

SUPERSEDED BY ACT 336

FEDERATION OF MALAYA

No. 3 OF 1955

THE MINOR OFFENCES ORDINANCE, 1955

Their Highnesses the Rulers of the
Malay States assent hereto



I assent



Witnesses to the affixing of the Rulers' Seal:

T. ABDUL RAHMAN,
*Yang di-Pertuan Besar
of Negri Sembilan.*

D. C. MACGILLIVRAY,
High Commissioner.

25th February, 1955

ISMAIL,
Regent of Johore.

24th February, 1955

0.63/58 0.13/58

0.15/59

Act 15/61

58

No. 3 OF 1955

L.N. 297/59

Act 19/55

Act 27/66

u 40/67

u(A) 235/70

Act A-44/71

Act 160

AA 551/83

An Ordinance to consolidate and amend the law relating to minor offences, and to amend the Vagrancy Ordinance, 1939, of the Straits Settlements.

[Section 33—3rd March, 1955.]

[Remainder—1st September, 1955.]

IT IS HEREBY ENACTED by the High Commissioner of the Federation of Malaya and Their Highnesses the Rulers of the Malay States with the advice and consent of the Legislative Council as follows:

Short title and commencement.

1. This Ordinance may be cited as the Minor Offences Ordinance, 1955, and shall come into force on the 1st day of September, 1955:

Provided that the High Commissioner may, by notification in the *Gazette*, direct that this Ordinance shall come into force in any State or Settlement mentioned in the said notification on such earlier date as may be specified therein;

Provided further that section 33 of this Ordinance shall come into force forthwith.

Interpretation.

2. (1) In this Ordinance unless the context otherwise requires—

~~"armed forces of the Crown" means Her Majesty's Naval, Military and Air Forces;~~

"cattle" includes bulls, cows, bullocks and buffaloes;

"Chief Police Officer" means the Chief Police Officer of a State ~~or Settlement~~;

"horse" includes mules, ponies and asses;

"local force" includes any force raised and maintained in the Federation under the provisions of any written law; ~~"Minister" means the Minister charged with responsibility for the police;~~

"place of public resort" means any place licensed under any written law in force in the Federation relating to theatres and includes an amusement park;

"public footway" means any footway made or set apart for the use or accommodation of foot passengers over which the public have a right of way;

"public road" includes every road, street, bridge, passage, footway or square over which the public have a right of way; and the expression "in or near any public road" includes all places in the public road and

all places within ten yards of it not being effectually separated from and hidden from the road by a wall or otherwise;

"vehicle" includes any vehicle whether mechanically propelled or otherwise;

(2) The ^{"existing fra"} arcade of any house, where such arcade abuts on any street, notwithstanding any rights of property in the owner of such house, shall, for the purposes of this Ordinance, be deemed to be a public footway.

21.2.69

ORDERS AS TO FIREWORKS

3. (1) A Chief Police Officer or any officer authorised by him in writing by name or office (in this section referred to as an authorised officer) may issue orders, which shall be published in the *Gazette*, authorising the letting off of fireworks on certain fixed days, and at or between certain fixed hours, and within certain defined areas, and may in particular cases or at particular times issue to any person or body of persons licences for the letting off of fireworks.

Restriction
on letting
off of fire-
works.

(2) No such order or licence shall be deemed to authorise or permit the letting off of bombs or sand crackers.

(3) Every licence issued under this section shall state the place where and the hours between which the fireworks may be let off and the description of fireworks which may be used, and may contain such conditions as the Chief Police Officer or authorised officer may think fit to impose.

(4) No authority so published, or licence so issued, shall be held to relieve any person from liability in the event of any damage, loss or injury to person or property being caused by the letting off of such fireworks.

(5) Any person who lets off any firework, except in accordance with the terms of an order or a licence issued under this section, shall be liable to a fine not exceeding one hundred ~~dollars~~ ^{pounds} or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Act 160

BURNING MATERIAL OR DISCHARGING FIREARMS

Burning
material or
discharging
firearms.

