



LAWS OF MALAYSIA

REPRINT

Act 150

PASSPORTS ACT 1966

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PASSPORTS ACT 1966

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LAWS OF MALAYSIA

Act 150

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ARRANGEMENT OF SECTIONS

Section

1. Short title
- 1A. Interpretation
2. Production of passports upon entry into or departure from Malaysia
3. Entry into or departure from Peninsular Malaysia, Sabah or Sarawak
4. Exemption
5. Removal of persons unlawfully entering Malaysia
6. Expenses of removal
7. Owners and masters of vessels liable for expenses
8. Master of a vessel may prevent unlawful entry into Malaysia
9. Onus of proof
10. Power of arrest and investigation
 - 10A. Power to search and seize
 - 10B. Search and seizure without warrant
 - 10C. Power to stop and search conveyances
 - 10D. Seizure of material, *etc.*
 - 10E. Forfeiture of material, *etc.*, seized
 - 10F. No costs, damages, *etc.*, on seizure
 - 10G. Power to prosecute
11. Regulations
12. Offences
 - 12A. Offence relating to procurement of passport, *etc.*, for another person
 - 12B. Making of false passport, *etc.*
 - 12C. Rewards
 - 12D. Directions of Minister
13. Saving

LAWS OF MALAYSIA**Act 150****PASSPORTS ACT 1966**

An Act relating to the possession and production of travel documents by persons entering or leaving, or travelling within, Malaysia and to provide for matters connected therewith.

[1 April 1966, P.U. 133/1966]

Short title

1. (1) This Act may be cited as the Passports Act 1966.

(2) (*Omitted*).

Interpretation

1A. In this Act, unless the context otherwise requires—

“Director General” means the Director General of Immigration, the Deputy Director General of Immigration, any Director of Immigration and any Deputy Director of Immigration appointed under section 3 of the Immigration Act 1959/63 [*Act 155*];

“Director General of Customs and Excise” means the Director General of Customs and Excise appointed under subsection 3(1) of the Customs Act 1967 [*Act 235*];

“entry” and “enter” means entry and to enter by land, sea or air;

“immigrations officer” and “senior immigration officer” have the meaning assigned to them respectively in the Immigration Act 1959/63;

“master” includes the pilot of an aircraft;

“non-citizen” means a person other than a citizen;

“officer of customs” and “senior officer of customs” have the meaning assigned to them respectively in the Customs Act 1967;

“owner” in relation to a vessel includes a charterer;

“passport” means a valid passport which has been issued to a person by or on behalf of the Government of which he is a subject or citizen and includes any form of valid document of identity issued for the purpose of travel by any Government and recognized as a travel document by the Government of Malaysia;

“police officer” and “senior police officer” have the meaning assigned to them respectively in the Police Act 1967 [Act 344];

“vessel” includes an aircraft.

Production of passports upon entry into or departure from Malaysia

2. (1) Every person entering Malaysia from any place beyond Malaysia shall produce to an immigration officer a passport; and that passport shall, in the case of a non-citizen, have a valid visa for Malaysia issued on the authority of and by or on behalf of the Government of Malaysia.

(2) Every person leaving Malaysia for a place beyond Malaysia shall, if required so to do by an immigration officer produce to that officer a passport.

(3) An immigration officer may, in relation to any passport produced under this section, put to any person producing that passport such questions as he thinks necessary; and the person shall answer the questions truthfully.

(4) An immigration officer may make on any passport produced under this section such endorsement as he thinks fit.

Entry into or departure from Peninsular Malaysia, Sabah or Sarawak

3. Section 2 shall apply to a person entering or leaving *Peninsular Malaysia, Sabah or Sarawak from or to any part of Malaysia, as it applies to a person entering or leaving Malaysia from or to any place beyond Malaysia, as if—

(a) references therein to Malaysia were construed as references to Peninsular Malaysia, Sabah or Sarawak, as the case may be; and

*NOTE—Throughout the Act, references to Peninsular Malaysia shall be construed as including references to the Federal Territory of Kuala Lumpur and the Federal Territory of Labuan—see P.U. (A) 159/1984.

(b) references to a passport were construed as including an internal travel document issued under the Immigration Act 1959/63.

Exemption

4. The Minister may by order exempt any person or class of persons from section 2 or 3 or both; and any such exemption may be subject to such conditions as he may direct and may be permanent or for a limited period.

Removal of persons unlawfully entering Malaysia

5. (1) Without prejudice to any penalty that may be imposed upon him by this Act, a person entering Malaysia contrary to this Act shall be liable, upon an order in that behalf being made by the Director General, to be removed from Malaysia:

Provided that no such order shall apply to a citizen.

