



# LAWS OF MALAYSIA

REPRINT

## Act 344

# POLICE ACT 1967

*Incorporating all amendments up to 1 January 2006*

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# LAWS OF MALAYSIA

## Act 344

### POLICE ACT 1967

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#### ARRANGEMENT OF SECTIONS

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##### PART I

##### PRELIMINARY

Section

1. Short title and application

##### PART II

##### INTERPRETATION

2. Interpretation

##### PART III

##### THE ROYAL MALAYSIA POLICE

3. Constitution of the Police Force
4. Control of the Force
5. Appointment of Inspector General, *etc.*
6. Control of Royal Malaysia Police in a State, *etc.*
7. Employment of Force in time of emergency

##### PART IV

##### EXTRA POLICE OFFICERS AND WATCH CONSTABLES

8. Extra Police Officers
9. Watch Constables

## PART V

SERVICE OUTSIDE MALAYSIA AND SERVICE OF  
POLICE OF OTHER TERRITORIES IN MALAYSIA

## Section

10. The Yang di-Pertuan Agong may direct the Royal Malaysia Police to serve outside Malaysia
11. Officers serving outside Malaysia shall be subject to this Act
12. Reciprocal treatment

## PART VI

## APPOINTMENT, SERVICE, ETC.

13. Declaration by police officer on appointment
14. Certificate of appointment
15. Retirement or resignation in time of war or emergency
16. Resignation while pending disciplinary proceedings
17. Arms, accoutrements, *etc.*, to be delivered up on ceasing to belong to the Force
18. Police officers subject to provisions applicable to public officers

## PART VII

## DUTIES AND POWERS OF POLICE OFFICERS

19. Police officer to be deemed on duty
20. General duties of police officers
21. Duty on public roads
22. Unclaimed property
23. Unclaimed estates
24. Power of police officers to inspect licences, vehicles, *etc.*
25. Power to detain and search aircraft
26. Power to erect road barriers
27. Power to regulate assemblies, meetings and processions
- 27A. Power to stop certain activities which take place other than in a public place
- 27B. Use of force in dispersing or arresting persons pursuant to section 27 or 27A

Section

- 27c. Consent to prosecute offences under section 27 or 27A
- 28. Power to regulate the playing of music in public places
- 29. Power to make rules and orders for the control of traffic
- 30. Power to make orders for the control of display of flags, *etc.*
- 31. Power to make orders to require persons to remain indoors
- 32. Non-liability for act done under authority of warrant
- 33. Exemption in respect of civil process

PART VIII

ROYAL MALAYSIA POLICE VOLUNTEER RESERVE

- 34. Establishment of Volunteer Reserve
- 35. Members of the Volunteer Reserve
- 36. Appointment of volunteer reserve police officers, *etc.*
- 37. Ranks of volunteers appointed into the Volunteer Reserve
- 38. Volunteer reserve officers may be required to resign
- 39. Declaration by volunteer reserve police officers
- 40. Certificate of appointment
- 41. Resignation
- 42. Pay and allowances
- 43. Mobilization of the Volunteer Reserve
- 44. Inspector General may employ volunteer reserve police officers on police duty
- 45. Power of volunteer reserve police officers
- 46. Reinstatement in civilian employment

PART IX

AUXILIARY POLICE

- 47. Appointment of auxiliary police officers
- 48. Declaration to be taken by auxiliary police officers
- 49. Certificate of appointment
- 49A. Pay and allowances
- 50. Duties and powers, *etc.*

## PART X

## ROYAL MALAYSIA POLICE RESERVE

## Section

51. Royal Malaysia Police Reserve
52. Liability to serve in the Reserve
53. Retired police officers not liable to serve may opt to serve
54. Period of service in the Reserve
55. Mobilization of the Reserve
56. Reservists to report
57. Powers of police officers when mobilized
58. Rank in the Reserve
59. Pay and allowance
60. Leave
61. Retention of pension
62. Release from the Reserve
63. Discharge from the Reserve and appeal
64. Termination of service during mobilization
65. Uniform and equipment
66. Reinstatement in civilian employment of police officers in the Reserve
67. Penalty

## PART XI

## ROYAL MALAYSIA POLICE CADET CORPS

68. Establishment of Cadet Corps
69. Members of the Cadet Corps
70. Appointment, promotion and dismissal of Cadet Officers and Cadets
71. Resignation
72. Pay and allowances
73. Disbandment

## PART XII

## DISCIPLINE

74. Police officers subject to disciplinary regulations
75. Fines to be recovered by stoppage from pay

Section

- 76. Full pay not to accrue during absence without leave or imprisonment
- 77. Loss of or damage to arms, equipment, *etc.*, to be made good by stoppage from pay
- 78. Interdiction from duty
- 79. Departmental Committee of Enquiry into the death or injury of any police officer or into loss or damage of property
- 80. Power of senior police officer holding enquiry to summon witnesses

PART XIII

POLICE FUND

- 81. Police Funds
- 82. Police Funds and purposes of Fund
- 83. Transfer of funds
- 84. Interpretation

PART XIV

GENERAL

- 85. Carrying of arms
- 86. Desertion
- 87. Mutiny
- 88. Penalty for causing disaffection
- 89. Unlawful possession, manufacture, sale or supply of articles supplied to police officers and unauthorized use of police uniform
- 90. Disorderly conduct in police station
- 91. Police officer may arrest without warrant for offences under subsection 31(2), sections 86, 87, 89 and 90
- 92. Police officer not to be member of Trade Union
- 93. Police Associations
- 94. General penalty
- 95. Rules
- 96. Police Regulations

## Section

- 97. Standing Orders
- 98. Repeal and Saving
- 99. Transitional
- 100. Modification of other laws

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

# LAWS OF MALAYSIA

## Act 344

### POLICE ACT 1967

An Act relating to the organization, discipline, powers and duties of the Royal Malaysia Police and matters incidental thereto.

*[Throughout Malaysia—29 August 1967, P.U. 385A/1967  
Federal Territory of Labuan see appendix]*

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

#### PART I

##### PRELIMINARY

#### **Short title and application**

1. (1) This Act may be cited as the Police Act 1967.
- (2) *(Omitted)*.

#### PART II

##### INTERPRETATION

#### **Interpretation**

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

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

“arms” includes ammunition;

“Chief Police Officer” means any police officer vested by the Inspector General with the control of the Royal Malaysia Police in respect of any area or State under section 6 and designated as such by the Inspector General;

“Commanding Officer” means any police officer vested by the Inspector General with the control of the Royal Malaysia Police in respect of any State, area, place, formation or police district under section 6 and designated as such by the Inspector General;

“Commissioner” means a Commissioner of Police appointed under section 5;

“constable” means a police officer below the rank of Corporal and includes a Recruit;

“Deputy Inspector General” means the Deputy Inspector General of Police appointed under section 5;

“Inspector General” means the Inspector General of Police appointed under section 5;

“junior police officer” means a police officer of any rank from and including a Sub-Inspector down to and including a Corporal;

“police district” or “police division” means any area designated as such by the Inspector General under paragraph 6(b) and unless and until areas are so designated, means any area constituted or recognized as a police district or police division at the commencement of this Act;

“police officer” means any member of the Royal Malaysia Police;

“senior police officer” means a police officer of any rank from and including the Inspector General down to and including an Inspector on probation.

(2) Any reference in this Act and any other written law to a police officer of a certain rank shall include any police officer who is acting, or on probation or cadetship, in such rank and this subsection shall be deemed to have been an integral part of this Act as from the commencement of the Act.

PART III

THE ROYAL MALAYSIA POLICE

**Constitution of the Police Force**

3. (1) All persons who are immediately before the commencement of this Act members of the Royal Malaysia Police established under the Royal Malaysia Police Act 1963 [*30 of 1963*], shall upon the commencement of this Act become members of the Royal Malaysia Police under this Act (hereinafter referred to as “the Force”) with corresponding ranks and in corresponding capacities.

(2) Every person aforesaid shall be employed on the same terms and conditions as were applicable to them immediately before the commencement of this Act.

(3) The Force shall subject to this Act be employed in and throughout Malaysia (including the territorial waters thereof) for the maintenance of law and order, the preservation of the peace and security of Malaysia, the prevention and detection of crime, the apprehension and prosecution of offenders and the collection of security intelligence.

**Control of the Force**

4. (1) The Force shall be under the command of an Inspector General who shall be a police officer and shall be responsible to the Minister for the control and direction of the Force and all other persons appointed or engaged for police duties, and who shall have all the powers conferred on a Commissioner or a Chief Police Officer.

(2) There shall be appointed a Deputy Inspector General who shall be a police officer and shall be under the direction of the Inspector General.

(3) The Deputy Inspector General shall have all the powers conferred on a Commissioner or a Chief Police Officer.

(4) Any act or thing which may be done, ordered or performed by the Inspector General under this or any other law may subject to his orders and direction, be done, ordered or performed by the

Deputy Inspector General, a Commissioner, a Deputy Commissioner, a Senior Assistant Commissioner, or an Assistant Commissioner generally or specially authorized in that behalf by the Inspector General; and in the event of his absence from Malaysia or in his incapacity or when he is on leave, his functions under this or any other law may be discharged by the Deputy Inspector General or such other police officer not below the rank of Commissioner as may be authorized by the Yang di-Pertuan Agong.