Act 160

4. Any person who without lawful excuse sets fire to or burns any material to the annoyance, inconvenience or danger of the public, or discharges any firearm or air-gun, or sends up any fire-balloon or rocket in or near any public road shall be liable to a fine not exceeding fifty dollars.

ANIMALS

Mad, dan-
gerous and
wild
animals.

5. (1) Every veterinary authority and every game warden and, in the absence of a veterinary authority or game warden, every police officer shall secure any animal reasonably suspected to be mad or dangerous, and any wild animal found at large in or near any public place under circumstances of danger to the public.

(2) If there is reasonable ground to believe that any such mad, dangerous or wild animal cannot be secured without risk of injury to the person of the veterinary authority, game warden or police officer attempting to secure the same, such veterinary authority, game warden or police officer may shoot or otherwise destroy such animals.

No. 17 of
1953.

(3) In this section "veterinary authority" shall have the same meaning as in the Animals Ordinance, 1953, and "game warden" includes every person who has the powers of a game warden under any written law relating to wild animals for the time being in force in the Federation or any part thereof.

Dog run-
ning at
persons, etc.

Act 160

Amended: Act 15/61

Ferocious
dog at
large.

6. If it is proved to the satisfaction of a Magistrate that any dog is in the habit of running at persons or at vehicles, horses, cattle, sheep, goats or pigs passing along a public road, the owner of such dog shall be liable to a fine not exceeding one hundred dollars.

~~7. Any person who negligently suffers to be at large without a muzzle any ferocious dog which is not under proper control shall be liable to a fine not exceeding fifty dollars, and if the dog has bitten, or attempted to bite any person, such dog may be destroyed by order of a Magistrate:~~

~~Provided that before such order is executed, such dog may be detained for observation by a Veterinary Officer for a period not exceeding ten days.~~

8. Any person who without lawful excuse sets on or urges any dog or other animal to attack, worry or put in fear any person or animal, shall be liable to a fine not exceeding one hundred dollars.

Letting
loose dog
or other
animal.

Act 160

9. Whoever being the owner or person in charge of any horse, cattle, sheep, goat or pig allows such animal to stray upon any public road or upon any public or private property shall be liable to a fine not exceeding one hundred dollars in respect of each animal, and all damage done by such animal shall be assessed by a Magistrate, and shall be recoverable in the manner provided by law for the recovery of fines before Magistrates, together with any amount to be levied as fines, from the owner of the animal.

Animals
damaging
property.

In the case of damage to private property the amount of damages recovered shall be paid to such person as the Magistrate may direct.

10. (1) No horses, cattle, sheep, goats or pigs shall be led or driven on any public road between the hours of sunset and sunrise unless such animals are in charge of at least one adult person carrying a light visible within a reasonable distance both in the direction in which such animals are being led or driven and in the reverse direction.

Animals
led or
driven on a
public road
at night.

(2) If any such animals are led or driven on any public road in contravention of the provisions of this section the owner and any person in charge of such animals shall be liable to a fine not exceeding one hundred dollars.

Act 160

11. Any person who—

Miscel-
laneous
offences.

- (a) leads, drives or rides any horse, cattle, sheep, goat or pig on any public road in such a manner as not to have control over the same or in such a manner as to cause danger or obstruction to persons or traffic moving on the road;
- (b) drives, rides or leads any elephant on any public road without the permission of the Chief Police Officer or of an officer authorised by him in writing by name or office;
- (c) drives or rides any animal in a manner so rash or negligent as to indicate a want of due regard for the safety of others;
- (d) being in charge of any horse, cattle, sheep, goat or pig in any public road or public place

fails to take proper steps to keep such animals under proper control;

- (e) exposes in any public road for show, hire or sale any horse or other animal or cleans or dresses any horse or other animal in such a manner as to interfere with the traffic.

shall be liable to a fine not exceeding fifty ~~dollars~~ ^{rupees}.

Art 160

NUISANCES

Offences in
relation to
public roads.

