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ORIGIN/ACTION				DEPARTMENT OF STATE				R			
SCS 12				AIRGRAM				760 000 - 1523			
RR/R	REP	AP	ARA	Original to be Filed in				Decentralized Files			
EUR	SA	NEA	CU	LIMITED OFFICIAL USE				FILE DESIGNATION			
4	4	4	4	A-8							
INS	PRO	AID	BY	HANDLING INDICATOR							
4	4	4	4	TO: Department of State							
4	4	4	4	E.O. 11652: N/A							
4	4	4	4	TAGS: SHAR, MY							
4	4	4	4	INFO: AmEmbassy BANGKOK							
4	4	4	4	DEPT PASS:							
4	4	4	4	FROM: AmEmbassy KUALA LUMPUR				DATE: January 15, 1976			
4	4	4	4	SUBJECT: Emergency (Public Order and Prevention of Crime)							
4	4	4	4	Ordinance, 1969							
4	4	4	4	REF: Kuala Lumpur 0156				SCS			
4	4	4	4	BANGKOK FOR DEA							
Enclosed are copies of the Emergency (Public Order and Prevention of Crime) Ordinance, 1969. As reported in the reference telegram, the Malaysian Government is increasingly applying the provisions of this Ordinance in their efforts to combat narcotics trafficking. There is no law in Malaysia which makes conspiracy to commit a crime illegal, so the authorities have had difficulty in establishing a case when suspected traffickers were not caught with narcotics in their possession. Therefore, the Malaysian authorities are using this Ordinance to arrest and detain persons in situations similar to those in which American police would rely on conspiracy laws for arrest and American prosecutors would rely on them for conviction. (The English version of the act follows the Malay.) Enclosures: 114 As stated (10 to Dept.; 1 to Bangkok).											
DEPARTMENT OF STATE & ODO UNDERHILL REVIEWED BY: FA DATE: 10/5/90 RELEASE) DECLASSIFY EXCISE) DECLASSIFY in PART LESS) Non-responsive info. POL, EO or FA exemptions TS authority to: OADR CLASSIFY as DOWNGRADE TS to () S or () G OADR LIMITED OFFICIAL USE FORM 1-70 DS-323											
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MALAYSIA

**ORDINAN DHARURAT (KETENTERAMAN
AWAM DAN MENCHEGAH
JENAYAH), 1969**

(Ordinan 5, 1969)

**EMERGENCY (PUBLIC ORDER AND
PREVENTION OF CRIME)
ORDINANCE, 1969**

(Ordinance 5, 1969)

Harga: \$1.50

0315587030

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Reprint No. 3 of 1970



MALAYSIA

**ORDINAN DHARURAT (KETENTERAMAN
AWAM DAN MENCHEGAH
JENAYAH), 1969**

(Ordinan 5, 1969—P.U. (A) 187/1969)

*Di-cherak oleh Pechetak Kerajaan dengan kuasa
Pesuruhjaya Penyemak Undang di-bawah seksyen
14 Akta Penyemakan Undang, 1968 (Akta 1), dan
mengandungi undang yang di-pinda sa-bagaimana
yang berkuatkuasa pada 1hb Mach, 1970*

CETAK DI-JABATAN CETAK KERAJAAN
OLEH MUHAMMAD BIN ABDULLAH, A.M.N., PEMANGKU PENCETAK KERAJAAN
KUALA LUMPUR
MACH, 1970

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ORDINAN DHARURAT (KETENTERAMAN AWAM
DAN MENCHEGAH JENAYAH), 1969

(Ordinan 5, 1969—P.U. (A) 187/1969)

SENARAI PINDAAN

Bil. Ordinan	Sekatan	Haribulan pindaan berkuatkuasa
13, 1969 (P.U. (A) 500/ 1969)	5 (2a), (3)	16-5-1969
24, 1970 (P.U. (A) 81/ 1970)	3 (3), 4 (1), (1A), (2), (4), 4A, 4D, 5 (1), 7 (1), 13A, 13B, 13C, 13D, 13E, 13F, 13G	26-2-1970

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3

**ORDINAN DHARURAT (KETENTERAMAN AWAM
DAN MENCEGAH JENAYAH), 1969**

(Ordinan 5, 1969—P.U. (A) 187/1969)

Suatu Ordinan di-istiharkan oleh Yang di-Pertuan Agong di-bawah Perkara 150 (2) Perlembagaan Persekutuan.

[16hb Mei, 1969]

BAHAWA SA-NYA oleh sebab ada-nya dharurat besar mengancam keselamatan Malaysia, suatu Perisytiharan Dharurat telah di-keluarkan oleh Yang di-Pertuan Agong di-bawah Perkara 150 Perlembagaan;

DAN BAHAWA SA-NYA Parlimen telah di-bubarkan pada dua puluh haribulan Mach, 1969, dan bahawa pilihan raya bagi Dewan Rakyat baharu belum lagi selesai;

DAN BAHAWA SA-NYA Yang di-Pertuan Agong ada-lah berpuashati bahawa tindakan segera ada-lah di-kehendaki bagi menjamin keselamatan awam, menghapuskan kekerasan dan mencegah jenayah yang melibatkan kekerasan;

MAKA ADA-LAH DENGAN INI DI-PERBUAT UNDANG² oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong menurut Fasal (2) Perkara 150 Perlembagaan seperti berikut:

1. (1) Ordinan ini boleh-lah di-namakan Ordinan Dharurat (Ketenteraman Awam dan Mencegah Jenayah), 1969, dan hendak-lah berkuatkuasa di-seluruh Malaysia.

Nama, pemakaian dan mula berkuatkuasa.

(2) Ordinan ini hendak-lah di-sifatkan sa-bagai telah mula berkuatkuasa pada 16hb Mei, 1969.

2. Peruntokan² Ordinan ini hendak-lah berkuatkuasa dengan tidak menyentoh peruntokan² Ordinan Mencegah Jenayah, 1959.

Kecualian bagi Ord. 13/59.

3. (1) Mana² pegawai polis boleh menangkap dan menahan tanpa waran sementara menanti siasatan sa-saorang yang ia ada sebab memperchayai bahawa alasan² ada bagi mematutkan orang itu di-tahan di-bawah seksyen 4 (1).

Kuasa menahan orang² yang di-takl.

(2) Mana² pegawai polis boleh menangkap tanpa waran dan menahan sementara menanti siasatan sa-saorang yang apabila di-soal oleh-nya tidak dapat memuaskan hati-nya tentang pengenalan-nya atau tentang maksud² mengapa ia berada di-tempat di-mana ia di-dapati berada itu, jika pegawai polis itu shak bahawa orang itu telah melakukan

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[S. 3]

ORDENAN 5, 1969

perbuatan atau sedang hendak melakukan perbuatan atau harus akan melakukan perbuatan dengan apa² chara yang memudharatkan ketenteraman awam atau jika pegawai polis itu ada sebab memperchayai bahawa ada-lah perlu untuk menghapuskan kekerasan atau untuk mencegah jenayah yang melibatkan kekerasan supaya orang itu di-tahan.