### **Appointment of Inspector General, etc.**

5. (1) There shall be appointed an Inspector General, a Deputy Inspector General and such Commissioners and Deputy Commissioners and such senior police officers and junior police officers and constables as may be deemed necessary for the purpose of carrying out this Act.

(2) The ranks of Senior Police Officers and Junior Police Officers are as set out in the First Schedule.

### **Control of Royal Malaysia Police in a State, etc.**

6. The members of the Force shall in relation to—

- (a) any area or State as the Minister may determine, be controlled by a Commissioner or Chief Police Officer; and
- (b) any formation, police district or police division or area thereof or any place, be controlled by such police officer as the Inspector General may specify either by name or office.

### **Employment of Force in time of emergency**

7. (1) The Yang di-Pertuan Agong may, in time of war or other emergency, employ the Force or any part thereof to serve in conjunction with the Armed Forces of Malaysia or any Local Forces established under any law, or otherwise in the defence of Malaysia:

Provided that any part of the Force so employed shall continue to be under the command of the Inspector General or such other police officer as may have been appointed for the purpose.

(2) For the purpose of this section the expression “the Force” includes all bodies established or raised for police duties under this Act.

PART IV

EXTRA POLICE OFFICERS AND WATCH  
CONSTABLES

**Extra Police Officers**

**8.** (1) A Commissioner or Chief Police Officer may, with the approval of the Inspector General, employ persons to serve temporarily as extra police officers of or below the rank of Sergeant Major.

(2) An extra police officer shall be deemed to be under engagement to serve from month to month, every such engagement being held to commence on the first and to be terminable on the last day of each successive month.

(3) An extra police officer may be discharged or may resign on being given or giving, by or to the Commissioner or Chief Police Officer one month’s notice in writing.

(4) An extra police officer shall have and may exercise all the powers and privileges of, and shall be subject to the same authority and discipline as, a member of the Force of corresponding rank, and shall obey all lawful directions in respect of the execution of his duties which he may from time to time receive from his superior officers.

**Watch Constables**

**9.** (1) A Commissioner or Chief Police Officer may, with the approval of the Inspector General, on the application of any person (hereinafter in this section referred to as “the applicant”) for a constable to be employed on special duties, engage any suitable person as a watch constable for the purposes of such special duties only. Such watch constable shall be employed at the expense of the applicant, who shall provide such accommodation and sustenance for such watch constable as the Commissioner or Chief Police

Officer may require, and may also be required to pay for any uniform supplied to such watch constable or such proportion thereof as the Commissioner or Chief Police Officer may determine:

Provided that the applicant may, on giving one month's notice to the Commissioner or Chief Police Officer, require that such watch constable be withdrawn from such special duties, and, in such case, such applicant shall not be liable for any expense in connection with the employment of such watch constable incurred after the last day of the month following that in which the notice is given.

(2) Any amount due from an applicant under this section may be recovered by the Commissioner or Chief Police Officer as a debt, and, when received, shall be paid into the general revenues of Malaysia.

(3) A watch constable shall have and may exercise all the powers and privileges of, and shall be subject to the same authority and discipline as, a constable of the Force.

## PART V

### SERVICE OUTSIDE MALAYSIA AND SERVICE OF POLICE OF OTHER TERRITORIES IN MALAYSIA

#### **The Yang di-Pertuan Agong may direct the Royal Malaysia Police to serve outside Malaysia**

**10.** (1) The Yang di-Pertuan Agong may, on a request in that behalf being made by a Government of a territory outside Malaysia, by order direct such part of the Royal Malaysia Police as to him seems expedient to carry out police duties in such territory and he shall in such order specify the purposes for which such direction is made.

(2) No order under this section shall be made unless the Yang di-Pertuan Agong is satisfied that adequate provisions have been or will immediately be made in the law of that territory aforesaid—

- (a) for enforcing in that territory any contract of service entered into between members of the Royal Malaysia Police and the Government of Malaysia;

- (b) for giving police officers of the Royal Malaysia Police serving in that territory under this section the powers and duties of police officers in that territory; and
- (c) to ensure that there is accorded to the Government of Malaysia a reciprocal treatment.

(3) Subject to subsection (2), no police officer shall be sent outside Malaysia under this Part unless the Minister is satisfied that appropriate arrangements have been made for the service of police officers of Malaysia with the authorities of the territory aforesaid.

### **Officers serving outside Malaysia shall be subject to this Act**

**11.** All police officers serving in a territory outside Malaysia pursuant to subsection 10(1) shall be subject to this Act.

### **Reciprocal treatment**

**12.** (1) Whenever at the request of the Government of Malaysia and in pursuance of an order made by the Government of another territory members of the police force of that territory are sent to Malaysia to carry out police duties in Malaysia, such members shall subject to subsection (3) be under the orders of their own senior officers present with them and shall be subject to the same regulations as when on service in such territory.

(2) Whenever any member of the police force of another territory is, pursuant to subsection (1), present in Malaysia any contract of service made between any member of such body and the Government of such territory may be enforced in Malaysia in the same manner and with the like effect as if such contract had been made between such member and the Government of Malaysia.

(3) Any member of the police force of another territory present in Malaysia as aforesaid shall have and may exercise the powers, and shall be liable to perform the duties, of a police officer of the Force; and such member of the police force of such territory shall be subject to the overall control of a senior police officer of the Force.

## PART VI

APPOINTMENT, SERVICE, *ETC.***Declaration by police officer on appointment**

**13.** Every police officer and extra police officer shall, on first joining the Force or before entering on the duties of his office, make before a senior police officer of or above the rank of Superintendent the declaration set out in the Second Schedule in such manner as he may declare to be most binding on his conscience.

**Certificate of appointment**

**14.** A certificate of appointment, in such form as may be prescribed by Police Regulations, signed by a Commanding Officer or a senior police officer authorized by him in that behalf, shall be issued to every police officer, extra police officer and watch constable and shall be evidence of his appointment under this Act.

**Retirement or resignation in time of war or emergency**

**15.** No police officer may retire or resign from the Force during war or whilst a Proclamation of Emergency is in force:

Provided that a police officer may be retired or allowed to resign if so recommended by the Inspector General.

**Resignation while pending disciplinary proceedings**

**16.** Notwithstanding section 15, no police officer shall, without the permission in writing of the Inspector General, resign from the Force during the pendency of any disciplinary proceedings or prosecution instituted against him in respect of any offence of which he may be accused.

**Arms, accoutrements, *etc.*, to be delivered up on ceasing to belong to the Force**

**17.** (1) When a police officer ceases to be a member of the Force he shall forthwith deliver to the person appointed by the Inspector General for that purpose, or to the police officer in charge of any

part of the Force at the place at which he was last stationed, his certificate of appointment and all arms, ammunition, accoutrements, uniform and other equipment which have been supplied to him and which are public property:

Provided that the Inspector General may, subject to any Rules made under this Act, in special cases authorize the retention of specific articles, other than arms and ammunition, on such conditions as may be prescribed by Standing Orders.

(2) Any police officer who having ceased to be a member of the Force, without good cause fails to comply with subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding three months or to both, and, in addition thereto, shall be liable to pay the value of the property not delivered up, and such value may be ascertained by the court in a summary manner and shall be recoverable as a fine.

(3) In sections 15 and 16 and this section the expression “police officer” includes all persons appointed or engaged for police duties under this Act; and the expression “the Force” includes all bodies established or raised for police duties under this Act.

### **Police officers subject to provisions applicable to public officers**

**18.** Save as otherwise provided in this Act and in the Rules and Police Regulations made thereunder, every police officer shall unless expressly excluded be subject to the same provisions as are applicable to other public officers of corresponding status in the service of the Government of Malaysia.

## PART VII

### DUTIES AND POWERS OF POLICE OFFICERS

#### **Police officer to be deemed on duty**

**19.** Every police officer, extra police officer and watch constable shall, for the purposes of this Act, be deemed to be always on duty when required to act as such and shall perform the duties and exercise the powers granted to him under this Act or any other law at any place in Malaysia where he may be doing duty.

**General duties of police officers**

**20.** (1) Every police officer shall perform such duties and exercise such powers as are by law imposed or conferred upon a police officer, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his superior officers in the Force.

(2) Where any duty, power or discretion is imposed or conferred by or under this Act or any other law on a police officer of any specified rank or holding any specified office, such police officer shall, in the performance of such duty or the exercise of such power or discretion, be subject to the orders and directions of any police officer to whom he is directly subordinate, and any such last mentioned police officer, if the occasion arises and he deems it expedient so to do, shall himself perform any such duty or exercise any such power or discretion.

(3) Without prejudice to the generality of the foregoing provisions or any other law, it shall be the duty of a police officer to carry out the purposes mentioned in subsection 3(3); and he may take such lawful measures and do such lawful acts as may be necessary in connection therewith, including—

- (a) apprehending all persons whom he is by law authorized to apprehend;
- (b) processing security intelligence;
- (c) conducting prosecutions;
- (d) giving assistance in the carrying out of any law relating to revenue, excise, sanitation, quarantine, immigration and registration;
- (e) giving assistance in the preservation of order in the ports, harbours and airports of Malaysia, and in enforcing maritime and port regulations;
- (f) executing summonses, subpoenas, warrants, commitments and other process lawfully issued by any competent authority;
- (g) exhibiting information;
- (h) protecting unclaimed and lost property and finding the owners thereof;

- (i) seizing stray animals and placing them in a public pound;
- (j) giving assistance in the protection of life and property;
- (k) protecting public property from loss or injury;
- (l) attending the criminal courts and, if specially ordered, the civil courts, and keeping order therein; and
- (m) escorting and guarding prisoners and other persons in the custody of the police.

