sole or primary object the promotion of home ownership by advancing for the purchase of lands and buildings sums of money, repayable by instalments of principal and interest over a fixed period of years, not exceeding at any time the valuation of such lands and buildings made by a licensed land surveyor or a licensed appraiser; and

(c) approved by the Minister of Finance by notification in the *Gazette* for the purpose of receiving loans from the Board in accordance with sub-section (2) of section 4 of this Ordinance;"

3. (1) Sub-section (2) of section 4 of the principal Ordinance is hereby repealed and the following new sub-section substituted therefor: Amendment of section 4.

"(2) The Board shall be the Trustee of the Fund, and the moneys belonging to the Fund shall—

(a) be deposited in a bank or banks duly licensed under the Banking Ordinance, 1958, or,

62 of 1958.

66 of 1949.

(b) subject as hereinafter provided, be invested in accordance with the provisions of the Trustee Ordinance, 1949, or,

(c) subject as hereinafter provided, be invested in loans to an approved company:

Provided that, unless the Minister of Finance shall first have otherwise authorised in writing, after the thirty-first day of December, 1959—

(i) no moneys belonging to the Fund shall, except in the case of moneys invested in loans to an approved company in accordance with the provisions of this sub-section, be invested or re-invested outside the Federation; and

(ii) the Board shall invest or re-invest at least seventy *per centum* of the moneys belonging to the Fund and invested or re-invested during any one year in securities issued by the Government;

Provided also that in the case of loans to an approved company—

(i) no moneys shall be invested in such loans unless—

(I) the paid up ordinary share capital of the approved company is not less than ten million Malayan dollars; and

(II) the approved company has paid a dividend at the rate of not less than five *per centum* upon such ordinary share capital during each of the last three years prior to the time of investment; and

(III) the total amount of the borrowings of the approved company from all sources, whether trustee or not, accepted by the approved company on loan and deposit, and including interest due thereon and not repaid by the approved company, does not at any time exceed two-thirds of the amount, excluding prospective interest, for the time being secured to the approved company from its borrowers;

(ii) a certificate that the provisions of paragraph (i) of this proviso were complied with in respect of the last financial year of the approved company, if incorporated in the auditor's report annexed to the approved company's annual accounts required to be prepared under the Companies Ordinance to which the approved company is subject, shall be conclusive in favour of the Board making such loan; and

(iii) any agreement as to repayment made between the Board and the directors of the approved company shall be immediately determined if—

(I) the approved company shall cease to comply with any of the provisions of paragraph (i) of this proviso; or

(II) the approved company shall fail to obtain a certificate in the terms and in the manner stated in paragraph (ii) of this proviso; or

(III) the Minister of Finance shall at any time by notification in the *Gazette* order that the company shall cease to be an approved company in consequence of his considering that the company has departed from its sole or primary object,

and any moneys belonging to the Fund shall be repayable immediately thereupon.”.

(2) Sub-section (3) of section 4 of the principal Ordinance is hereby repealed and the following new sub-section substituted therefor:

“(3) On or before the thirty-first day of December, of each year the Board shall, having considered the recommendation of an actuary approved by the Minister of Finance for the purposes of this Ordinance, declare a rate of interest in respect of that year, being not less than two and one half *per centum* per annum and not exceeding the rate recommended by such actuary; and subject to the provisions of section 12 of this Ordinance interest shall be payable on contributions to the Fund at such rate:

Provided that—

- (a) no such interest shall be so payable in respect of the period of twelve months immediately following the date on which section 7 of this Ordinance comes into force;
- (b) no rate of interest exceeding two and one half *per centum* per annum shall be so declared unless the actuary shall have certified in his recommendation that in his opinion the ability of the Fund to meet all payments required to be paid under this Ordinance is not endangered by the declaration of such rate; and
- (c) no rate of interest exceeding two and one half *per centum* per annum shall be so declared if any sums advanced by the Government of the Federation under sub-section (4) of this section have not then been repaid.”.