(3) Sa-saorang yang di-tangkap dan di-tahan di-bawah seksyen ini boleh di-tahan dalam jagaan polis sa-lama tempoh tidak lebih daripada enam puluh hari tanpa perintah tahanan di-buat mengenai orang itu di-bawah seksyen 4 (1):

Dengan syarat bahawa—

- (a) orang itu tidak boleh di-tahan lebih daripada dua puluh empat jam kechuali dengan kuasa sa-saorang pegawai polis yang berpangkat Inspektor atau lebih tinggi;
- (b) orang itu tidak boleh di-tahan lebih daripada empat puluh lapan jam kechuali dengan kuasa sa-saorang pegawai polis yang berpangkat Penolong Penguasa atau lebih tinggi;
- (c) orang itu tidak boleh di-tahan lebih daripada tiga puluh hari melainkan sa-saorang pegawai polis yang berpangkat Timbalan Penguasa atau lebih tinggi telah melaporkan hal keadaan tangkapan dan tahanan itu kepada Ketua Polis Negara atau kepada pegawai polis yang di-tetapkan oleh Ketua Polis Negara bagi maksud itu, dan Ketua Polis Negara atau pegawai polis yang di-tetapkan oleh-nya itu, mengikut mana yang berkenaan, hendak-lah segera melaporkan-nya kepada Menteri.

(4) Kuasa² yang di-beri kepada sa-saorang pegawai polis oleh seksyen-kecil (1) dan (2) boleh di-jalankan oleh mana² anggota pasukan keselamatan, oleh mana² orang yang menjalankan kewajipan² pengawal atau jaga di-sasuat tempat larangan, dan oleh mana² orang lain yang di-benarkan sa-chara 'am bagi maksud itu oleh Ketua Pegawai Polis.

(5) Sa-saorang yang di-tahan di-bawah kuasa² yang di-beri oleh seksyen ini hendak-lah di-sifatkan sa-bagai dalam jagaan sah, dan boleh di-tahan di-mana² penjara, atau di-mana² balai polis, atau di-mana² tempat lain sa-umpama itu yang di-benarkan sa-chara 'am atau sa-chara khas oleh Menteri.

(Pin.
P.U. (A)
N1-70)

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DEKRET

[S. 4]

BERSEKUTU (PERATURAN AWAM DAN MENCIKAR KEMAYAN)

4. (1) Jika Menteri berpuashati bahawa dengan tujuan hendak menchegeh mana² orang daripada melakukan perouatan dengan apa² chara yang memudharatkan ketenteraman awam atau bahawa ada-lah perlu untuk menghapuskan kekerasan atau menchegeh jenayah yang melibatkan kekerasan supaya orang itu di-tahan, Menteri hendak-lah membuat suatu perintah (kemudian daripada ini di-sebut sa-bagai "perintah tahanan") mengarahkan supaya orang itu di-tahan sa-lama suatu tempoh yang tidak lebih daripada dua tahun.

Kuasa memerintah tahanan.

[Pin. P.U. (A) 81/70.]

(1A) Menteri boleh pada bila² masa membatalkan mana² perintah tahanan.

[Tm. P.U. (A) 81/70.]

(2) Tiap² orang yang di-tahan menurut suatu perintah tahanan hendak-lah di-tahan di-sasuatu tempat sa-bagai mana di-arah oleh Menteri dan dengan mengikut arahan² yang di-keluarkan oleh Menteri dan apa² kaedah² yang di-buat di-bawah sekshen-kechil (3).

[Pin. P.U. (A) 81/70.]

(3) Menteri boleh memperuntukkan dengan kaedah² bagi—

- (a) penyenggaraan dan pengurusan mana² tempat yang tersebut dalam sekshen-kechil (2);
- (b) memaksa orang² yang di-tahan di-dalam-nya supaya menjalankan apa² kerja atau kewajipan di-dalam-nya atau berhubung dengan-nya sa-bagaimana yang di-fikirkan-nya perlu atau mustahak; dan
- (c) tatatertib orang² yang di-tahan di-dalam-nya.

Dengan sharat bahawa sa-hingga apa² kaedah² tersebut di-buat di-bawah sekshen-kechil ini dan kemudian daripada-nya mengenai apa² perkara yang tidak di-peruntukkan oleh kaedah² tersebut maka Kaedah² Keselamatan Dalam Negeri (Orang Tahanan), 1960 hendak-lah di-pakai bagi tiap² tempat tahanan dan bagi semua orang yang di-tahan di-dalam-nya di-bawah Ordinan ini.

P.U. 189/60. [Pin. P.U. 73/62.]

(4) Apabila sa-saorang di-tahan di-bawah suatu perintah tahanan maka, mengikut Perkara 151 Perlembagaan, orang itu hendak-lah dengan sa-berapa segera yang boleh—

[Pin. P.U. (A) 81/70.]

- (.) di-beritahu alasan² ia di-tahan;
- (.) tertaklok kapada Fasal (3) Perkara tersebut (yang memperuntukkan bahawa tiada apa² pehak-berkuasa boleh di-kehendaki menzahirkan nyu-taan yang penzahiran-nya, pada pendapat pehak-berkuasa itu, akan bertentangan dengan kepentingan negara) di-beritahu tentang tudohan² yang menjadi asas perintah itu; dan

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yang diumumkan dalam perintah sekalan ini.

Dit is bij Nieuw van het coördinatie:

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Statistik Pengeluaran Perseorangan Daerah

DEKAT

JAJARAN (KE)ENTERIMAN AWAM DAN MENEGAKKAN HUKUM

- (h) bahawa kechuali sa-takat mana sa-lain-nya di-peruntukkan oleh perintah sekatan itu, ia tidak boleh memasuki mana² Negeri, daerah, mukim, bandar atau pekan yang di-nyatakan dalam perintah sekatan itu;
- (i) bahawa ia hendak-lah menjaga keamanan dan berkelakuan baik;
- (j) bahawa ia hendak-lah membuat suatu bon, berserta atau tidak berserta penjamin, sa-bagaimana yang di-arah oleh Menteri dan sa-banyak jumlah wang yang di-nyatakan dalam perintah sekatan itu, bagi-nya mematuhi sekatan² dan sharat² yang di-kenakan ka-atas-nya oleh perintah sekatan itu.
- (2) Sekatan² dan sharat² yang di-kenakan ka-atas mana² orang di-bawah seksyen-kecil (1) hendak-lah terus berkuatkuasa sa-lama tempoh yang di-nyatakan oleh Menteri di-bawah seksyen-kecil (1) (a), melainkan jika sekatan² dan sharat² itu di-batalkan sa-bagaimana yang di-peruntukkan kemudian daripada ini.
- (3) Menteri boleh dari sa-masa ka-samasa, dengan perintah bertulis yang di-sampaikan kepada sa-orang sekatan, mengubah, menambah atau membatalkan apa² sekatan atau sharat yang di-kenakan ka-atas orang sekatan itu di-bawah seksyen-kecil (1), dan sekatan² atau sharat² yang di-ubah sa-demikian dan apa² sekatan atau sharat tambahan yang di-kenakan sa-demikian hendak-lah, melainkan jika terlebih dahulu di-batalkan, terus berkuatkuasa sa-lama tempoh yang di-nyatakan oleh Menteri di-bawah seksyen-kecil (1) (a).
- (4) Mana² orang sekatan yang melanggar atau tidak menurut mana² sekatan atau sharat yang di-nyatakan dalam perintah sekatan-nya ada-lah melakukan suatu kesalahan dan, apabila di-thabitkan, boleh di-kenakan penjara sa-lama tempoh tidak lebeh daripada lima tahun dan tidak kurang daripada dua tahun.
- 4A. Menteri boleh pada bila² masa mengarah di-gantong kuatkuasa sa-suatu perintah tahanan tertaklok kepada semua atau mana² daripada sekatan dan sharat ia di-berkuasa mengenakan-nya dengan suatu perintah sekatan, dan jika sa-suatu perintah tahanan di-gantong sa-demikian maka seksyen 4A (2), (3) dan (4) hendak-lah di-pakai mengenai orang yang tertaklok kepada perintah tahanan itu, dan sa-lama baki tempoh perintah tahanan itu, sa-bagaimana seksyen 4A (2), (3) dan (4) itu di-pakai mengenai sa-saorang sekatan.