(4) A police officer shall when performing the duties mentioned in paragraph (3)(m) be deemed to be a prison officer, and shall have all the powers, protection and privileges attaching to a prison officer.

### **Duty on public roads**

**21.** (1) It shall be the duty of police officers—

- (a) to regulate, control and divert any traffic;
- (b) to keep order on public roads, streets, thoroughfares and landing places, and at other places of public resort and places to which the public have access; and
- (c) to prevent obstruction on the occasions of assemblies and processions on public roads and streets, and in any case, when any road, street, thoroughfare, landing place or ferry may be thronged or liable to be obstructed.

(2) Any person who obstructs, opposes or disobeys any reasonable direction given by any police officer in the performance of his duties under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred ringgit or to imprisonment for a term not exceeding three months or to both.

(3) Any person who commits an offence under this section may be arrested without warrant unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings that may be taken against him.

**Unclaimed property**

**22.** (1) Subject to subsection (2), it shall be the duty of every police officer to take charge of unclaimed movable property which is handed by any person to, or found by, him; and he shall deliver such property to the officer in charge of the nearest police station, who shall cause to be posted in some conspicuous place at the police station a notice specifying such property and calling upon any person who may have any claim thereto within two months from the date of such notice to appear and establish his claim.

(2) If the property aforesaid is of a perishable nature the officer in charge may cause it to be sold forthwith and shall forward to the Officer in Charge of the Police District the proceeds of such sale; and such proceeds shall, after the deduction of any expenses reasonably incurred, be paid to the person who within the period specified in subsection (1) establishes his claim thereto.

(3) Any property aforesaid which is not claimed within the period specified in subsection (1) may be sold or otherwise disposed of or destroyed in such manner as the Commanding Officer may direct; and the proceeds of any sale of such property shall, after the deduction of any expenses reasonably incurred in such sale, be apportioned in the following manner—

- (a) such proportion as the Commanding Officer may direct may be paid to the finder of the property;
- (b) the first fifty ringgit of the balance, if any, shall be paid into the Police Fund established under Part XIII and the remainder shall be paid into the general revenues of Malaysia.

(4) No police officer or extra police officer shall purchase any property sold under this section; and any police officer or extra police officer who contravenes this subsection shall be guilty of an offence against discipline.

**Unclaimed estates**

**23.** (1) Whenever any person dies leaving in Malaysia movable property which by reason of the absence of any person entitled thereto or the absence of any claim to such property for the purpose of administration, is taken charge of by a police officer for the

purpose of safe custody, the Commanding Officer shall forthwith notify the Official Administrator, Probate Officer or Administrator in the State wherein the property is situated that it is in his charge; and pending the directions of the Official Administrator, Probate Officer or Administrator, the Commanding Officer shall retain the property in safe custody.

(2) In the case of property which is of a perishable nature or likely to deteriorate in value, a Commanding Officer or any officer authorized by him in writing may order it to be sold and the proceeds of such sale shall be handed to the Official Administrator, Probate Officer or Administrator.

### **Power of police officers to inspect licences, vehicles, etc.**

**24.** (1) Any police officer may—

(a) stop and detain any person—

(i) whom he sees doing any act or who is in possession of any thing; or

(ii) whom he has reasonable grounds for suspecting is doing any act or is in possession of any thing;

for which a licence, permit or authority is required under any law in force, for the purpose of requiring such person to produce such licence, permit or authority;

(b) stop and search without warrant any vehicle or vessel which he has reasonable grounds for suspecting is being used in the commission of any offence against any law in force:

Provided that such vehicle or vessel shall not, subject to subsection (4), be detained longer than is reasonably necessary to complete such search.

(2) Any person who fails to produce a licence, permit or authority under paragraph (1)(a) when called upon by a police officer so to do may be arrested without warrant unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings that may be taken against him.

(3) Any person who fails to obey any reasonable signal of a police officer, requiring any person to stop any vehicle or vessel under subsection (1) or who obstructs any police officer in the execution of his duty being exercised under that subsection, shall be guilty of an offence under this Act and any police officer may, without warrant, arrest any such person unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings that may be taken against him.

(4) Any police officer may cause any vehicle or vessel, which he has reasonable grounds to suspect has been used in the commission of an offence against any law in force or to be evidence of the commission of any such offence, to be moved to the nearest Police District headquarters or other convenient place, and the Officer in Charge of such Police District may thereupon cause such vehicle or vessel there to be detained, pending enquiries, for a period not exceeding forty-eight hours, or if, within that period there are commenced proceedings in respect of any such offence in which the vehicle or vessel is liable to forfeiture under any law or may properly be produced in evidence, until the final determination of those proceedings:

Provided that the Officer in Charge of such Police District may, notwithstanding this subsection, direct the release of any such vehicle or vessel where he is satisfied that the owner or person in charge of such vehicle or vessel will duly produce such vehicle or vessel before the court when required, and for such purpose may require such owner or person to execute such bond or deposit such security as he may deem reasonable.

### **Power to detain and search aircraft**

**25.** (1) Subject to subsection (2), any senior police officer may at any aerodrome or at any other place in Malaysia detain and without warrant search any aircraft (not being an aircraft belonging to, or exclusively employed in the service of, the Government or of any foreign State); and in relation to any such aircraft which is in motion at any aerodrome or at any other place in, or is in flight over, Malaysia, a senior police officer may, subject as aforesaid, order such aircraft to stop or to land at any aerodrome or other place specified by him.

(2) The power conferred on a senior police officer under subsection (1) shall not be exercised by him except—

- (a) where he has reasonable grounds to believe that the aircraft mentioned in that subsection is being or has been used in the commission of a seizable offence; or
- (b) for the purpose of arresting any person reasonably suspected of having committed a seizable offence.

(3) Any order to stop or to land given under subsection (1) shall be transmitted to an aircraft by the officer for the time being in charge of air traffic control; but no aircraft shall be ordered to land at any aerodrome or at any other place which, in the opinion of the officer for the time being in charge of air traffic control, is unsafe for use by such aircraft.

(4) Section 24 relating to the moving, detention and release of any vehicle and vessel detained under that section shall apply to an aircraft detained under this section as if references therein—

- (a) to any police officer shall be construed as references to a senior police officer;
- (b) to the nearest Police District headquarters or to any Officer in Charge of such Police District were construed as references to the nearest aerodrome and to the Officer in Charge of the Police District in which such aerodrome is situated.

(5) Any person who fails without reasonable cause to comply with an order given under subsection (1) shall be guilty of an offence under this Act.

### **Power to erect road barriers**

**26.** (1) Notwithstanding anything contained in any other law, any police officer may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, erect or place or cause to be erected or placed any barriers on or across any public road or street or in any public place in such manner as he may think fit; and any police officer may take all reasonable steps to prevent any person from passing or any vehicle from being driven past any such barrier.

(2) Any person who fails to comply with any reasonable signal of a police officer requiring such person or vehicle to stop before reaching any such barrier shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand ringgit or to both; and any police officer may, without warrant, arrest such person unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings that may be taken against him.

(3) No police officer shall be liable for any loss, injury or damage caused to any person or property consequent upon his taking the steps mentioned in subsection (1).

### **Power to regulate assemblies, meetings and processions**

**27.** (1) Any Officer in Charge of a Police District or any police officer duly authorized in writing by him may direct, in such manner as he may deem fit, the conduct in public places in such Police District of all assemblies, meetings and processions, whether of persons or of vehicles and may prescribe the route by, and the time at, which such assemblies or meetings may be held or such procession may pass.

(2) Any person intending to convene or collect any assembly or meeting or to form a procession in any public place aforesaid, shall before convening, collecting or forming such assembly, meeting or procession make to the Officer in Charge of the Police District in which such assembly, meeting or procession is to be held an application for a licence in that behalf, and if such police officer is satisfied that the assembly, meeting or procession is not likely to be prejudicial to the interest of the security of Malaysia or any part thereof or to excite a disturbance of the peace, he shall issue a licence in such form as may be prescribed specifying the name of the licensee and defining the conditions upon which such assembly, meeting or procession is permitted:

Provided that such police officer may at any time on any ground for which the issue of a licence under this subsection may be refused, cancel such licence.

(2A) An application for a licence under subsection (2) shall be made by an organization or jointly by three individuals.

(2B) Where an application is made jointly by three individuals, the police officer to whom the application is made shall refuse the application if he is satisfied that the assembly, meeting or procession for which a licence is applied is in actual fact intended to be convened, collected or formed by an organization.

(2C) Where an application is made jointly by three individuals, the police officer issuing the licence shall specify in the licence the names of those persons as licensees.

(2D) No licence shall be issued under subsection (2) on the application of an organization which is not registered or otherwise recognized under any law in force in Malaysia.