12. Any person who—

- (a) without lawful authority or excuse lays any stone, brick or other article on any public road so as to cause an obstruction thereto or so as to make the use of the road less convenient;
- (b) allows to remain on any public road any article which has fallen from any vehicle of which he is in charge;
- (c) rides or drives any vehicle upon any public footway;
- (d) causes or allows goods or other articles to rest on any public footway or other part of a public road or otherwise causes or allows such goods or other articles to create obstruction or inconvenience to the passage of the public for a longer time than may be absolutely necessary for loading or unloading such goods or other articles;
- (e) flies any kite or plays at any game or does any act which unreasonably obstructs or interferes with the traffic in any public road, or the wires of any telephone or telegraph, or public electric lighting system,

shall be liable to a fine not exceeding fifty ~~dollars~~ ^{rupees}.

Art 160

Excessive
noise.

13. (1) Any person who—

- (a) beats within the limits of any town or village between the hours of midnight and 6 a.m. or in any public road or public place at any hour, a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any instrument or utensil in such a manner as to cause annoyance or inconvenience to occupants of any premises in the vicinity; or

- (b) operates or causes or suffers to be operated any gramophone or wireless loud speaker or pianola or other form of music mechanically or electrically produced in such a manner as to cause annoyance or inconvenience to occupants of any premises in the vicinity; or
- (c) operates or causes or suffers to be operated in or near any public road or public place or in any shop, business premises, building or place which adjoins any public road or public place any gramophone or wireless loud speaker or any other instrument whatsoever for the production of noise or music in such a manner as to cause annoyance or inconvenience to occupants of any premises in the vicinity,

shall be liable to a fine not exceeding one hundred dollars.

Art 160

(2) Any police officer not under the rank of Inspector, on the complaint of a house-holder that the noise of any such instrument is dangerous to any sick person living near the place where such instrument is being operated, or for any other good and sufficient reason, may enter upon the premises or other place where the instrument is being operated, and after warning stop the same, either by the removal of the instrument or in some other appropriate way.

(3) Nothing in this section shall apply to any music played by any of the armed forces of the ^{Reduction} Crown or by any local force ^{or} by the police force or to any call, prayer or other sound produced for religious purpose or to police whistles blown by any person for the purpose of calling assistance or to the reasonable use of any horn, bell, whistle or similar appliance on any motor car, bicycle or other vehicle on a public road for the purpose of avoiding an accident, or to anything done with the permission of the Chief Police Officer.

for visiting
force
14.297/59

14. Any person who uses any indecent, threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting written paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, shall be liable to a fine not exceeding one hundred dollars.

Insulting
behaviour.

Art 160

Act 40/67

64

No. 3 OF 1955

(1)

Miscellaneous
nuisances.

15. Any person who—

Affixing
bills or
otherwise
defacing
houses, etc.

~~(a) without authority in the case of public property, or without the consent of the owner or occupier in the case of private property, affixes or causes to be affixed any advertisement, bill or notice, or any paper against or upon any building, wall or fence or tree, or writes upon, defaces or marks any such building, wall or fence or tree with chalk or paint or in any other way;~~

of by Act 40/67

Bathing in
public.

(b) bathes or washes himself, or any other person, animal or thing on any public road, or in or by the side of any public tank, reservoir, standpipe, watercourse or stream, the use of which for bathing has been forbidden by the Chief Police Officer or any other lawful authority;

Obstructing
person
bathing.

(c) obstructs or incommodes a person bathing at any place set apart as a bathing place by wilful intrusion, or by washing any animal at or near such place, or in any other way;

Spitting.

(d) spits in any coffee shop, eating house, school premises or public place or in any trolley-bus, omnibus, railway carriage or other public conveyance or in or near any public road:

Provided that nothing in this paragraph shall prohibit any person from spitting into any receptacle provided for the purpose or into any drain,

15(2) added
by Act 40/67

shall be liable to a fine not exceeding one hundred dollars. (2) — — —
15A.

Act 160
New.
Act 27/66
(14-4-66)

MILITARY, POLICE AND MARINE

Unlawful
possession
of military,
naval, air
force or
police
stores.