(3) Sub-section (4) of section 4 of the principal Ordinance is hereby repealed and the following new sub-section substituted therefor:

“(4) If the Fund is at any time unable to pay any sum which the Fund is required to pay under this Ordinance, the sum required to be so paid shall be charged on and advanced to the Fund from the Consolidated Fund of the Federation; and the Fund shall as soon as practicable repay to the Government of the Federation the sum so advanced.”.

Amend-
ment of
section 12.

4. (1) Sub-section (2) of section 12 of the principal Ordinance is hereby amended—

- (a) by substituting for the words “immediately upon the declaration by the Board under sub-section (3) of section 4 of this Ordinance of a rate of interest for the preceding year, with interest at the rate so declared on any amount outstanding to the credit of such member of the Fund on the thirty-first day of December of such preceding year” the words “at the end of the year in respect of which a rate of interest has been declared by the Board under sub-section (3) of section 4 of this Ordinance interest at the rate so declared on the amount standing to the credit of each member in the Fund at the commencement of such year”;
- (b) by deleting the proviso thereto;

(2) Sub-section (3) of section 12 of the principal Ordinance is hereby amended by repealing paragraph (a) thereof and substituting therefor the following new paragraph:

“(a) Where any amount is withdrawn from the Fund under the provisions of section 13 of this Ordinance interest shall be credited on the amount standing to the credit of the member of the Fund at the commencement of the year in which such withdrawal is made at the rate of two and one half *per centum* per annum in respect of the period from the commencement of the year in which such withdrawal is made until the last day of the month preceding that in which such withdrawal is made, and the amount of such interest shall be credited to the member of the Fund before such withdrawal.”.