(3) Any police officer may stop any assembly, meeting or procession in respect of which a licence has not been issued or having been issued was subsequently cancelled under subsection (2) or which contravenes any of the conditions of any licence issued in respect thereof under that subsection; and any such police officer may order the persons comprising such assembly, meeting or procession to disperse.

(4) Any person who disobeys any order given under subsection (1) or subsection (3) shall be guilty of an offence.

(4A) Where any condition of a licence issued under subsection (2) is contravened, the licensees shall be guilty of an offence.

(5) Any assembly, meeting or procession—

(a) which takes place without a licence issued under subsection (2); or

(b) in which three or more persons taking part neglect or refuse to obey any order given under subsection (1) or subsection (3),

shall be deemed to be an unlawful assembly, and all persons attending, found at or taking part in such assembly, meeting or procession and, in the case of an assembly, meeting or procession for which no licence has been issued, all persons attending, found at or taking part or concerned in convening, collecting or directing such assembly, meeting or procession, shall be guilty of an offence.

(5A) In any prosecution for an offence under subsection (5) of attending, being found at or taking part in an assembly, meeting or procession which is an unlawful assembly, it shall not be a defence that the person charged did not know that the assembly, meeting or procession was an unlawful assembly or did not know of the facts or circumstances which made the assembly, meeting or procession an unlawful assembly.

(5B) In any prosecution for an offence under subsection (5) of attending or being found at an assembly, meeting or procession which is an unlawful assembly, it shall be a defence that the presence of the person charged came about through innocent circumstances and that he had no intention to be otherwise associated with the assembly, meeting or procession.

(5C) For the purposes of subsection (5), where it appears from all the circumstances relating to an assembly, meeting or procession that it was convened, collected or directed by or with the involvement, participation, aid, encouragement, support or connivance of an organization, every member of the governing body of the organization shall be deemed to have taken part or been concerned in convening, collecting or directing the assembly, meeting or procession unless he proves that he did not know nor had any reason to believe or suspect that the assembly, meeting or procession was going to take place or, if he knew or had reason to believe or suspect as aforesaid, he had taken all reasonable steps to prevent the assembly, meeting or procession from taking place or, if it was not reasonably within his power to so prevent, he had publicly objected to or dissociated himself from the convening, collecting or directing of the assembly, meeting or procession.

(6) Any police officer may, without warrant, arrest any person reasonably suspected of committing any offence under this section.

(7) Any person aggrieved by the refusal of the Officer in Charge of a Police District to issue a licence under subsection (2) may within forty-eight hours of such refusal appeal in writing to the Commissioner or Chief Police Officer; and the decision of the said Commissioner or Chief Police Officer thereon shall be final.

(8) Any person who is guilty of an offence under this section shall be liable on conviction to a fine of not less than two thousand ringgit and not more than ten thousand ringgit and imprisonment for a term not exceeding one year.

(8A) Sections 173A and 294 of the Criminal Procedure Code [Act 593] shall not apply in respect of an offence under this section.

**Power to stop certain activities which take place other than in a public place**

**27A.** (1) Where any activity takes place on or in any land or premises which do not constitute a public place and—

- (a) the activity is directed to, or is intended to be witnessed or heard or participated in by, persons outside the land or premises, or is capable from all the circumstances of being understood as being so directed or intended; or
- (b) the activity attracts the presence of twenty persons or more outside the land or premises; or
- (c) the activity is likely to be prejudicial to the interest of the security of Malaysia or any part thereof or to excite a disturbance of the peace,

any police officer may order the persons involved in the activity to stop the activity and may order all persons found on or in or outside the land or premises to disperse.

(2) Any person who disobeys any order given under subsection (1) shall be guilty of an offence.

(3) Where three or more persons neglect or refuse to obey any order given under subsection (1), the activity concerned shall be deemed to be an unlawful activity, and all persons taking part or concerned in the activity, or in organizing or directing the activity, shall be guilty of an offence.

(4) For the purposes of subsection (3), where it appears from all the circumstances relating to an activity that it was organized or directed by or with the involvement, participation, aid, encouragement, support or connivance of an organization, every member of the governing body of the organization shall be deemed to have taken part or been concerned in organizing or directing the activity unless he proves that he did not know nor had any reason to believe or suspect that the activity was going to take place or, if he knew or had reason to believe or suspect as aforesaid, he had taken all reasonable steps to prevent the activity from taking place

or, if it was not reasonably within his power to so prevent, he had publicly objected to or dissociated himself from the organizing or directing of the activity.

(5) Any police officer may, without warrant, arrest any person reasonably suspected of committing any offence under this section.

(6) Any person who is guilty of an offence under this section shall be liable on conviction to a fine of not less than two thousand ringgit and not more than ten thousand ringgit and imprisonment for a term not exceeding one year.

(7) Sections 173A and 294 of the Criminal Procedure Code shall not apply in respect of an offence under this section.

### **Use of force in dispersing or arresting persons pursuant to section 27 or 27A**

**27B.** If persons are ordered to disperse pursuant to subsection 27(3) or 27A(1) and do not disperse, any police officer or any other person acting in aid of a police officer may do all things necessary for dispersing them and for arresting them or any of them pursuant to subsection 27(6) or 27A(5), and, if any person makes resistance, may use such force as is reasonably necessary for overcoming resistance.

### **Consent to prosecute offences under section 27 or 27A**

**27C.** (1) A prosecution for an offence under section 27 or 27A shall not be instituted except with the consent in writing of the Public Prosecutor, but a person who is to be charged with the offence may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or released on bail, notwithstanding that the consent of the Public Prosecutor to the institution of prosecution for the offence has not been obtained, but the case shall not be further prosecuted until the consent has been obtained.

(2) When a person is brought before a court on a charge under section 27 or 27A before the Public Prosecutor has consented to the prosecution, the charge shall be read and explained to him but he shall not be called upon to plead thereto, and the Criminal Procedure Code shall be modified accordingly.

**Power to regulate the playing of music in public places**

**28.** Any Officer in Charge of a Police District or a senior police officer in that District may, in such manner as he may deem fit, regulate the extent to which musical instruments may be played in public places in such Police District.

**Power to make rules and orders for the control of traffic**

**29.** (1) A Commissioner or a Chief Police Officer may in respect of a State, with the approval of the Menteri Besar or the Chief Minister of that State, as the case may be, make rules for—

- (a) keeping order and preventing obstruction or inconvenience on public roads, streets, thoroughfares, landing places and ferries and at public places and at places of public resort (whether such places are on State land or otherwise);
- (b) prohibiting the use of specified public roads, streets, thoroughfares, landing places and ferries either absolutely or conditionally.

(2) A Commissioner or a Chief Police Officer may make orders prescribing the routes by which vehicles shall, for the purpose of setting down and taking up persons, drive up to and leave any landing place, ferry or place of assembly or of public resort, and the places where and the order in which such vehicles shall wait for the purposes aforesaid:

Provided that no order for the parking of vehicles upon land in private ownership under this subsection shall be made except with the consent of the owner or occupier of such land.

(3) There may be annexed to the breach of any of the rules or orders aforesaid a penalty not exceeding two hundred ringgit.

**Power to make orders for the control of display of flags, etc.**

**30.** (1) A Commissioner or a Chief Police Officer may, by order, generally or in respect of specified times or places or in specified circumstances, prohibit in the State—

- (a) the flying, exhibition or display of any flag, banner, emblem or placard or other devices;

(b) the use of any loud speakers, amplifiers or other appliances,

in a manner likely to excite a disturbance of the peace; and any police officer may remove any flag, banner, emblem, placard or other device or any loud speaker, amplifier, or other appliance flying, exhibited, displayed or used in contravention of the said order or in circumstances likely to excite a disturbance of the peace.

(2) Any person who contravenes an order made under subsection (1) shall be guilty of an offence under this Act.

### **Power to make orders to require persons to remain indoors**

**31.** (1) A Commissioner or a Chief Police Officer may, if he considers it necessary in the interest of the security of Malaysia or any part thereof or public order, by order require, subject to such conditions or exemptions as he may deem expedient, every person within such area of his jurisdiction as may be prescribed in the order to remain within doors between such hours as may be specified therein; and the Commissioner or the Chief Police Officer shall in such manner as he deems fit bring or cause to be brought to the notice of all persons likely to be affected thereby the contents of such order.

(2) A person remaining out of doors during the hours specified in the order shall be guilty of an offence under this Act unless such person possesses a written permit in that behalf from—

- (a) the Commissioner or the Chief Police Officer aforesaid;
- (b) a police officer not below the rank of Sub-Inspector directly under the command of the Commissioner or the Chief Police Officer aforesaid; or
- (c) a public officer authorized in writing by the Commissioner or the Chief Police Officer aforesaid to issue such written permits.

(3) No order under subsection (1) shall apply to—

- (a) the Yang di-Pertuan Agong, a Ruler, a Yang di-Pertua Negeri;
- (b) any police officer or any member of any naval, military or air forces established or serving in Malaysia when on duty; or
- (c) any person or class of persons specified in the order as being persons exempted from the order.

(4) No order made under subsection (1) shall remain in force for more than twenty-four hours from the making thereof:

Provided that the Minister may, on or before the expiration of any such order, direct that the order shall continue in force for such further period not exceeding fourteen days as he may specify and, upon the making of any such direction, the order shall continue in force for such further period.