16. Any person who knowingly detains, buys, exchanges or receives from any person serving in the armed forces of the ~~Crown~~ ^{Federation} or in any local force or from any member of the police force of the Federation or of the ~~Colony~~ ^{Singapore} any accoutrements, clothing or other military, naval, air force or police stores or necessities, or any other property belonging to the Government of the Federation or of the ~~Colony~~ ^{Singapore} or ~~Her Majesty's Government~~, or any medal for good conduct or for distinguished or other services, or who has in his possession or keeping any such accoutrements, clothing or other

or visiting force

LN-297/59
The Govt. of the
Country to which
such visiting
force belongs
LN-297/59

military, naval, air force or police stores or necessities or other property or medal as above and does not give a satisfactory account how he came by the same shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding six weeks or to both such fine and imprisonment.

Act 160

*for visiting for
LN-297/59*

17. Any person who, not being a person serving in the armed forces of the ~~Crown~~ or in any local force or a member of the police force, takes or attempts to take into any military barrack, guardroom or encampment, or on board or alongside any vessel-of-war belonging to or transport hired by ~~Her Majesty~~, or any vessel in the service of the Government of the Federation or of any State or ~~Settlement~~ in any port in the Federation or into any police barrack, police station or lock-up or into any public hospital or mental hospital any intoxicating liquor, drug or preparation, without the permission of the Commanding Officer or of the Chief Police Officer or of the person in charge of the public hospital or mental hospital, shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and such liquor, drug or preparation and the vessels containing the same may be forfeited.

Taking
spirits, etc.,
into
barracks
and police
stations.

*the book of the
Federation or of
country to which
any visiting
force belongs*

LN-297/59

Act 160

HOTELS AND PUBLIC HOUSES

18. (1) The keeper of any hotel, boarding-house, public house, common lodging house, eating house, coffee shop or other place of public entertainment or resort who permits drunkenness or other disorderly behaviour in such house or place, or permits prostitutes or persons of notoriously bad character to meet or remain for the purpose of soliciting or misbehaving therein, shall be liable to a fine not exceeding three hundred dollars or in the case of a second or subsequent offence to a fine not exceeding five hundred dollars.

Disorderly
conduct in
hotels,
boarding-
houses, etc.

Act 160

(2) Whenever any person would be liable under the provisions of sub-section (1) of this section to punishment for any act, omission, neglect or default, he shall be liable to the same punishment for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business as keeper of such hotel, boarding-house, public house, common lodging house, eating house, coffee shop or other place of public entertainment or resort; and every agent or servant employed by any person in the course of his

business as aforesaid shall also be liable to the punishment prescribed by sub-section (1) of this section for such acts, omissions, neglects or defaults as fully and effectually as if such agent or servant had been the keeper of such hotel, boarding-house, public house, common lodging house, eating house, coffee shop, or other place of public entertainment or resort.

POUNDS

Public
pounds
to be
provided.

for Chief Minister
in the State
LN-297/59

19. (1) Public pounds shall be provided and pound-keepers appointed at such places as the Mentri Besar ~~in a State or the Resident Commissioner in a Settlement~~ may direct.

(2) Any person may and any police officer shall seize all horses, cattle, goats, sheep and pigs found picketed, tethered, or straying upon any public road or trespassing on any public or private property, and confine such animals in a public pound.

Ruler or Governor
LN-297/59

(3) Any animal so impounded may be redeemed by the owner thereof within ten days after being so impounded on payment to the pound-keeper of such fee as is fixed from time to time by the ~~Mentri Besar or Resident Commissioner~~ and published in the *Gazette* and of the expenses of feeding the same while impounded according to the rate to be fixed from time to time by the Chief Police Officer of the State ~~or Settlement~~.

(4) Any animal not so redeemed as aforesaid may be publicly sold by order of the Chief Police Officer, and the proceeds of such sale after deducting the said fee and the expenses of feeding shall be paid to the owner of such animal, or if not claimed within a period of three months after such sale shall be retained by the Chief Police Officer and paid into the Treasury.