Peng-
gantungan
perintah
tahanan.
(Tam.
PU (A)
11/70.)

DEKAT

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Surat
rayuan
terhadap
perintah
tahanan.
[Pec.
P.2 (4)
R.782]

5. (1) Satu salinan bagi tiap² perintah tahanan hendaklah dengan sa-berapa segera yang boleh, sa-lepas perintah itu di-buat, di-sampaikan kepada orang yang berkenaan itu, dan tiap² orang itu sa-lah berhak membuat surat-rayuan terhadap perintah itu kepada Lembaga Penasihat.

(2) Bagi maksud membolehkan sa-saorang membuat surat-rayuan di-bawah seksyen-kecil (1) orang itu hendaklah, pada masa perintah itu di-sampaikan kepada-nya—

(a) di-beritahu tentang hak-nya untuk membuat surat-rayuan kepada Lembaga Penasihat di-bawah seksyen-kecil (1); dan

(b) di-beri oleh Menteri suatu pernyataan bertulis—

(i) mengenai alasan² yang atas-nya perintah itu di-buat;

(ii) mengenai tuduhan² yang perintah itu berasaskan; dan

(iii) mengenai apa² butir lain, jika ada, sa-bagaimana yang pada pendapat Menteri mungkin menasabah di-kehendaki oleh orang itu untuk membuat surat-rayuan-nya terhadap perintah itu kepada Lembaga Penasihat.

[Tam.
P.1 (4)
R.782]

(3) Walau apa pun peruntukan² Perkara 151 (1) (b) Perlembagaan, sa-saorang warganegara yang di-tahan menurut perintah yang di-buat di-bawah seksyen 4 (1) boleh-lah di-tahan, dengan tidak di-pertimbangkan terlebih dahulu apa² surat-rayuan yang di-buat oleh-nya di-bawah Perkara 151 (1) (a) Perlembagaan, dan dengan tiada apa² shor di-buat terlebih dahulu atas surat-rayuan itu, oleh suatu lembaga penasihat yang di-tubuhkan bagi maksud² Perkara tersebut, sa-lama tempoh tiga bulan yang bermula sa-lepas sahaja hari yang keenam puloh sa-lepas daripada ia di-tangkap di-bawah seksyen 3.

(3) Menteri boleh membuat kaedah² tentang chara bagaimana surat-rayuan boleh di-buat di-bawah seksyen ini dan untuk mengatir achara bagi Lembaga Penasihat:

Dengan syarat bahawa sa-hingga kaedah² itu di-buat di-bawah seksyen-kecil ini dan kemudian daripada-nya mengenai apa² perkara yang tidak di-peruntukkan oleh kaedah² itu maka Kaedah² Keselamatan Dalam Negeri (Lembaga Orang Tahanan), 1964, sa-bagaimana di-ubahsuai oleh Ordinan Dharurat (Keselamatan Dalam Negeri) (Mengubahsuai Undang²), 1969, hendak-lah di-pakai bagi membuat surat-rayuan di-bawah seksyen ini, dan pada

* Petut di-baca: "Lembaga Penasihat Orang Tahanan".

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[S. 5-9]

DEKLARASI (KESSELAMATAN AWAM DAN MENEGAKAN HUKUM)

memakai kaedah² itu sebutan² di-dalam-nya mengenai sa-
suatu perintah tahanan atau sa-satu tempat tahanan
hendak-lah di-tafsirkan sa-bagai perintah tahanan yang di-
buat, atau tempat tahanan yang di-arah, di-bawah
sekshen² 4:

Dan lagi dengan syarat bahawa Kaedah² Keselamatan
Dalam Negeri (Orang² Tahanan), 1964 hendak-lah berkuat-
kuasa dengan menggantikan perkataan² "empat belas hari"
dengan perkataan² "satu bulan" dalam kaedah² 3 (1) Ordinan
itu.

P.U. 23/64.

[Tom.
P.U. (A)
500/69.]

6. (1) Apabila sa-sorang telah membuat apa² surat-rayuan
di-bawah sekshen² 5 (1) kepada Lembaga Penasihat, Lem-
baga Penasihat hendak-lah, dalam tempoh tiga bulan dari
tarikh orang itu di-tahan, menimbangkan surat-rayuan itu
dan membuat shor² mengenai-nya kepada Yang di-Pertuan
Agong.

Laporan
Lembaga
Penasihat.

(2) Apabila menimbangkan shor² Lembaga Penasihat di-
bawah sekshen ini, Yang di-Pertuan Agong boleh memberi
kapada Menteri apa² arahan, jika ada, sa-bagaimana yang
di-fikirkan-nya patut mengenai perintah yang di-buat oleh
Menteri itu; dan tiap² keputusan yang di-buat oleh Yang
di-Pertuan Agong mengenai-nya, tertaklok kapada per-
utokan sekshen² 7, ada-lah mu'tamad, dan tidak boleh di-
persoal² dalam mana² Mahkamah.

7. (1) Tiap² perintah tahanan sa-lagi perintah itu berkuat-
kuasa, boleh di-ulangkaji dari sa-masa ka-samasa oleh
Lembaga Penasihat menurut budibichara Pengerusi-nya.

Ulangkaji.
[Pin.
P.U. (A)
81/70.]

(2) Lembaga Penasihat hendak-lah apabila selesai men-
jalankan tiap² ulangkaji di-bawah sekshen-kecil (1) segera
menyampaikan kapada Menteri suatu laporan bertulis
mengenai tiap² ulangkaji itu, dan boleh membuat dalam
laporan itu apa² shor sa-bagaimana yang di-fikirkan-nya
patut.

8. Peratoran² Dharurat (Orang Tahan* Bukan-Warga-
negara), 1965, sa-bagaimana di-pinda oleh sekshen 5
Ordinan Dharurat (Keselamatan Dalam Negeri) (Meng-
ubahsuai Undang²), 1969, hendak-lah di-pakai bagi orang²
yang di-tahan di-bawah sekshen 4 (1).