(5) Subsection (1) relating to the giving of notice of the contents of an order made under that subsection shall apply to a direction of the Minister made under subsection (4).

### **Non-liability for act done under authority of warrant**

**32.** (1) Where the defence to any suit instituted against a police officer, an extra police officer, volunteer reserve police officer or an auxiliary police officer is that the act complained of was done in obedience to a warrant purporting to be issued by any competent authority, the court shall, upon production of the warrant containing the signature of such authority and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer, extra police officer, volunteer reserve police officer or auxiliary police officer.

(2) No proof of the signature of such authority shall be required unless the court has reason to doubt the genuineness thereof; and where it is proved that such signature is not genuine, judgment shall nevertheless be given in favour of such police officer or extra police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

### **Exemption in respect of civil process**

**33.** (1) Subject to subsection (2)—

- (a) the pay and allowances of a junior police officer or constable shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever;
- (b) no junior police officer or constable shall be liable to be imprisoned under an order of any court by reason of non-payment of any debt which he may have incurred or for which he may become liable.

(2) Subsection (1) shall not apply to—

- (a) a debt due to any Government in Malaysia;
- (b) a fine imposed under any law;
- (c) an order for the payment of dowry, alimony or maintenance made under any law.

(3) The pay and allowances of a junior police officer or constable shall not pass to the Director General of Insolvency on the bankruptcy of such police officer nor shall they form part of his estate for the purposes of any law in force in Malaysia relating to bankruptcy.

## PART VIII

### ROYAL MALAYSIA POLICE VOLUNTEER RESERVE

#### **Establishment of Volunteer Reserve**

**34.** (1) There shall be established in and for Malaysia a body to be known as the Royal Malaysia Police Volunteer Reserve (hereinafter referred to as “the Volunteer Reserve”) which shall consist of such number of senior volunteer reserve police officers, junior volunteer reserve police officers and volunteer reserve constables as the Yang di-Pertuan Agong may from time to time sanction.

(2) For the purpose of this Part the expression “volunteer reserve police officer” means any member of the Volunteer Reserve.

#### **Members of the Volunteer Reserve**

**35.** Any person (not being a member of the Armed Forces of Malaysia or any Force established under any written law) not below the age of eighteen or over the age of fifty years, and is in possession of such qualifications as may be prescribed may volunteer and be accepted for appointment in the Volunteer Reserve.

#### **Appointment of volunteer reserve police officers, etc.**

**36.** (1) Senior volunteer reserve police officers of and above the rank of Assistant Superintendent may be appointed, promoted or dismissed by the Inspector General, with the concurrence of the Minister, on behalf of the Yang di-Pertuan Agong.

(2) Senior volunteer reserve police officers of and below the rank of Chief Inspector may be appointed, promoted or dismissed by the Inspector General.

(3) Junior volunteer reserve police officers and volunteer reserve constables may be appointed, promoted or dismissed by a Commanding Officer.

(4) The appointment, promotion, resignation, discharge or dismissal of every senior volunteer reserve police officer of or above the rank of Assistant Superintendent shall be published in the Federal *Gazette*.

### **Ranks of volunteers appointed into the Volunteer Reserve**

**37.** Persons appointed into the Volunteer Reserve may hold the rank of senior volunteer reserve police officers, junior volunteer reserve police officers or volunteer reserve constables, as the case may be, according to their qualifications.

### **Volunteer reserve officers may be required to resign**

**38.** A volunteer reserve police officer may be required to resign by the appointing authority if it appears to him that such officer is for any reason unable to discharge efficiently the duties which he is or may be called upon to perform as a member of the Volunteer Reserve.

### **Declaration by volunteer reserve police officers**

**39.** Every volunteer reserve police officer shall, before assuming the duties of his office, make before a senior police officer not below the rank of Assistant Superintendent in such manner as he may declare to be most binding on his conscience the declaration set out in the Second Schedule.

### **Certificate of appointment**

**40.** A certificate of appointment, in such form as may be prescribed, shall be issued to every volunteer reserve police officer and shall be evidence of his appointment under this Act.

**Resignation**

**41.** A volunteer reserve police officer may resign from the Volunteer Reserve by giving one month's notice in writing to a Commanding Officer:

Provided that when the Volunteer Reserve or any part thereof is mobilized, a volunteer reserve police officer shall not resign unless expressly authorized in writing so to do by a Commanding Officer.

**Pay and allowances**

**42.** (1) Subject to subsection (2), a volunteer reserve police officer shall serve voluntarily and shall not be entitled to claim any remuneration for his services, save for such allowances as may be prescribed.

(2) When mobilized, a volunteer reserve police officer shall receive such pay and allowances as may be prescribed for a police officer of corresponding rank and seniority in such rank.

**Mobilization of the Volunteer Reserve**

**43.** (1) For any purpose connected with the peace and good order of Malaysia or any part thereof the Inspector General may, with the prior approval of the Minister, mobilize for police duties the Volunteer Reserve or any part thereof; and such mobilization shall not cease to have effect until otherwise provided by an order made by the Inspector General with the prior approval of the Minister.

(2) Every volunteer reserve police officer mobilized under subsection (1) shall assemble at such place as the Inspector General shall direct.

(3) A volunteer reserve police officer mobilized under subsection (1) who without reasonable cause, the onus of proof of which shall rest with him, refuses or neglects to serve shall be guilty of an offence under this Act.

**Inspector General may employ volunteer reserve police officers on police duty**

**44.** When the Volunteer Reserve is not mobilized, the Inspector General may employ a volunteer reserve police officer on such police duties as he may direct.

**Power of volunteer reserve police officers**

**45.** A volunteer reserve police officer when performing police duties shall have the same powers and duties and the same protection and immunities and shall be subject to the same authority and discipline as a police officer of corresponding rank.

**Reinstatement in civilian employment**

**46.** (1) It shall be the duty of the employer by whom any volunteer reserve police officer was employed for a period of at least three months immediately preceding the day on which such officer was mobilized under this Part to re-employ him on the completion of active service pursuant to such mobilization including any leave earned by such service in an occupation and under conditions not less favourable than those which would have been applicable to him had he not been mobilized.

(2) Any employer failing to re-employ any volunteer reserve police officer under subsection (1) shall be guilty of an offence and shall subject as hereinafter provided, be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both:

Provided that in any proceeding under this subsection it shall be a defence for the employer to show that the volunteer reserve police officer formerly employed by him did not, before the expiration of one month after completion of active service, apply to the employer for re-employment or that, having been offered re-employment by him, such officer failed without reasonable excuse to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him)—

- (a) it is not practicable to re-employ him; or
- (b) his re-employment in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been mobilized is impracticable, and that the employer has offered to re-employ him in the most favourable occupation and under the most favourable conditions reasonably practicable under the circumstances.

## PART IX

## AUXILIARY POLICE

**Appointment of auxiliary police officers**

**47.** (1) The Inspector General may, with the concurrence of the Minister, appoint or promote any person to serve in the Auxiliary Police as a senior auxiliary police officer with the honorary rank of Superintendent, Deputy Superintendent, Assistant Superintendent or Inspector, and may prescribe the area in which he shall serve.

(2) A Commanding Officer or any police officer authorized by him in that behalf, may, with or without written engagement, appoint or promote any person to serve in the Auxiliary Police as a junior auxiliary police officer with the honorary rank of sub-inspector, sergeant-major, sergeant or corporal or as an auxiliary police constable, and may prescribe the area in which he shall serve.

(3) For the purpose of this Part the expression “auxiliary police officer” means any member of the Auxiliary Police.

**Declaration to be taken by auxiliary police officers**

**48.** Every auxiliary police officer shall, before entering on the duties of his office, make before a senior police officer not below the rank of Assistant Superintendent the declaration set out in the Second Schedule in such manner as he may declare to be most binding on his conscience.

**Certificate of appointment**

**49.** A certificate of appointment in such form as may be prescribed by Police Regulations, signed by a senior police officer not below the rank of Assistant Superintendent authorized in that behalf by a Commanding Officer, shall be issued to every auxiliary police officer and shall be evidence of his appointment under this Act.

**Pay and allowances**

**49A.** An auxiliary police officer shall serve voluntarily and shall not be entitled to any remuneration for such service, save for such allowances as may be prescribed by the Minister from time to time in relation to specific duties.

**Duties and powers, etc.**

**50.** The Yang di-Pertuan Agong may by rules or regulations prescribe the duties, powers and privileges of an auxiliary police officer and the area within which such duties, powers and privileges may be exercised or enjoyed by such officer.

PART X

ROYAL MALAYSIA POLICE RESERVE

**Royal Malaysia Police Reserve**

**51.** (1) There shall be established a Royal Malaysia Police Reserve (hereinafter referred to as “the Reserve”).

(2) The Reserve shall consist of such police officers who become members of the Reserve under this Part.

**Liability to serve in the Reserve**

**52.** (1) Every retired police officer shall be a member of the Reserve if he is appointed as a police officer on or after the coming into force of the Act and he is a citizen at the time of his retirement.

(2) This section shall not apply to any police officer who has been retired on grounds of ill health or physical or other disability.