Penalty for
pound
breach.

Act 160

(5) Any person who takes any animal out of a public pound without the knowledge and consent of the pound-keeper shall be liable to a fine not exceeding fifty dollars.

(6) Every pound-keeper shall be deemed to be a public servant within the meaning of the Penal Code.

OTHER OFFENCES

Corpses and
dying
persons.

20. Whoever deposits or causes to be deposited any dying person or any corpse in any public place or in any private place without the consent of the owner shall be liable to a fine not exceeding two hundred and

fifty ^{209.7} ~~dollars~~ or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Inf 160

0.15/59

21. Any person who is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour, or of persistently soliciting or importuning for immoral purposes in any public road or in any public place or place of public amusement or resort, or in the immediate vicinity of any Court or of any public office or police station or place of worship, shall be liable to a fine not exceeding twenty-five ~~dollars~~ or to imprisonment for a term not exceeding fourteen days, and on a second or subsequent conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Drunkenness and disorderly behaviour in public places.

Inf 160

22. Whoever, without satisfactory excuse, wilfully trespasses in or upon any dwelling-house or premises, or upon any land attached thereto, or upon any boat or vessel, or upon any land belonging to the Government of the Federation or of any State ~~or Settlement~~ or appropriated to any public purpose, not thereby in any of the above cases causing any actual damage, or not causing, in the opinion of the Magistrate, more than nominal damage, shall be liable to a fine not exceeding fifty dollars.

Wilful trespass.

Repealed by Ord: 43/58 w.e.f. 1.1.57

23. (1) Any person who, not being a member of the armed forces of the Crown or of any local force or of the police force of the Federation or a person in the service of the Government in the performance of his duty goes armed with any offensive weapon in any public road, public place or place of public amusement or resort, unless by permission of the Chief Police Officer or an officer authorised in that behalf by the Chief Police Officer or under any other lawful authority, may be arrested and disarmed by any police officer, and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Carrying offensive weapons in public places.

(2) For the purposes of this section "offensive weapon" includes any instrument which if used as a weapon of offence is likely to cause hurt, but does not include—

- (a) any arms in respect of which a licence or permit under any written law relating to firearms is in force; or

- (b) any weapons worn on ceremonial occasions as part of any official or national dress; or
- (c) any instrument carried by any person for the purposes of his trade or occupation and reasonably required for such purposes.

(3) Every offence against the provisions of this section shall be deemed to be a non-bailable offence.

24. Any person, not being a member of the armed forces of the ~~Crown~~ ^{Federation} or of any local force ^{or} of the police force of the Federation, who—

- (a) is present at or attends any meeting or assembly of persons for the purpose of training or drilling themselves, or of being trained or drilled, to the military use of arms, or for the purpose of practising military exercises 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 military use of arms or the practice of military exercises or evolutions; or
- (c) trains or drills any other person or persons to the military use of arms or the practice of military exercises or evolutions or in any way aids or assists therein,

may be arrested by any police officer without warrant and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

25. Whoever wears without due permission the uniform appointed for the use of any of the armed forces of the ~~Crown~~ ^{Federation} or of any local force ^{or} of the police force of the Federation or of the ~~Colony~~ ^{State} or of any Government or Municipal Department or any dress having the appearance or bearing any of the regimental or other distinctive badges of such uniform or any colourable imitation thereof shall be liable on conviction to a fine not exceeding fifty dollars, and any such uniform, dress, badge or mark may be forfeited:

Provided that nothing in this section shall affect the wearing of such uniform for the purpose of any theatrical performance.

26. (1) Whoever unlawfully emplaces or erects or causes to be emplaced or erected any boundary mark to indicate or apparently to indicate a boundary of any

Illegal
drilling.

for visiting force
LN-297/59

Art 160

Wearing
unauthorised
uniform.

LN-297/59
LN-297/59

Art 160

Act A-44/71

P.U.(A) 235/70

Unlawful
use of
boundary
marks.

land shall be liable to a fine not exceeding five hundred dollars.