Pemakaian
P.U. 230/65.

9. Bagi maksud Ordinan ini, tiap² Lembaga Penasihat ada-
lah mempunyai segala kuasa Mahkamah, tetapi tertaklok
kapada sekshen 11, untuk menyaman dan memereksa

Kuasa
untuk
menyaman
saksi.

* Patut di-baca, "Tahanan".

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[S. 9-13]

10

ORDINAN 5, 1969

saksi², mentadbirkan sumpah atau ikrar, dan untok me-
maksu supaya suratan² di-kemukakan.

Anggota
Lembaga
Penasihat
di-sifatkan
sa-bagai
penjawat
awam.

10. Tiap² anggota Lembaga Penasihat hendak-lah di-
sifatkan sa-bagai penjawat awam dalam erti Kanun
Keseksaan yang berkuatkuasa di-bahagian Malaysia di-
mana ia-nya menjalankan tugas² anggota Penasihat
Lembaga, dan sa-kira-nya apa² tindakan atau guaman
di-bawa terhadap-nya bagi apa² perbuatan yang di-laku
atau di-tinggal⁴ daripada di-lakukan dalam melaksanakan
kewajipan-nya di-bawah peruntukan² Ordinan ini maka
ia hendak-lah mempunyai perlindungan dan keistimewaan²
yang sa-rupa seperti yang di-beri oleh undang² kepada
Hakim dalam melaksanakan jawatan-nya.

Penzahiran
sa-alamat.

11. Tiada apa² jua pun dalam Ordinan ini atau dalam
mana² kaedah² yang di-buat di-bawah-nya boleh meng-
hendaki Menteri atau mana² anggota Lembaga Penasihat
atau mana² penjawat awam menzahirkan nyataan² atau
mengemukakan suratan² yang di-fikirkan-nya sa-bagai
bertentangan dengan kepentingan negara untok di-zahir
atau di-kemukakan.

Kuasa untok
memerintah
pemindahan.

12. (1) Menteri boleh dengan perintah mengarahkan
supaya sa-saorang yang di-tahan menurut peruntukan
sekshen 4 di-pindahkan dari mana² tempat tahanan ka-suatu
tempat tahanan lain yang akan di-nyatakan dalam perintah
itu untok di-tahan di-situ bagi kesemua atau sa-bahagian
atau beberapa bahagian tempoh yang orang itu telah di-
perintah di-tahan.

(2) Mana² orang yang sedang dalam pemindahan di-
bawah peruntukan sekshen-kecil (1) hendak-lah di-sifatkan
sa-bagai dalam jagaan sah.

Kuasa
memerintah
orang
tahanan
di-kurong
sa-
lam.

13. (1) Apabila di-buktikan hingga memuaskan hati
Menteri bahawa sa-saorang yang di-tahan di-bawah
peruntukan sekshen 4, atau yang dalam jagaan sah polis
atau di-kurong di-mana² penjara sama ada menurut
peruntukan sekshen 4 atau di-bawah perintah mana²
Mahkamah atau menurut apa² jua pun, dan walau apa pun
perintah yang di-buat oleh mana² Mahkamah atau apa² jua
pehak-berkuasa lain, ada-lah di-kehendaki berada di-
sasatu tempat bagi kepentingan ke-adilan, atau bagi
maksud apa² siasatan awam atau siasatan lain, atau bagi
kepentingan negara, atau bagi kepentingan orang yang di-
tahan, dalam jagaan, atau di-kurong itu, maka Menteri
boleh memerintah supaya orang itu di-bawa ka-tempat itu

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[S-13-13A]

DHARURAT (KETENTERAMAN AWAM DAN MENGEROH JENAYAH)

(2) Sa-saorang yang sedang di-bawa ka-mana² tempat menurut peruntukan seksyen-kecil (1) dan tatkala berada di-tempat itu hendak-lah di-simpan dalam jagaan sa-bagai mana di-arah oleh Menteri dan tatkala berada dalam jagaan itu orang itu hendak-lah di-sifatkan sa-bagai dalam jagaan sah.

13A. (1) Pendaftar Penjenayah yang di-lantik di-bawah seksyen 3 Akta Pendaftaran Penjenayah dan Orang² Yang Tak Di-ingini, 1969 (kemudian daripada ini di-sebut sa-bagai "Pendaftar") hendak-lah menyenggara suatu daftar bagi maksud² Ordinan ini, dan dalam daftar itu hendak-lah di-chatitkan nama tiap² orang sekatan dan nama tiap² orang yang mengenal-nya suatu perintah tahanan sedang berkuatkuasa (sama ada di-gantong di-bawah seksyen 48 atau tidak), bersama² dengan apa² butir yang di-tetapkan mengenai orang itu; dan apabila nama dan butir mengenai mana² orang itu di-chatitkan dalam daftar itu maka orang itu hendak-lah menjadi (dan kemudian daripada ini ia-nya ada-lah di-sebut sa-bagai) orang berdaftar bagi maksud² Ordinan ini.

Pendaftaran.
(Tam.
P.U. (A)
81/70.)
Akta 7.

(2) Mana² pegawai polis yang berpangkat tidak rendah daripada Inspekter boleh—

(a) melawat mana² tempat yang tersebut dalam seksyen 4 (2) bagi maksud mengambil chap jari dan gambarfoto mana² orang yang di-tahan di-dalam-nya dan bagi mendapatkan mengenai mana² orang itu apa² butir sa-bagaimana di-tetapkan atau sa-bagaimana yang perlu untuk melaksanak-an pendaftaran orang itu di-bawah seksyen-kecil (1);

(b) dengan pemberitahu bertulis mengarahkan hadir di-hadapan-nya, pada masa dan tempat yang di-nyatakan dalam pemberitahu itu, mana² orang sekatan bagi maksud mengambil chap jari dan gambarfoto orang itu dan bagi mengambil mengenai orang itu apa² butir lain sa-bagaimana yang di-tetapkan atau sa-bagaimana yang perlu bagi melaksanakan pendaftaran orang itu di-bawah seksyen-kecil (1).

(3) Jika sa-saorang di-kehendaki oleh sa-orang pegawai polis yang berpangkat tidak rendah daripada Inspekter memberi butir² yang tersebut dalam perenggan (a) atau (b) seksyen-kecil (2) dan orang itu enggan memberi apa² butir itu atau pun ia memberi apa² butir yang ia ketahui

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Pg 13

(S. 13-13c)

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ORDINANCE 5, 1969

atan ada sebab memperchayai sa-bagai palsu, maka ia ada-lah melakukan suatu kesalahan dan, apabila di-thabitkan, ia boleh di-kenakan denda tidak lebih daripada dua ratus lima puluh ringgit atau penjara sa-lama tidak lebih daripada satu bulan atan denda dan penjara itu kedua-dua-duanya.

(4) Jika mana² orang tidak hadir sa-bagaimana di-arah di-bawah seksyen-kecil (2) (b), maka pegawai polis yang mengeluarkan pemberitahuan itu boleh mengarahkan orang itu di-tangkap tanpa waran oleh mana² pegawai polis dan di-bawa ke-hadapan-nya bagi maksud² yang tersebut dalam seksyen-kecil itu.