**Retired police officers not liable to serve may opt to serve**

**53.** (1) Notwithstanding section 52 a police officer who is not liable to serve in the Reserve on the grounds that his appointment to the Force was before the date referred to in that section may be enrolled as a member of the Reserve:

Provided that no police officer shall be enrolled as a member of the Reserve if he has been on retirement for a period of ten years or has attained the age of five years greater than the age for compulsory retirement, whichever is the earlier.

(2) The following sections of this Part shall apply to a police officer enrolled as a member of the Reserve under this section as they apply to a police officer liable to serve in the Reserve.

**Period of service in the Reserve**

**54.** Every member of the Reserve (hereinafter referred to as “a reserve police officer”) shall, subject to sections 62, 63 and 64, serve in the Reserve for a period of ten years from the date of his retirement or until he reaches an age five years greater than the age for compulsory retirement, whichever is the earlier.

**Mobilization of the Reserve**

**55.** (1) The Reserve or any part thereof may be mobilized by an order of the Yang di-Pertuan Agong at any time when the security of Malaysia is threatened or when a Proclamation of Emergency is issued.

(2) Subsection (1) shall not affect any reserve police officer who is a Member of Parliament or of the Legislative Assembly of a State or who holds a salaried appointment in the Government of Malaysia or of any State, for so long as he is such a Member or holds such appointment.

**Reservists to report**

**56.** Every reserve police officer mobilized under section 55 shall report in person at such place and at such time as the Inspector General or an officer duly authorized by him may order.

**Powers of police officers when mobilized**

**57.** A reserve police officer when mobilized shall have the same powers and duties and the same protection and immunities as a police officer of corresponding rank and shall be subject in all respects to this Act, and of any rules, regulations and standing orders made thereunder.

**Rank in the Reserve**

**58.** A reserve police officer shall not be required to serve in the Reserve in a rank lower than that held by him on retirement.

**Pay and allowance**

**59.** The pay and allowance of a reserve police officer who is mobilized to serve in the Force shall be the pay and allowance which may from time to time be prescribed for an officer who has been granted a pension under any law relating to pensions and who is re-employed in the public service.

**Leave**

**60.** A reserve police officer shall, during the period he is mobilized, earn full pay leave at the same rate as a police officer of corresponding rank.

**Retention of pension**

**61.** A reserve police officer shall during the period he is mobilized continue to draw the full pension to which he is entitled, but the period during which he is so mobilized shall not be treated as pensionable service.

**Release from the Reserve**

**62.** A reserve police officer may be released from the Reserve—

- (a) if he takes up permanent residence outside Malaysia; or
- (b) if he is certified by a Government Medical Officer to be permanently unfit for duty.

**Discharge from the Reserve and appeal**

**63.** (1) A reserve police officer who by his conduct has shown himself unsuitable for further service may be dismissed, and any reserve police officer whose services are for any reason no longer required may be discharged, from the Reserve by the Inspector General:

Provided that a reserve police officer who has been mobilized for service under section 55 shall not be dismissed or discharged except by the Police Force Commission.

(2) Any reserve police officer who is aggrieved by his dismissal or discharge (except where the dismissal or discharge is by the Police Force Commission) may appeal to the Minister against such dismissal or discharge; and the decision of the Minister thereon shall be final.

### **Termination of service during mobilization**

**64.** Notwithstanding sections 15 and 54 but subject to section 62 every reserve police officer shall during any period of emergency or war continue to serve in the Reserve—

- (a) for so long as the emergency or war lasts;
- (b) until he has completed his fifteenth year of retirement from the Force; or
- (c) until he has attained the age of sixty-five years,

whichever of the events mentioned is the earliest.

### **Uniform and equipment**

**65.** (1) A reserve police officer shall retain in his possession and maintain in good order such articles of uniform and equipment as may be prescribed; and such articles of uniform and equipment shall not be worn save when the said Reserve is mobilized or on special occasions for which specific permission is granted by the Inspector General.

(2) Subsections 17(1) and (2) shall apply to a reserve police officer on his ceasing to be a member of the Reserve.

### **Reinstatement in civilian employment of police officers in the Reserve**

**66.** (1) It shall be the duty of the employer by whom any reserve police officer was employed for a period of at least three months immediately preceding the day on which such officer was mobilized under this Part to re-employ him on the completion of active service pursuant to such mobilization including any leave earned by such service in an occupation and under conditions not less favourable than those which would have been applicable to him had he not been so mobilized.

(2) Any employer failing to re-employ any reserve police officer under subsection (1) shall be guilty of an offence and shall, subject as hereinafter provided, be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both:

Provided that in any proceeding under this subsection it shall be a defence for the employer to show that the reserve police officer formerly employed by him did not, before the expiration of one month after completion of active service, apply to the employer for re-employment or that, having been offered re-employment by him, such officer failed without reasonable excuse to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him)—

- (a) it is not practicable to re-employ him; or
- (b) his re-employment in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been mobilized is impracticable, and that the employer has offered to re-employ him in the most favourable occupation and under the most favourable conditions reasonably practicable under the circumstances.

### **Penalty**

**67.** A reserve police officer mobilized under section 55 who without reasonable cause, the onus of proof of which shall rest on him, fails to report at the place and at the time specified in an order made under section 56, properly uniformed and equipped to the scale prescribed, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand ringgit or to both.

## PART XI

### ROYAL MALAYSIA POLICE CADET CORPS

#### **Establishment of Cadet Corps**

**68.** (1) There shall be established in and for any area in Malaysia as the Minister may by order declare, a body to be known as Royal Malaysia Police Cadet Corps (hereinafter referred to as

“the Cadet Corps”) which shall consist of such number of senior Cadet Corps officers, junior Cadet Corps officers and cadets as may from time to time be sanctioned by the Yang di-Pertuan Agong.

(2) The Cadet Corps shall be organized in such divisions, subdivisions and units as may from time to time be prescribed.

(3) The Cadet Corps shall be affiliated to the Force but members of the Cadet Corps shall not be police officers within the meaning of this Act.

### **Members of the Cadet Corps**

**69.** (1) Any person (not being a member of the Armed Forces of Malaysia or any force established under any written law), not below the age of twenty-one or above the age of fifty years, who is in possession of such qualifications as may be prescribed, may offer himself and may be accepted for appointment as a senior Cadet Corps officer.

(2) Any person, who is undergoing full time education in such school as may be prescribed by the Minister, may enrol and be accepted in the Cadet Corps as a cadet.

### **Appointment, promotion and dismissal of Cadet Officers and Cadets**

**70.** (1) Cadet officers may be appointed to the rank of senior Cadet Corps or junior Cadet Corps officers, as the case may be, according to their qualifications.

(2) Senior Cadet Corps officers of or above the rank of Assistant Superintendent may with the concurrence of the Minister be appointed, promoted or dismissed by the Inspector General.

(3) Senior Cadet Corps officers of or below the rank of Chief Inspector may be appointed, promoted or dismissed by the Inspector General.

(4) Junior Cadet Corps officers and cadets may be appointed, promoted or dismissed by a Commanding Officer:

Provided that the person empowered to appoint any cadet officer or cadet under this section shall have the power to require the said cadet officer or cadet to resign if it appears to such person that the cadet officer or cadet is for any reason unable to discharge efficiently the duties which he is or may be called upon to perform as a cadet officer or cadet.

### **Resignation**

**71.** Any member of the Cadet Corps may resign from the Cadet Corps on giving to a Commanding Officer one month's notice in writing.

### **Pay and allowances**

**72.** A member of the Cadet Corps shall serve voluntarily and shall not be entitled to any remuneration for such service save for such allowances as may be prescribed.

### **Disbandment**

**73.** Whenever it may appear to him to be expedient so to do, the Minister may, with the approval of the Yang di-Pertuan Agong, disband or discontinue the Cadet Corps or any part thereof.

## **PART XII**

### **DISCIPLINE**

#### **Police officers subject to disciplinary regulations**

**74.** All members of the Force shall be subject to regulations relating to discipline as may from time to time be made by the Yang di-Pertuan Agong under Clause (2) of Article 132 of the Federal Constitution or under section 96 of this Act.

**Fines to be recovered by stoppage from pay**

**75.** All fines imposed by or under the authority of the Disciplinary Authority in respect of offences against discipline shall be recovered by stoppage from the pay, less allowances and trade pay, due, or to become due, to the offender:

Provided that such stoppage shall not in any case exceed one seventh of the monthly pay, less allowances and trade pay, of the offender, and, if more than one order of stoppage of pay is in force at one time against the offender, so much only of his pay shall be stopped as shall leave him at least three-quarters of such pay, not including allowances and trade pay.

**Full pay not to accrue during absence without leave or imprisonment**

**76.** No pay or allowance, including trade pay but excluding rent allowance shall accrue to any police officer in respect of any period during which he is absent from duty without leave or good cause, or is undergoing any sentence of imprisonment:

Provided that the Disciplinary Authority may, in its discretion, authorize the payment of such proportion of pay, allowances and trade pay, not being more than one half, as it may think fit.

**Loss of or damage to arms, equipment, etc., to be made good by stoppage from pay**

**77.** Notwithstanding anything contained in any other law, if any police officer pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any firearms, ammunition, accoutrement, uniform or other article being property entrusted to or lawfully in the possession of the Force and supplied to him, or any property committed to his charge in the course of his duty, or any property seized or taken charge of by him in the course of his duty, he may, in addition to or in lieu of any other penalty, be ordered to make good, either wholly or partially, the value of such property or the amount of such loss or damage, as the case may be, and such value or such amount may be recovered by stoppage from his pay, including allowances, other than rent allowance and trade pay.