Art 160

(2) In this section "boundary mark" includes a mark in the form of a broad arrow or any survey stone, iron pipe or spike, wooden peg or post, concrete post or pillar, or any other survey mark.

IDLE AND DISORDERLY PERSONS

27. (a) Every hawker wandering abroad and trading without being duly licensed or otherwise authorised by law; Unlicensed hawkers.
- (b) every prostitute behaving in a disorderly or indecent manner in or near any public road or in any place of public resort; Prostitutes.
- (c) every person placing himself in any public place or in or near any public road in order to beg or to gather alms, or causing or procuring or encouraging any child so to do, Beggars
- shall be deemed to be an idle and disorderly person and shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment. Art 160

27A.

ROGUES AND VAGABONDS

28. (a) Any person committing any of the offences mentioned in section 27 of this Ordinance, after having been previously convicted as an idle and disorderly person; Persons previously convicted under section 27.
- (b) every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose upon any person; Fortune-tellers.
- (c) every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any vehicle, not having any visible means of subsistence, and not giving a satisfactory account of himself; Wanderers failing to give a good account of themselves.
- (d) every person wilfully exposing to view, in or near any public road or in any public place, any obscene print, picture or other indecent exhibition; Exposure of obscene or indecent prints, etc.
- (e) every person wilfully, openly, lewdly and obscenely exposing his person with intent to insult any other person; Exposure of person with intent.

O. 63/58

- Exposure of wounds or deformities. 8) 19/65
- Fraudulent charitable collections.
- Public betting or gaming.
- Possession of house-breaking implements or offensive weapons.
- Being found on premises for unlawful purpose.
- Suspected persons, reputed thieves frequenting or loitering with intent.
- (f) every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain or gather alms;
- (g) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;
- (h) every person playing or betting by way of wagering or gaming in or near any public road or in any public place at or with any table or instrument of gaming, or any coin, card, token or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance;
- (i) every person who shall be found between the hours of sunset and sunrise—
- (i) armed with any dangerous or offensive weapon or instrument, with intent to commit housebreaking; or
 - (ii) having in his possession without lawful excuse (the proof whereof shall lie on such person) any key, picklock, crow-bar, jack, bit or other implement of housebreaking; or
 - (iii) having his face blackened or disguised with intent to commit any offence; or
 - (iv) in any building with intent to commit any offence therein;
- (j) every person being found in or upon any dwelling house, or premises for the custody of property, or in any enclosed yard, garden or area, for any unlawful purpose;
- (k) every suspected person or reputed thief, frequenting or loitering in or about any river, canal or navigable stream, dock or basin, or any quay, wharf or warehouse near or adjoining thereto or any public place or in or near any public road with intent to commit a seizable and non-bailable offence, and in proving such intent it shall not be

necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case, and from his known character as proved to the Court, it appears that his intent was to commit a seizable and non-bailable offence; and

- (l) every person arrested as an idle and disorderly person who violently resists arrest and is subsequently convicted of the offence for which he was arrested,

Idle and disorderly person resisting arrest.

shall be deemed to be a rogue and vagabond and shall be liable to a fine not exceeding two hundred and fifty ~~dollars~~ or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Act 180

FRAUDULENT POSSESSION OF PROPERTY

29. (1) Any person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or fraudulently obtained shall, if he fails to account satisfactorily how he came by the same, be liable to a fine not exceeding one ~~hundred dollars~~ or to imprisonment for a term not exceeding ~~three months~~ or to both such fine and imprisonment.

Fraudulent possession of property.

Act 180

thousand
AASSI

(2) If any person charged with having or conveying anything stolen or fraudulently obtained declares that he received the same from some other person, or that he was employed as a carrier, agent or servant to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same has passed, provided that such other person is alleged to have had possession of the same within the jurisdiction of such Magistrate, to be brought before him and examined, and may examine witnesses upon oath touching the same.

one year
AASSI

(3) If it appears to such Magistrate that any person so brought before him had possession of such thing and had reasonable cause to believe the same to have been stolen or fraudulently obtained such person shall be liable to a fine not exceeding one ~~hundred dollars~~ or to imprisonment for a term not exceeding ~~three months~~ or to both such fine and imprisonment.