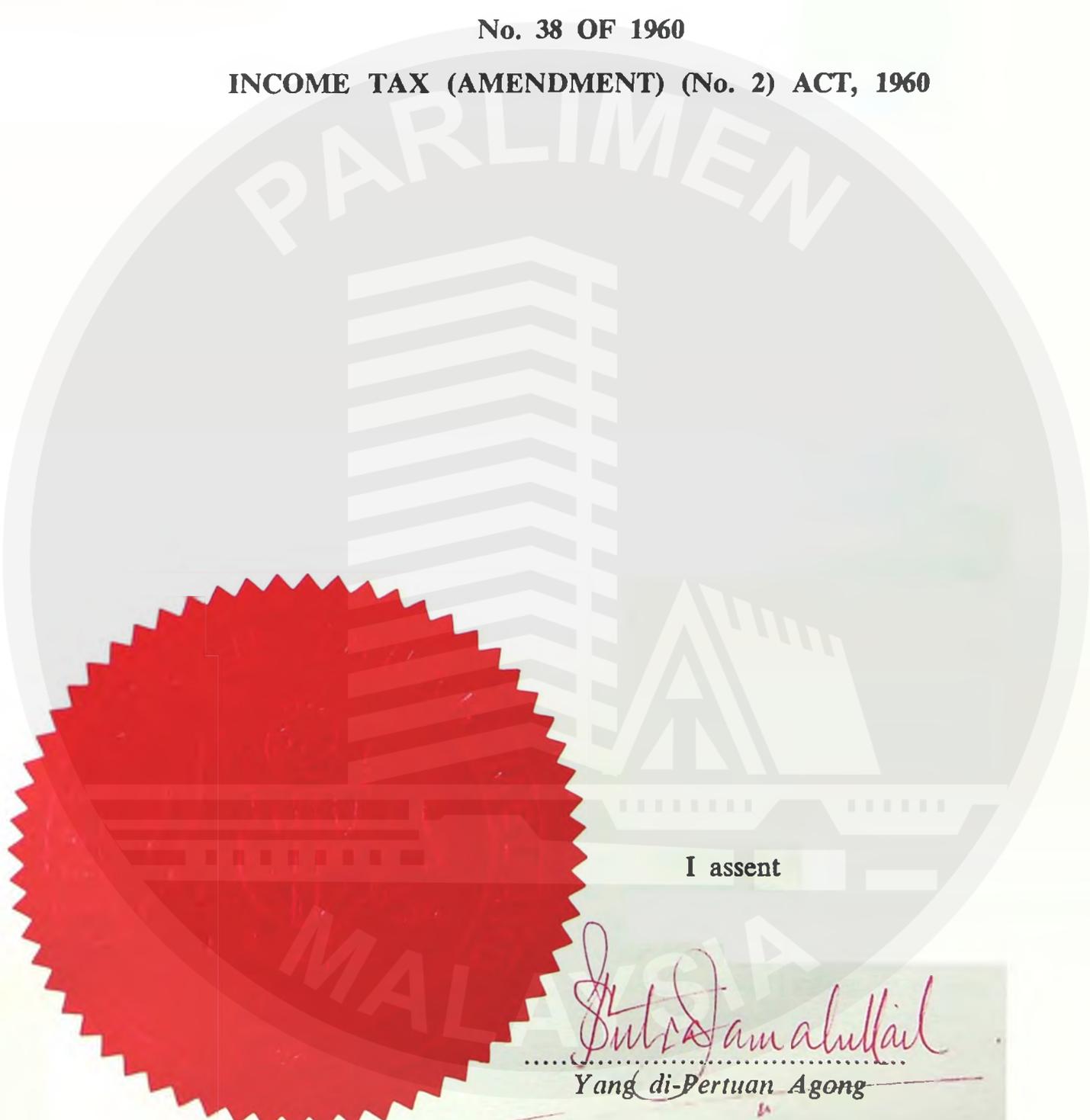


FEDERATION OF MALAYA

Act of Parliament

No. 38 OF 1960

INCOME TAX (AMENDMENT) (No. 2) ACT, 1960



I assent

Jusuf Jamali

Yang di-Pertuan Agong

28th
.....December, 1960

FEDERATION OF MALAYA

Act of Parliament

No. 38 OF 1960

INCOME TAX (AMENDMENT) (No. 2) ACT, 1960

An Act to amend the Income Tax Ordinance, 1947.

[1st January, 1961.]

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 Income Tax (Amendment) (No. 2) Act, 1960, and shall come into force on the first day of January, 1961. Short title and commencement.

2. Section 2 of the Income Tax Ordinance, 1947 (hereinafter in this Act referred to as "the principal Ordinance") is hereby amended by inserting immediately after the definition of "crops" appearing therein the following new definition: Amendment of section 2. M.U. Ord. 48 of 1947.

" 'earned income' means the statutory income of an individual or Hindu Joint Family, reduced by any deduction made under paragraph (a) or (b) of sub-section (2) of section 33 of this Ordinance, from—

(a) gains or profits from any trade, business, profession, vocation or employment on which tax is payable under sub-section (1) of section 10 of this Ordinance, where the Comptroller is satisfied that such gains or profits are immediately derived from the carrying on or exercise by such individual or Hindu Joint Family, as the case may be, of such trade, business, profession, vocation or employment;

(b) any pension on which tax is payable under paragraph (e) of sub-section (1) of section 10 of this Ordinance given to the individual in respect of the past services of such individual or any deceased individual;"

3. Section 35 of the principal Ordinance is hereby amended— Amendment of section 35.

(a) by substituting for sub-section (1) thereof the following new sub-section:

“(1) In the case of an individual or Hindu Joint Family resident in the Federation in the year of assessment there shall be allowed—

- (i) a deduction of two thousand dollars; and
- (ii) a deduction equal to one-tenth of the earned income of such individual or Hindu Joint Family for such year of assessment:

Provided that such deduction shall not exceed one thousand dollars.”;

(b) by substituting for proviso (ii) to paragraph (e) of sub-section (2) thereof the following new proviso:

“(ii) no such deduction shall be allowed in excess of three thousand dollars;”.