### **Interdiction from duty**

**78.** (1) If it deems necessary in the public interest that a police officer should cease to exercise the powers and functions of his office instantly, the Disciplinary Authority may interdict from duty such police officer, pending any enquiry into the conduct of such police officer under this Act or of any Police Regulations made thereunder or of any regulation or order applicable to other officers of corresponding status in the public service.

(2) The powers, privileges and benefits vested in a police officer interdicted under subsection (1) shall during his interdiction be in abeyance:

Provided that such police officer shall continue to be subject to the same authority and discipline as if he had not been interdicted and he shall not by reason only of such interdiction cease to be a police officer.

(3) During any period in which a police officer is under interdiction awaiting trial or disciplinary proceeding resulting in a conviction or a finding of guilt he shall receive one half of his pay and allowances, save that rent allowances shall be paid in full. No trade pay shall accrue during any period of interdiction:

Provided that the Disciplinary Authority may, in its discretion, authorize the payment of such higher proportion of pay and allowances as it shall think fit.

### **Departmental Committee of Enquiry into the death or injury of any police officer or into loss or damage of property**

**79.** (1) A Commanding Officer may convene a Committee of Enquiry to enquire into the death or injury of any police officer or into the loss of or damage to any property entrusted to or lawfully in the possession of the Force. Such Committee of Enquiry shall consist of a President, who shall be a senior police officer not below the rank of Assistant Superintendent, and one or more members, as the Commanding Officer may direct.

(2) A Committee of Enquiry convened under subsection (1) to enquire into the death or injury of a police officer shall be empowered to make findings and recommendations as follows:

(a) whether the deceased or injured person was on duty at the time of such death or injury;

- (b) whether the death or injury was directly attributable to the nature of the duty on which the deceased or injured person was engaged;
- (c) whether the death or injury was due to the default of the deceased or injured person;
- (d) whether a pension, gratuity or allowance should be paid in accordance with Rules made under this Act or any other written law;
- (e) whether any action is necessary to prevent the future occurrence of similar death or injury to other police officers.

(3) A Committee of Enquiry convened under subsection (1) to enquire into any loss of or damage to any property entrusted to or lawfully in the possession of the Force shall make findings and recommendations to the Commanding Officer as follows:

- (a) estimated cost of loss or damage;
- (b) individual responsibility for such loss or damage;
- (c) action necessary to prevent the future occurrence of similar loss or damage;
- (d) the manner in which the cost of such loss or damage may be recovered or made good to the lawful owner of such property.

(4) In this section the expression “police officer” includes all persons appointed or engaged for police duties under this Act; and the expression “the Force” includes all bodies established or raised for police duties under this Act.

#### **Power of senior police officer holding enquiry to summon witnesses**

**80.** (1) A senior police officer authorized to make an enquiry into an offence against discipline and the President of any Committee of Enquiry convened under section 79 may apply to a Magistrate for a summons to secure the attendance before such police officer, as a witness, of any person who appears to be acquainted with the circumstances of the case. Thereupon the Magistrate may issue a summons accordingly and the witness shall be bound to answer truly all questions relating to such case as may be put to him by such police officer, and shall produce all documents relevant to such case.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons or on adjournment, or refuses to answer any question that is lawfully put to him or to produce any such document which it is in his power to produce, shall be guilty of an offence under this Act and shall be liable to a fine of one hundred ringgit or to imprisonment for a term not exceeding one month or to both:

Provided that nothing contained in this section shall render any person compellable to answer any question or produce any document in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court.

### PART XIII

#### POLICE FUND

#### **Police Funds**

**81.** (1) There shall be established a fund to be known as the Police Fund which shall be operated as a Trust Account within the Federal Consolidated Fund.

(2) The Police Fund (in this Part referred to as “the Fund”) shall consist of—

- (a) fines inflicted on police officers in any disciplinary proceedings;
- (b) one-half of the sums paid for extra or special services of police officers;
- (c) all sums of moneys and other property offered to police officers and forfeited by an order of court;
- (d) any sums paid to the Fund under section 22;
- (e) donations or rewards offered to the Fund or to individual members of the Force respectively and accepted by the Inspector General; and
- (f) income arising from disposal of property purchased or arising from investments from the moneys of the Fund.

**Police Funds and purposes of Fund**

**82.** (1) The Fund shall be controlled by the Inspector General subject to any rules or regulations made under this Act.

(2) The Fund shall be applied for the purpose of—

- (a) rewarding police officers for extra or special services rendered by them;
- (b) procuring for police officers who are serving or who have retired or have been discharged on pension, gratuity or allowance such comforts, conveniences or other amenities or advantages not chargeable to public revenue; and
- (c) granting loans on terms prescribed by the rules to police officers who are serving or have retired or had been discharged on pension or gratuity or to the dependants of deceased police officers.

**Transfer of funds**

**83.** All moneys and other assets or properties if any comprised in or held under or on behalf of any police fund constituted or established under any law repealed by this Act including any interest accrued thereon if any immediately before the commencement of this Act shall upon the commencement of this Act be deemed to be transferred to and shall form part of the Fund established under this Part.

**Interpretation**

**84.** In this Part the expression “police officer” includes an extra police officer, a member of the Police Reserve, the Police Volunteer Reserve and the Auxiliary Police and any member of the police force of any territory present in Malaysia under this Act.

## PART XIV

## GENERAL

**Carrying of arms**

**85.** A police officer may in the performance of his duties carry arms.

**Desertion**

**86.** (1) Any police officer who, without reasonable cause, the onus of proof whereof shall rest with him, absents himself from duty for a continuous period of twenty-one days or in circumstances which show that he has the intention of not returning to his duty shall be deemed to have deserted, and shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months.

(2) Where a person has been convicted under this section, the Disciplinary Authority may direct that all arrears of pay due to such person be forfeited.

(3) In subsection (1) the expression “police officer” includes an extra police officer, a member of the Police Reserve and Police Volunteer Reserve when mobilized under this Act and any member of the police force of another territory present in Malaysia under this Act.

**Mutiny**

**87.** Any police officer who causes, incites, or joins in any mutiny or disaffection in the Force or conspires with any other person to cause such mutiny or disaffection, or does not use his utmost endeavour to suppress any such mutiny or disaffection or, having knowledge of any mutiny or disaffection or intended mutiny or disaffection, does not, without delay, give information thereof to the police officer to whom he is subordinate, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years.

**Penalty for causing disaffection**

**88.** (1) Any person who causes or attempts to cause or does any act calculated to cause disaffection amongst the members of the Force or induces or attempts to induce any such member to withhold his services or to commit a breach of discipline shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand ringgit or to both. Any senior police officer may, without warrant, arrest any person who is reasonably suspected of having committed an offence under this section.

(2) In section 87 and this section the expression “police officer” includes all persons appointed or engaged for police duties under this Act and any member of the police force of another territory present in Malaysia under this Act; and the expression “the Force” includes all bodies established or raised for police duties under this Act and the police force of another territory of which any member may be present in Malaysia under this Act.

**Unlawful possession, manufacture, sale or supply of articles supplied to police officers and unauthorized use of police uniform**

89. Any person, not being a police officer, who—

- (a) is found in possession of any article which has been supplied to any police officer for the execution of his duty, or any medal or decoration granted to any police officer for gallantry, service or good conduct, and who fails to account satisfactorily for his possession thereof, or who, without lawful authority, purchases or receives any such article, medal or decoration or who aids or abets any police officer in selling or disposing of any such article, medal or decoration;
- (b) without lawful authority, manufactures, sells or supplies, or offers to sell or supply, a reasonable facsimile of any badge or device used to indicate that a person is a member of the Force or of any body established or raised for police duties under this Act, or a reasonable facsimile of any badge or device used to indicate the rank of a member of the Force or of a member of any body established or raised for police duties under this Act, or a reasonable facsimile of any medal or decoration granted to any police officer for gallantry, service or good conduct or who aids or abets any person in manufacturing, selling or supplying such facsimiles; or
- (c) without the permission of a Commanding Officer, unlawfully wears, uses or displays otherwise than in the course of a stage play or other theatrical performance, any uniform of the Force or any badge or device to indicate that he is a member of the Force or of any other body established or raised for police duties under this Act, or any dress having the appearance of or bearing the distinctive marks on such uniform,

shall be guilty of an offence under this Act.

### **Disorderly conduct in police station**

**90.** Any person who, in a police station behaves in a riotous, indecent, disorderly or insulting manner shall be guilty of an offence under this Act.

### **Police officer may arrest without warrant for offences under subsection 31(2), sections 86, 87, 89 and 90**

**91.** Any police officer may, without warrant, arrest any person who contravenes or who is reasonably suspected of having committed any offence under subsection 31(2), sections 86, 87, 89 and 90.

### **Police officer not to be member of Trade Union**

**92.** (1) Notwithstanding anything contained in any other law, any police officer who, subject to this Act, becomes or after the expiration of one month from the coming into force of this Act remains, a member of any trade union, or of any association with political objects, or any political party shall be guilty of an offence under this Act.