Act 180

(4) The word "possession" in sub-sections (1), (2) and (3) of this section includes possession in a house, building, vehicle, ship, vessel, boat or other place as well as possession in or near a public road or in a public place.

(5) Any person who—

(a) having been convicted of an offence punishable under this section or under Chapter XII or Chapter XVII of the Penal Code; or

(b) having been convicted in the Colony of an offence of a nature similar to any of those offences,

is subsequently convicted of an offence punishable under this section shall be liable to a fine not exceeding ~~one~~ thousand ~~dollars~~ or to imprisonment for a term not exceeding ~~two~~ years or to both such fine and imprisonment.

(6) If information is given on oath to a Magistrate that there is cause to suspect that any property which may be reasonably suspected of being stolen or fraudulently obtained is within any house, building, ship, vessel, boat or other place, such Magistrate may, by warrant directed to any police officer, cause such house, building, ship, vessel, boat or other place to be entered and searched at any hour of day or night.

(7) The information mentioned in sub-section (6) of this section shall describe the property which it is reasonably suspected has been stolen or fraudulently obtained, and shall also describe the house, building, ship, vessel, boat or other place in which such property is suspected to be.

(8) If upon the making of the search any property, such as that described in the information, is found in the house, building, ship, vessel, boat or other place, the police officer making the search or some other police officer shall convey such property before a Magistrate or guard the same on the spot or otherwise dispose thereof in some place of safety.

(9) The police officer making the search or some other police officer may also take into custody and bring before a Magistrate any person in such house, building, ship, vessel, boat or other place in whose possession or under whose control such property is found.

F.M.S.
Cap. 45;
F. of M.
No. 32 of
1948.

Ref 180
L fine
AASSI
L three
AASSI
Search for
property
stolen or
fraudulently
obtained.

(10) The provisions of sections 59, 64 and 65 of the Criminal Procedure Code of the Federated Malay States and of sections 67 and 68 of the Criminal Procedure Code of the Straits Settlements shall apply to searches made under this section.

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

30. (1) If any pawnbroker or any dealer in second-hand goods or any worker in platinum, gold or silver or any dealer in platinum, gold or silver articles, within ten days of receipt of any goods or any such metal or articles, or after receiving information from a police officer that any specified goods, metal or articles have been stolen or fraudulently obtained, melts, alters or defaces or parts with or otherwise puts away the same, or causes the same to be melted, altered or defaced or parted with or otherwise put away without the previous permission of the Chief Police Officer, and it is proved that such goods, metal or articles were stolen or fraudulently obtained, such pawnbroker, second-hand dealer, worker or dealer shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment :

Destroying
or disposing
of certain
goods and
articles
within ten
days of
receipt.

Provided that, if the value of such goods, metal or articles does not exceed \$300, this sub-section shall have effect as if for the words "ten days" there were substituted the expression "three days (excluding any weekly holiday)".

Art 160

(2) Where any goods or articles, to which the provisions of sub-section (1) of this section apply, are ordinarily sold or intended to be used together in pairs or sets, then the value of such goods or articles shall, for the purpose of the said sub-section, be the value of such pairs or sets of such goods or articles.

(3) The provisions of this section shall not apply to any pawnbroker or any dealer in second-hand goods or any worker in platinum, gold or silver or any dealer in platinum, gold or silver articles who receives any such goods, metal or articles from another pawnbroker, second-hand dealer, worker or dealer, if such goods, metal or articles have been retained by such last-mentioned pawnbroker, second-hand dealer, worker or dealer for at least the period specified in sub-section (1) of this section and appropriate to such goods, metal or articles.

GENERAL

Arrest.

159.

(Act 27/66)

d/O-43/58

Sub. by

Act 40/67

31. (1) ~~Any police officer may arrest without warrant~~ any person offending in his sight against any of the provisions of section 3, 4, 8, 12, 14, 16, 17, 20, 21, 22, 23, 24, 25, 27, 28 or 29 of this Ordinance, and take him before a Magistrate to be dealt with according to law.