Membuang
nama dari
daftar
(Tm
PL 14)
A1 70

13a. (1) Apabila sa-suatu perintah di-bawah seksyen 4 atau 4a di-batalkan atau di-potong supaya orang yang berkenaan itu tidak lagi tertaklok kepada apa² jua sekatan atau sharat, maka Pendaftar hendak-lah segera membuang nama-nya dan segala chatitan mengenai-nya dari daftar itu.

(Tm
PL 14)
A1 70

(2) Menteri boleh pada bila² masa, menurut budibichara-nya, mengarah Pendaftar membuang nama sa-siapa jua dari Daftar itu, dan sa-lepas itu orang itu tidak lagi menjadi orang berdaftar, melainkan jika dan sa-hingga nama-nya di-chatitkan sa-mula kemudian-nya dalam Daftar itu mengikut seksyen 13a.

Kesalahan
oleh orang
berdaftar
(Tm
PL 14)
A1 70

13c. (1) Mana² orang berdaftar yang—

- (a) di-dapati ada bersama dengan mana² orang berdaftar yang lain dengan tiada kebenaran Pegawai Penjaga Daerah Polis di-mana ia tinggal; atau
- (b) di-dapati di-antara waktu matahari masuk dan matahari terbit berulangalek atau merayau² pada atau berhampiran dengan mana² tempat awam atau dalam kawasan yang berhampiran dengan sa-suatu tempat hiburan awam; atau
- (c) di-dapati berada, pada bila² masa, pada atau berhampiran dengan mana² tempat di-mana sa-suatu perbuatan kekerasan atau pechah keamanan sedang di-lakukan atau baharu sahaja di-lakukan.

ada-lah melakukan suatu kesalahan dan, apabila di-thabitkan, boleh di-kenakan denda satu ribu ringgit atau penjara sa-lama tidak lebih daripada satu tahun atau denda dan penjara itu kedua-dua-duanya, melainkan jika—

- (i) dalam hal yang tersebut dalam perenggan (a), ia membuktikan yang ia tidak tahu dan tidak ada sebab bagi mengesaki bahawa orang yang dengan-nya ia di-dapati ada bersama itu ada-lah sa-orang orang berdaftar; atau

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DHARURAT (KETENTERAMAN AWAM DAN MENCEBOKAN JENAYAH)

(ii) dalam hal yang tersebut dalam perenggan (b) atau (c), ia dapat menerangkan hingga memuaskan hati mahkamah mengapa ia hadir pada masa dan tempat makan itu.

(2) Dalam perenggan (a) dan perenggan (i) seksyen-kecil (1), "orang berdaftar" ada-lah termasuk—

[Tam.
P.U. (A)
81/70.]

(a) sa-saorang yang di-daftarkan di-bawah Ordinan ini;

(b) sa-saorang yang jenis butir² yang boleh di-daftar mengenai-nya seperti tersebut dalam perenggan-kecil (b) dalam taarif "butir² boleh di-daftar" dalam seksyen 2 Akta Pendaftaran Penjenayah dan Orang² Yang Tak Di-ingini, 1969 ada terkandung dalam mana² daftar yang tersebut dalam seksyen 7 (1) atau 7 (2) Akta itu; dan

(c) sa-saorang yang tertaklok kepada pengawasan polis di-bawah mana² daripada peruntukan yang tersebut dalam seksyen 13F (3).

13D. Mana² pegawai polis boleh tanpa waran menangkap mana² orang jika ia ada sebab bagi memperchayai bahawa orang itu telah melakukan suatu kesalahan terhadap seksyen 13C, dan tiap² kesalahan itu ada-lah suatu kesalahan yang boleh di-tangkap dan yang tak boleh di-jamin bagi maksud² Kanun Achara Jenayah.

Penang-
kapan.
[Tam.
P.U. (A)
81/70.]

N.S. Bab 21:
N.M.B.
Bab 6:
Sabah 4/59:
Sarawak
Bab 58.

13E. (1) Mana² pegawai polis boleh mengambil atau mengarahkan di-ambil gambarfoto dan chap jari mana² orang yang nama-nya di-kehendaki di-chatit dalam Daftar di-bawah seksyen 13A (1), dan hendak-lah menghantar gambarfoto dan chap jari itu kepada Pendaftar dan tiap² orang itu ada-lah terikat di-sisi undang² supaya patoh gambarfoto-nya dan chap² jari-nya di-ambil, dan ia-nya boleh di-paksa bagi maksud itu dengan menggunakan kekerasan jika perlu.

Peruntukan²
berhuoong
dengan
gambarfoto
dan
chap jari.
[Tam.
P.U. (A)
81/70.]

(2) Jika sa-saorang terikat di-sisi undang² supaya patoh gambarfoto-nya atau chap jari-nya di-ambil dan ia-nya enggan atau tidak patoh demikian itu apabila di-minta maka ia ada-lah melakukan suatu kesalahan dan, apabila di-thabitkan, boleh di-kena denda tidak lebeh daripada dua ratus lima puluh ringgit atau penjara sa-lama tempoh tidak lebeh daripada satu bulan atau denda dan penjara itu kedua²-nya.

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DHARURAT (KETENTRAMAN AWAM DAN MENEGAH JENAYAH)

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- (c) seksyen 247 Kanun Achara Jenayah bagi Sabah; Sabah 5/59.
(d) seksyen 247 Kanun Achara Jenayah bagi Sarawak; Sarawak Bab 58.
13G. (1) Menteri boleh membuat peratoran² bagi menjalankan maksud² Ordinan ini. Peratoran² [Tam. P.U. (A) 81/70.]
- (2) Dengan tidak menyentuh keluasan kuasa² yang di-beri oleh seksyen-kecil (1) mana² peratoran itu boleh—
- (a) menetapkan bentuk daftar, dan apa² borang lain yang perlu atau mustahak untuk di-gunakan berkenaan dengan perkara² yang di-selenggarakan dalam Ordinan ini atau dalam mana² peratoran yang di-buat di-bawah-nya;
- (b) menghendaki semua atau mana² golongan orang berdaftar membawa kad pengenalan, mengadakan peruntukan bagi bentuk, pengeluaran, pengemukaan, pemereksaan, pembatalan, pengubahan, penchatitan dan penggantian mengenai mana² kad itu, dan penggantian-nya dengan kad² pengenalan yang di-keluarkan kepada orang² itu atau kepada orang² dari golongan itu di-bawah mana² undang² bertulis yang lain, dan bagi mengadakan peruntukan bagi semua perkara lain yang perlu atau mustahak berkenaan dengan mana² kad itu atau berkenaan dengan membawa-nya atau berkenaan dengan menguatkuasakan mana² peratoran itu, termasuk menetapkan penalti² tidak lebih daripada, mengenai apa² jua kesalahan, denda sa-banyak lima ribu ringgit atau penjara sa-lama tempoh tiga tahun atau kedua²-nya;
- (c) mengadakan peruntukan bagi apa² perkara lain yang, di-bawah Ordinan ini, di-kehendaki atau di-benarkan di-tetapkan.
- (3) Jika tiada apa² penetapan di-buat di-bawah seksyen-kecil (2) (a) borang² yang di-tetapkan di-bawah—
- (a) Ordinan Menchegah Jenayah, 1959; 13/59.
(b) Enakmen Kediaman Tersekat; N.M.B. Bab 39.
(c) Akta Pendaftaran Penjenayah dan Orang² Yang Tak Di-ingini, 1959; Akta 7.
(d) Undang² bertulis yang tersebut dalam seksyen 13F (3).

boleh di-gunakan dengan ubahsuaian² yang sa-patut-nya bagi maksud Ordinan ini.