(2) For the purpose of this section any question whether any body is a trade union or association to which this section applies shall be determined by the Minister.

(3) In this section the expression “police officer” includes an extra police officer and any member of the police force of another territory present in Malaysia under this Act.

### **Police Associations**

**93.** For the purpose of enabling police officers to consider and bring to the notice of the Government all matters affecting their welfare and efficiency, including pay, pensions and conditions of service, other than questions of promotion affecting individuals and of discipline, there may be established one or more associations which shall operate and be administered in accordance with rules. Any such association and any branch thereof shall be entirely independent of and unassociated with any body or person outside the Force, and shall be exempt from any law relating to the registration of societies.

**General penalty**

**94.** Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding six months or to both.

**Rules**

**95.** (1) The Yang di-Pertuan Agong may make rules, not inconsistent with this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing, the Yang di-Pertuan Agong may make rules relating to all or any of the following matters:

- (a) the classification and seniority of the various grades, ranks and appointments in the Force and in all other bodies established or raised for police duties under this Act;
- (b) the grant in special cases of honorary rank to any person and the occasions on which such person may wear the uniform of such honorary rank;
- (c) the payment of pensions and gratuities, pay and allowances and compensation of members of the Force and of members of all other bodies established or raised for police duties under this Act;
- (d) the administration of the Police Fund;
- (e) all matters which, under this Act, may be provided for or prescribed by rules;
- (f) generally for the good order and government of the Force and of all other bodies established or raised for police duties under this Act.

**Police Regulations**

**96.** (1) The Yang di-Pertuan Agong may make regulations to be called “Police Regulations” not inconsistent with this Act.

(2) In particular and without prejudice to the generality of the foregoing, the Yang di-Pertuan Agong may make Police Regulations, relating to all or any of the following matters:

- (a) promotions and reductions in rank;
- (b) discipline, including the definition of disciplinary offences, disciplinary procedure and the regulation and carrying out of punishment;
- (c) promotion and proficiency examination;
- (d) the description and issue of arms, ammunition, accoutrements, uniforms and necessaries to be supplied to members of the Force and to members of all other bodies established or raised for police duties under this Act;
- (e) leave of absence;
- (f) the fees to be charged to members of the public or statutory authorities for extra or special police services and for copies of reports, plans and photographs made by police officers;
- (g) all matters which, under this Act, may be provided for or prescribed by Police Regulations.

### **Standing Orders**

**97.** The Inspector General may issue administrative orders, to be called “Standing Orders”, not inconsistent with this Act or rules or Police Regulations made thereunder, for the general control, direction and information of the Force and of all bodies established or raised for police duties under this Act.

### **Repeal and Saving**

**98.** The laws specified in the Third Schedule are hereby repealed:

Provided that any rules, regulations or orders made under the laws repealed under this section in so far as they are not inconsistent with this Act shall remain in force and continue to have effect until replaced or revoked by rules, regulations or orders made under this Act.

**Transitional**

**99.** (1) With respect to members of the Force as constituted under this Act, the following provisions shall have effect:

- (a) except as provided in paragraph (b) for the purpose of the payment of pensions, gratuities, or other allowances to members of the Force the Pensions Ordinance 1951 [*Ord. 1 of 1951*], of the States of Malaya and any rules, regulations and orders for the time being in force in the States of Malaya shall apply to such members; and for the purpose of this paragraph the Ordinance, rules, regulations and orders aforesaid shall be extended to the States of Sabah and Sarawak with such modifications as may be necessary to put this paragraph into effect;
- (b) members of the Force to whom any other laws relating to pensions, gratuities and other allowances apply immediately before the commencement of this Act shall continue to be governed by such laws; and where any such law is repealed by this Act such law shall notwithstanding such repeal and for the purpose only of this paragraph continue to be operative and to have effect on such members;
- (c) as respects members of the Force in the States of Sabah and Sarawak nothing in this section shall affect or take away from any such members any such terms or conditions of service conferred upon or enjoyed or acquired by them immediately before the commencement of this Act.

(2) With respect to members of any auxiliary bodies established or raised under any of the laws repealed by this Act such members shall notwithstanding such repeal continue to be members of such bodies as if such bodies were established or raised under this Act until discharged or appointed in accordance with this Act.

**Modification of other laws**

**100.** Any reference in any other laws to ranks provided for or allowed by any law repealed by this Act shall after the commencement of this Act be modified and construed as the equivalent rank provided for or allowed by this Act.

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FIRST SCHEDULE

[Section 2 and subsection 5(2)]

POLICE RANKS

- 1. SENIOR POLICE OFFICERS—
  - Inspector General
  - Deputy Inspector General
  - Commissioner
  - Deputy Commissioner
  - Senior Assistant Commissioner
  - Assistant Commissioner
  - Superintendent
  - Deputy Superintendent
  - Assistant Superintendent
  - Chief Inspector
  - Senior Inspector
  - Inspector
  - Probationary Inspector.
  
- 2. JUNIOR POLICE OFFICERS—
  - Sub-Inspector
  - Sergeant-Major
  - Sergeant
  - Corporal.
  
- 3. CONSTABLE

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SECOND SCHEDULE

[Sections 13, 39 and 48]

DECLARATION OF OFFICE

I, (name), do solemnly, sincerely and truly declare that I will well and faithfully serve as ..... (appointment) of the Royal Malaysia Police and will obey, uphold and maintain the laws of Malaysia, and that I will execute the powers and duties of my office honestly and diligently.

Declared at ..... this ..... day of ..... 20 ....

.....  
*Signature*

Before me,

.....

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## THIRD SCHEDULE

[Section 98]

## REPEALS

(1)	(2)	(3)
F.M. 14 of 1952	Police Ordinance	The whole
Sarawak Cap. 22	Constabulary Ordinance	The whole except the provisions of section 50 relating to disciplinary offences until replaced by regulations made under paragraph 96(2)(b) of this Act
Sabah Cap. 101	Police Force Ordinance	The whole except the provisions of section 30 relating to disciplinary offences until replaced by regulations made under paragraph 96(2)(b) of this Act
Act 30 of 1963	Royal Malaysia Police Act	The whole
Act 69 of 1966	Royal Malaysia Police (Amendment) Act	The whole

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## APPENDIX

FEDERAL TERRITORY OF LABUAN  
(MODIFICATION OF POLICE ACT) ORDER 1985

(P.U. (A) 197/1985)

## CONSTITUTION (AMENDMENT) (NO. 2) ACT 1984

FEDERAL TERRITORY OF LABUAN (MODIFICATION OF POLICE ACT)  
ORDER 1985

IN exercise of the powers conferred by subsection 6(3) of the Constitution (Amendment) (No. 2) Act 1984 [*Act A585*], the Yang di-Pertuan Agong makes the following order:

**Citation and commencement**

1. This Order may be cited as the **Federal Territory of Labuan (Modification of Police Act) Order 1985** and shall be deemed to have come into force on 16 April 1984.

**Modification of the Police Act 1967 and subsidiary legislation made thereunder**

2. (1) The modifications specified in the Schedule, being modifications which appear to the Yang di-Pertuan Agong to be necessary or expedient for the purpose of removing difficulties or in consequence of the passing of the Constitution (Amendment) (No. 2) Act 1984, shall be made in the provisions of the Police Act 1967 [*Act 344*].

(2) Subsidiary legislation made under the Police Act 1967 shall be read with such corresponding alterations as to names or titles as may be necessary to bring the subsidiary legislation into accord with the Police Act 1967 as modified by this Order.

## SCHEDULE

(1)	(2)
Provision of the Police Act 1967	Modification
Section 2	Insert after subsection (2) the following subsection:

“(3) In so far as this Act and any other written law apply to the Federal Territory of Labuan, references to “police district” and “Officer in Charge of Police District” in such laws shall, until police districts are specified by the Inspector General of Police within the Federal Territory of Labuan, be

construed as references to “the police contingent of the Federal Territory of Labuan” and “Chief Police Officer of the Federal Territory of Labuan” respectively; and where such law provide for an appeal to the Chief Police Officer against the decision of an Officer in Charge of Police District, such appeal shall be read as an appeal to the Inspector General of Police.”.

Made 9 March 1985.

[KND. R.H. 41/902/1 Klt. 3; PN. (PU<sup>2</sup>) 415.]

By Command,

TAN SRI DATO' SALLEHUDDIN BIN MOHAMED  
*Secretary to the Cabinet*

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**LAWS OF MALAYSIA****Act 344****POLICE ACT 1967**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A45	Police (Amendment) Act 1971	30-04-1971
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A347	Police (Amendment) Act 1976	01-06-1976
Act A354	Constitution (Amendment) Act 1976	27-08-1976
Act A514	Constitution (Amendment) Act 1981	15-05-1981
Act A516	Police (Amendment) Act 1981	29-05-1981
Act A685	Police (Amendment) Act 1987	08-01-1988

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**LAWS OF MALAYSIA****Act 344****POLICE ACT 1967**

## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A516	29-05-1981
26	Act A685	08-01-1988
27	Act A685	08-01-1988
27A-27C	Act A685	08-01-1988
30	Act A685	08-01-1988
49A	Act A347	01-06-1976
96	Act A45	30-04-1971

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