-20A

0-4

Provided that such power shall only be exercised in respect of a person offending against the provisions of paragraph (d) in section 12 of this Ordinance if such person persistently so offends.

(2) Any animal, conveyance or article concerning, by or for which an offence has been or is reasonably believed to have been committed may be seized and taken to a pound or police station and there kept until the charge has been disposed of, unless sooner given up by order of a Magistrate or any police officer in charge of a police station or any police officer not below the rank of sergeant:

Provided that where any property so seized and detained is subject to speedy and natural decay or is in the opinion of the Chief Police Officer of less value than ten dollars, such property may be sold at any time and the net proceeds of such sale shall be retained and disposed of in such manner as the Magistrate may on the trial of the charge direct.

Power to compound offences.

LN-297/59

d/Act 15/61

Act 1/60

32. The Commissioner of Police or any police officer not below the rank of Assistant Superintendent specially authorised in that behalf by the ^{Minister} ~~High Commissioner~~ by notification in the *Gazette* may in his discretion compound any offence punishable under section 3, 6, 9, 10, 11 or 12 of this Ordinance by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding twenty-five dollars.

Provided that no offence punishable under section 9 of this Ordinance shall be compounded if any damage has been done by any animal mentioned in the said section.

33.†(1) A ~~Council of State~~ ^{Legislative Assembly} or a Settlement Council may pass laws with reference to such minor criminal matters as the ~~High Commissioner in Council~~ ^{Yang di-Pertuan Agong} may from time to time prescribe by order and may impose penalties thereunder for any breach thereof, provided that no such penalty shall exceed a fine of one hundred dollars or imprisonment for a term of three months or both such fine and imprisonment (but so, however, that where provision is made for a penalty of imprisonment, then provision shall also be made for the alternative of a fine).

11.297/59
Power of States and Settlements to legislate on minor criminal matters.

Art 160

(2) The ~~High Commissioner in Council~~ ^{Yang di-Pertuan Agong} may, from time to time, revoke or amend any order made under sub-section (1) of this section.

11.297/57

34. (1) The Ordinance and Enactments set out in the First Schedule to this Ordinance are hereby repealed.

Repeal and amendment.

(2) The provisions of the Vagrancy Ordinance, 1939, of the Straits Settlements specified in the first column of the Second Schedule to this Ordinance are hereby amended in the manner specified in the second column thereof.

S.S. No. 37 of 1939.

R A.L. 19/65

FIRST SCHEDULE

[Section 34 (1)]

S.S. Cap. 24	...	...	The Minor Offences Ordinance
F.M.S. Cap. 46	...	...	The Minor Offences Enactment
Johore Enactment No. 6	...	...	The Small Offences Enactment
Johore Enactment No. 34	...	...	Stolen Property and Habitual Criminals Enactment
Kedah Enactment No. 111	...	...	Enactment No. 111 (Small Offences)
Kedah Enactment No. 118	...	...	Enactment No. 118 (Stolen Property)
Kelantan Enactment No. 5 of 1932	...	...	The Minor Offences Enactment, 1932
Trengganu Enactment No. 11 of 1356	...	...	The Small Offences Enactment
Perlis Enactment No. 7 of 1356	...	...	The Small Offences Enactment

SECOND SCHEDULE

[Section 34 (2)]

(1)
Section.(2)
Amendment

2 (a) Delete the words "within the meaning of this Ordinance" and substitute therefor the words "under section 27 or section 28 of the Minor Offences Ordinance, 1955".

3, 4 Delete these two sections and substitute therefor the following new section—

"Punishment
of idle and
disorderly
persons, rogues
and vagabonds.

3. Any person convicted as an idle and disorderly person under section 27 or as a rogue and vagabond under section 28 of the Minor Offences Ordinance, 1955, may in addition to or in substitution for the punishment in such section provided be sent to a House of Detention."

5 to 8
inclusive. Delete the whole of these sections.

R Ad-
19/65

Act A. 44/71