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13/59
N.M.B.
Bab 39
Akta 7

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[S. 14]

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ORDINAN 5, 1969

Mula
berkuat-
kuasa-nya
peruntukan.

14. Peruntukan² Ordinan ini hendaklah berkuatkuasa ber-
kenaan dengan—

(a) mana² orang yang di-tangkap di-bawah Ordinan ini
pada atau sa-lepas tarikh Ordinan ini mula ber-
kuatkuasa; dan

(b) mana² orang yang di-tangkap di-bawah Ordinan
Menchegeh Jenayah, 1959, pada bila² masa sa-
belum Ordinan ini mula berkuatkuasa; jika orang
itu—

(i) telah di-tahan dalam jagaan atau di-lepas-
kan atas bon atau tertaklok kepada
pengawasan polis sementara menanti
siasatan di-bawah Ordinan itu;

(ii) tertaklok kepada pengawasan polis di-
bawah seksyen 15 (1) Ordinan itu; atau

(iii) tertaklok kepada pengawasan polis di-
bawah seksyen 15 (1) dan kepada sekatan²
yang di-kenakan ka-atas-nya di-bawah
seksyen 15 (2).

Di-ishtiharkan di-Istana Negara, Kuala Lumpur, pada
Dua belas haribulan Jun, 1969.

TUANKU ISMAIL NASIRUDDIN SHAH.
Yang di-Pertuan Agong

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Reprint No. 3A of 1970



MALAYSIA

**EMERGENCY (PUBLIC ORDER AND
PREVENTION OF CRIME)
ORDINANCE, 1969**

(Ordinance 5, 1969—P.U. (A) 187/1969)

*Printed by the Government Printer with the Authority
of the Commissioner of Law Revision under section
14 of the Revision of Laws Act, 1968 (Act 1), and
containing the amended law as in force on 1st
March, 1970*

DI-CETAK DI-JADATAN CETAK KERAJAAN
OLEH MOHAMMED BIN ABDULLAH, A.M.N., PEMANGKUL PENCETAK KERAJAAN
KUALA LUMPUR
MARCH, 1970

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1

**EMERGENCY (PUBLIC ORDER AND PREVENTION
OF CRIME) ORDINANCE, 1969**

(Ordinance 5, 1969—P.U. (A) 187/1969)

ARRANGEMENT OF SECTIONS

Section

1. Citation, application and commencement.
2. Saving for Ord. 13/59.
3. Power to detain suspected persons.
4. Power to order detention.
- 4A. Restriction orders.
- 4B. Suspension of detention order.
5. Representations against detention order.
6. Report of Advisory Board.
7. Review.
8. Application of L.N. 230/65.
9. Power to summon witnesses.
10. Member of Advisory Board deemed to be a public servant.
11. Disclosure of information.
12. Power to order removal.
13. Power to order production of detained person.
- 13A. Registration.
- 13B. Removal of name from register.
- 13C. Offences by registered persons.
- 13D. Arrest.
- 13E. Provisions with regard to photographs and finger impressions.
- 13F. Effect of this Ordinance in earlier orders under other laws.
- 13G. Regulations.
14. Commencement provisions.

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EMERGENCY (PUBLIC ORDER AND PREVENTION
OF CRIME) ORDINANCE, 1969
(Ordinance 5, 1969—P.U. (A) 187/1969)

LIST OF AMENDMENTS

Ordinance No.	Sections affected	Effective date of amendment
13, 1969 (P.U. (A) 500/ 1969)	5 (2A), (3)	16-5-1969
24, 1970 (P.U. (A) 81/ 1970)	3 (3), 4 (1), (1A), (2), (4), 4A, 4B, 5 (1), 7 (1), 13A, 13B, 13C, 13D, 13E, 13F, 13G	26-2-1970

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**EMERGENCY (PUBLIC ORDER AND PREVENTION
OF CRIME) ORDINANCE, 1969**

(Ordinance 5, 1969—P.U. (A) 187/1969)

An Ordinance promulgated by the Yang di-Pertuan Agong
under Article 150(2) of the Constitution.

[16th May, 1969.]

WHEREAS by reason of the existence of a grave emergency threatening the security of Malaysia, a Proclamation of Emergency has been issued by the Yang di-Pertuan Agong under Article 150 of the Constitution; P.U. (A)
145/69.

AND WHEREAS Parliament was dissolved on the twentieth day of March, 1969, and elections to the new Dewan Ra'ayat have not been completed; P.U. (A)
94/69.

AND WHEREAS the Yang di-Pertuan Agong is satisfied that immediate action is required for securing public order, the suppression of violence and the prevention of crimes involving violence;

IT IS HEREBY ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong pursuant to Clause (2) of Article 150 of the Constitution as follows:

1. (1) This Ordinance may be cited as the Emergency (Public Order and Prevention of Crime) Ordinance, 1969, and shall have effect throughout Malaysia. Citation,
application
and com-
mencement.

(2) This Ordinance shall be deemed to have come into force on 16th May, 1969.

2. The provisions of this Ordinance shall have effect without prejudice to the provisions of the Prevention of Crime Ordinance, 1959. Saving for
Ord 13/59.

3. (1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe that there are grounds which would justify his detention under section 4 (1). Power to
detain
suspected
persons.

(2) Any police officer may without warrant arrest and detain pending enquiries any person who on being questioned by him fails to satisfy him as to his identity or as to the purposes for which he is in the place where he is found, if the police officer suspects that person of having acted or being about to act or being likely to act in any manner

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[S. 3-4]

ORDINANCE 5, 1969

prejudicial to public order or if he has reason to believe that it is necessary for the suppression of violence or the prevention of crimes involving violence that that person should be detained.

(3) Any person arrested and detained under this section may be detained in police custody for a period not exceeding sixty days without an order of detention having been made in respect of him under section 4 (1):

Provided that—

- (a) he shall not be detained for more than twenty-four hours except with the authority of a police officer of or above the rank of Inspector;
- (b) he shall not be detained for more than forty-eight hours except with the authority of a police officer of or above the rank of Assistant Superintendent;
- (c) he shall not be detained for more than thirty days unless a police officer of or above the rank of Deputy Superintendent has reported the circumstances of the arrest and detention to the Inspector-General of Police or to a police officer designated by the Inspector-General in that behalf and the Inspector-General or the police officer so designated by him, as the case may be, shall forthwith report the same to the Minister.

[Am.
P.U. (A)
81/70.]

(4) The powers conferred upon a police officer by subsections (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.

(5) 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.

Power to
order
detention.

[Am.
P.U. (A)
81/70.]

4. (1) If the Minister is satisfied that with a view to preventing any person from acting in any manner prejudicial to public order it is necessary that that person should be detained, or that it is necessary for the suppression of violence or the prevention of crimes involving violence that that person should be detained, the Minister shall make an order (hereinafter referred to as a "detention order") directing that that person be detained for any period not exceeding two years.

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EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME)

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(1A) The Minister may at any time revoke any detention order. [Add P.L. (A) 81/70.]

(2) Every person detained in pursuance of a detention order 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). [Am. P.U. (A) 81/70.]

(3) The Minister may by rules provide for—

- (a) the maintenance and management of any place referred to in sub-section (2);
- (b) compelling persons detained therein to perform such work or duties therein or connected therewith as he considers necessary or expedient; and
- (c) the discipline of persons detained therein;

Provided that until any such rules are made under this sub-section and thereafter in respect of any matters not provided for by such rules the Internal Security (Detained Persons) Rules, 1960 shall apply to every place of detention and to all persons detained therein under this Ordinance. [L.N. 189/60. Am. L.N. 73/62.]

(4) Whenever any person is detained under a detention order he shall, in accordance with Article 151 of the Constitution, as soon as may be— [Am. P.U. (A) 81/70.]

- (a) be informed of the grounds of this 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.

4A. (1) If the Minister is satisfied that for any of the purposes mentioned in section 4 (1) it is necessary that control and supervision should be exercised over any person or that restrictions and conditions should be imposed upon that person in respect of his activities, freedom of movement or places of residence and employment, but that for those purposes it is unnecessary to detain that person, he may make an order (hereinafter referred to as a "restriction order") imposing upon that person (hereinafter referred to as a "restricted person") all or any of the following restrictions and conditions: [Restriction orders Add P.L. (A) 81/70.]

- (a) that he shall be subject to the supervision of the Police for any period not exceeding two years;

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EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME)

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shall, unless sooner cancelled, continue in force for the period specified by the Minister under sub-section (1) (a).

(4) Any restricted person who contravenes or fails to comply with any restriction or condition expressed in his restriction order shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years and not less than two years.

4A. The Minister may at any time direct that the operation of any detention order be suspended subject to all or any of the restrictions and conditions which he is empowered to impose by a restriction order, and where a detention order is so suspended section 4A (2), (3) and (4) shall have effect in relation to the person subject to the detention order, and for the unexpired period thereof, as they would have effect in relation to a restricted person.

Suspension
of detention
order.

[Add.
P.U. (A)
81/70.]

5. (1) A copy of every detention order 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.

Representa-
tions
against
detention
order.

[Am.
P.U. (A)
81/70.]

(2) For the purpose of enabling a person to make representations under sub-section (1) he shall, at the time 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.

(2A) Notwithstanding the provisions of Article 151 (1) (b) of the Constitution, a citizen detained in pursuance of an order made under section 4 (1) may be detained, without any representations made by him under Article 151 (1) (a) of the Constitution having been considered, and without recommendations having been made thereon, by an advisory board constituted for the purposes of that Article, for a period of three months commencing immediately after the sixtieth day following the date of his arrest under section 3.

[Add.
P.U. (A)
500/69.]

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[S. 5-8]

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(3) The Minister may make rules as to the manner in which representations may be made under this section and for regulating the procedure of Advisory Boards:

L.N. 23/66.

P.U. (A)
186/69.

Provided that until any such rules are made under this sub-section and thereafter in respect of any matter not provided for by such rules the Internal Security (Detained Persons Advisory Board) Rules, 1964, as modified by the Emergency (Internal Security) (Modification of Laws) Ordinance, 1969, shall apply to the making of representations under this section and in applying them references therein to an order of detention or a place of detention shall be construed as references to an order of detention made or a place of detention directed, under section 4:

[Add.
P.U. (A)
500/69.]
L.N. 23/64.

And provided further that the Internal Security (Detained Persons) Rules, 1964 shall have effect with the substitution of the words "one month" for the words "fourteen days" in rule 3 (1) thereof.

Report of
Advisory
Board.

6. (1) Whenever any person has made any representations under section 5 (1) 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.

(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 7, be final, and shall not be called into question in any Court.

Review.
[Am.
P.U. (A)
87/70.]

7. (1) Every detention order may, so long as it shall remain in force, be reviewed from time to time by an Advisory Board at the discretion of the Chairman thereof.

(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.

Application
of L.N.
230/65.

8. The Emergency (Detained Non-Citizens) Regulations, 1965, as amended by section 5 of the Emergency (Internal Security) (Modification of Laws) Ordinance, 1969, shall apply to persons detained under section 4 (1).

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[S. 9-13]

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9

9. Every Advisory Board shall, for the purposes of this Ordinance, but subject to the provisions of section 11, 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.

Power to
summon
witnesses

10. Every member of an Advisory Board shall be deemed to be a public servant within the meaning of the Penal Code in force in that part of Malaysia in which he exercises the functions of a member of an Advisory Board, 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 Ordinance the like protection and privileges as are by law given to a Judge in the execution of his office.

Member of
Advisory
Board
deemed to
be a public
servant.

11. Nothing in this Ordinance 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.

Disclosure
of informa-
tion.

12. (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 section 4, 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.

Power to
order
removal

(2) Any person in course of removal under the provisions of sub-section (1) shall be deemed to be in lawful custody.

13. (1) On proof to his satisfaction that the presence at any place of any person detained under the provisions of section 4, or lawfully in the custody of the police or confined in any prison whether in pursuance of the provisions of section 4 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.

Power to
order
production
of detained
person.

(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.

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ORDINANCE 5, 1969

Registration
[Add.
P.U. (A)
81/70.]
Act 7.

13A. (1) The Registrar of Criminals appointed under section 3 of the Registration of Criminals and Undesirable Persons Act, 1969 (hereinafter referred to as the "Registrar") shall keep a register for the purposes of this Ordinance, in which shall be entered the name of every restricted person and of every person in respect of whom a detention order is in force (whether suspended under section 4B or not), together with such particulars concerning any such person as may be prescribed; and upon the name and particulars of any such person being entered in the register he shall be (and is hereinafter referred to as) a registered person for the purposes of this Ordinance.

(2) Any police officer not below the rank of Inspector may—

(a) visit any place referred to in section 4 (2) for the purpose of taking the finger impressions and photograph of any person detained therein and of obtaining such other particulars concerning any such person as may be prescribed or as may be necessary for effecting the registration of that person under sub-section (1);

(b) by notice in writing direct the attendance before him, at a time and place specified in the notice, of any restricted person for the purpose of taking the finger impressions and photograph of that person and of obtaining such other particulars concerning that person as may be prescribed or as may be necessary for effecting the registration of that person under sub-section (1).

(3) Any person who, being required by a police officer not below the rank of Inspector to furnish the particulars referred to in paragraph (a) or (b) of sub-section (2), refuses to furnish any such particulars or furnishes any particulars which he knows or has reason to believe to be false, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding one month or to both.

(4) If any person fails to attend as directed under sub-section (2) (b), the police officer who issued the notice may cause him to be arrested without warrant by any police officer and brought before him for the purposes mentioned in that sub-section.

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[S. 13-13c]

EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME)

11

13b. (1) Whenever an order under section 4 or 4A is revoked or cancelled so that the person in respect of whom the order was made ceases to be subject to any restrictions or conditions whatsoever, the Registrar shall forthwith remove his name and all entries concerning him from the register.

Removal of
name from
register.
[Add.
P.U. (A)
81/70.]

(2) The Minister may at any time in his discretion direct the Registrar to remove the name of any person from the Register, and thereupon such person shall cease to be a registered person, unless and until his name is subsequently re-entered in the Register in accordance with section 13.

13c. (1) Any registered person who—

Offences by
registered
persons.

(a) is found in the company of any other registered person without the permission of the Officer in Charge of the Police District in which he resides; or

[Add.
P.U. (A)
81/70.]

(b) is found between the hours of sunset and sunrise frequenting or loitering in or about any public place or in the neighbourhood of any place of public entertainment; or

(c) is found at any time in or near any place in which any act of violence or breach of the peace is being or has just been committed,

shall be guilty of an offence and shall, on conviction, be liable to a fine of one thousand dollars or to imprisonment for a term not exceeding one year or to both, unless—

(i) in the circumstances mentioned in paragraph (a), he proves that he did not know and had no reason to suspect that the person in whose company he was found was a registered person; or

(ii) in the circumstances mentioned in paragraph (b) or (c), he is able to account to the satisfaction of the court for his presence at the material time and place.

(2) In paragraph (a) and paragraph (i) of sub-section (1), "registered person" includes—

(a) any person who is a registered person under this Ordinance;

(b) any person in respect of whom registrable particulars of the kind mentioned in sub-paragraph (b) in the definition of "registrable particulars" in section 2 of the Registration of Criminals and Undesirable Persons Act, 1969 are contained in

Act 7.

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[S. 13C-13F]

12

ORDINANCE 5, 1969

either of the registers referred to in section 7 (1) or 7 (2) of that Act; and

(c) any person who is subject to the supervision of the police under any of the provisions mentioned in section 13F (3).

Arrest.
(Add.
P.U. (A)
81/70.)

13D. Any police officer may without warrant arrest any person if he has reason to believe that that person has committed an offence against section 13C, 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;
Sabah 4/59;
Sarawak
Cap. 34.

Provisions
with
regard to
photographs
and finger
impressions.
(Add.
P.U. (A)
81/70.)

13E. (1) Any police officer may take or cause to be taken the photograph and finger impressions of any person whose name is required to be entered on the Register under section 13A (1), and shall send them to the Registrar and every such person shall be legally bound to submit to the taking of his photographs and finger impressions, and may be compelled thereto by the use of force if necessary.

(2) Any person who, being legally bound under sub-section (1) to submit to the taking of his photographs or finger impressions, refuses or fails to submit thereto on demand shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding one month or to both.

(3) Whenever the name of any person is removed from the register under section 13A (1) or (2), the Registrar shall, upon the application of that person, deliver to him the sheet upon which his finger impressions have been made, together with the negative and all copies of any photograph taken of him and sent to the Registrar under this section; and if no such application is received within three months from the date of removal the Registrar shall destroy the sheet and every such negative and photograph.

Effect
of this
Ordinance
on earlier
orders
under other
laws.
(Add.
P.U. (A)
81/70.)
13/59.

13F. (1) When any person detained under section 4, who at the time of his arrest under section 3 was subject to an order (in this sub-section referred to as the "earlier order") under section 15 of the Prevention of Crime Ordinance, 1959, is released from detention in consequence of the cancellation or suspension of his detention order, the earlier order shall continue to have effect for the unexpired portion of the period specified in the earlier order under section

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[S. 13F-13G]

EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME) 13

15 (1), and of any renewal thereof under section 15 (3), of that Ordinance:

Provided that any period spent in detention (including any period during which the detained person was in the custody of the police before going into a place of detention) shall be counted as part of the period specified in the earlier order or of any renewal thereof, as the case may be.

(2) When any person who is subject to an order (in this sub-section referred to as the "earlier order") under section 2 or 2A of the Restricted Residence Enactment or to a direction under any of the provisions mentioned in sub-section (3) is ordered to be detained under section 4, the earlier order or the direction, as the case may be, shall cease to have effect on the date when the detention order comes into force.

F.M.S.
Cap. 39.

(3) The provisions referred to in sub-section (2) are—

(a) section 295 of the Criminal Procedure Code;

F.M.S.
Cap. 6.
S.S. Cap. 21.

(b) section 12 of the Criminal Procedure Code of the former Straits Settlements;

(c) section 247 of the Criminal Procedure Code of Sabah;

Sabah 5/59.

(d) section 247 of the Criminal Procedure Code of Sarawak.

Sarawak
Cap. 38.

13G. (1) The Minister may make regulations for carrying out the purposes of this Ordinance.

Regulations
(Add.
P.U. (A)
81/70)

(2) Without prejudice to the generality of the powers conferred by sub-section (1) any such regulations may—

(a) prescribe the form of the register, and such other forms as may be necessary or expedient to be used in connection with the matters dealt with in this Ordinance or in any regulations made thereunder;

(b) require all or any class of registered persons to carry identity cards, provide for the form, issue, production, inspection, cancellation, alteration, endorsement and replacement of any such cards, and the substitution thereof for identity cards issued to those persons or to persons of that class under any other written law, and for all other matters necessary or expedient in connection with

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[S. 13C-14]

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ORDINANCE 5, 1969

any such cards or the carrying thereof or the enforcement of any such regulations, including the prescription of penalties not exceeding in respect of any offence a fine of five thousand dollars or imprisonment for a term of three years or both;

(c) provide for any other matter which under this Ordinance is required or permitted to be prescribed.

(3) In the absence of any prescription under sub-section (2) (a) the forms prescribed under—

13/59.

F.M.S.
Cap. 39,
Act 7.

(a) the Prevention of Crime Ordinance, 1959;

(b) the Restricted Residence Enactment;

(c) the Registration of Criminals and Undesirable Persons Act, 1969;

(d) the written laws referred to in section 13F (3), may be used, with suitable modifications, for the purposes of this Ordinance.

Commence-
ment provisions.

14. The provisions of this Ordinance shall have effect in relation to—

(a) any person arrested under this Ordinance on or after the date of its commencement; and

(b) any person arrested under the Prevention of Crime Ordinance, 1959, at any time before the coming into force of this Ordinance if that person:

(i) has been remanded in custody or released on bond or is subject to police supervision pending an inquiry under that Ordinance;

(ii) is subject to police supervision under section 15 (1) thereof; or

(iii) is subject to police supervision under section 15 (1) and to restrictions imposed on him under section 15 (2).

Promulgated at Istana Negara Kuala Lumpur, on the Twelfth day of June, 1969.

TUANKU ISMAIL NASIRUDDIN SHAH.
Yang di-Pertuan Agong

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