(2) An order made by the Director General under subsection (1), may provide for the detention in custody, for such period as may be necessary for the purpose of making arrangements for his removal, of the person to whom the order applies; and that person may pursuant to the order be detained either in a prison or in any other place appointed by the Director General for that purpose.

(3) Any person to whom an order under subsection (1) applies may be conducted across the frontier or placed on board a suitable vessel by an immigration officer, police officer or officer of customs, and may be lawfully detained on board the vessel during the period that the vessel is within Malaysia or the territorial waters thereof.

Expenses of removal

6. (1) Where an order made under subsection 5(1) applies to a person who was brought into Malaysia in a vessel, the master of the vessel and the master of any other vessel belonging to the same owner shall, if required by the Director General and subject to subsection (2), receive that person on board his vessel and afford him free of charge a passage to the port or place at which the person embarked, and proper accommodation and maintenance during the voyage.

(2) A requirement mentioned under subsection (1) shall have no effect unless it is made within twelve months of the date on which the person aforesaid enters Malaysia.

(3) The master of a vessel failing to comply with subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Owners and masters of vessels liable for expenses

7. The master and the owners and agents of any vessel from which any person enters Malaysia contrary to this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining that person pending deportation; and the expenses shall be recoverable as a debt due to the Government from the master, owners and agents.

Master of a vessel may prevent unlawful entry into Malaysia

8. The master of a vessel may use all reasonable and proper means (including force if necessary) to prevent any person from entering Malaysia contrary to this Act.

Onus of proof

9. If any question arises in any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, as to whether a person—

(a) is a non-citizen or not; or

(b) belongs to any particular class of persons exempted from any of the provisions of this Act,

the onus of proving that the person is not a non-citizen or that he belongs to such class, as the case may be, shall lie upon that person.

Power of arrest and investigation

10. (1) Any immigration officer, police officer or officer of customs may arrest without warrant any person whom he reasonably believes has committed or is attempting to commit an offence under this Act.

(2) In the exercise of his powers of arrest under subsection (1), an immigration officer or an officer of customs shall be bound to comply with section 28 of the Criminal Procedure Code [*Act 593*].

(3) Where any person has been arrested under subsection (1), he shall thereafter be dealt with as provided by the Criminal Procedure Code.

(4) A senior immigration officer, senior police officer or senior officer of customs may, in relation to any investigation in respect of a seizable offence committed under this Act, exercise the special powers in relation to police investigations given by the Criminal Procedure Code.

Power to search and seize

10A. (1) If it appears to a Magistrate upon written information on oath and after such enquiry as he considers necessary that there is reasonable cause to believe that—

(a) any premises have been used or are about to be used for;
or

(b) there is in any premises evidence necessary to establish,

the commission of an offence under this Act, the Magistrate may issue a warrant authorising any immigration officer, police officer or officer of customs named therein, at any reasonable time by day or by night and with or without assistance, to enter the premises, if need be by force, and there to search for and seize, and therefrom remove, any material, instrument, machinery or other thing in respect of which an offence has or is suspected to have been committed and any material, instrument, machinery or other thing that is reasonably believed to furnish evidence of the commission of the offence.

(2) An immigration officer, police officer or officer of customs acting under subsection (1) may—

(a) break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry thereinto;

- (b) remove by force any obstruction to entry, search, seizure or removal as he is empowered to effect under subsection (1); and
- (c) detain every person found in the premises until it has been searched.

Search and seizure without warrant

10B. If a senior immigration officer, a senior police officer or a senior officer of customs in any of the circumstances referred to in section 10A has reasonable cause to believe that by reason of delay in obtaining a search warrant under that section the investigation would be adversely affected or the material, instrument, machinery or other thing sought may be removed or the evidence sought may be tampered with, he may exercise in, upon and in respect of the premises all the powers referred to in section 10A in as full and ample a manner as if he were authorised to do so by a warrant issued under that section.

Power to stop and search conveyances

10C. (1) Notwithstanding anything contained in any other written law, if—

- (a) any senior immigration officer, senior police officer or senior officer of customs; or
- (b) any immigration officer, police officer or officer of customs acting under the instruction of a senior immigration officer, senior police officer or senior officer of customs, as the case may be,

has reasonable suspicion that any conveyance is carrying any material, instrument, machinery or other thing in respect of which there is or has been any contravention of this Act, he may—

- (aa) stop and examine the conveyance; and
- (bb) if on examination he has reasonable cause to believe that such conveyance is or has been used for the contravention of this Act, seize such conveyance and any material, instrument, machinery or other thing found therein.

(2) The person in control or in charge of the conveyance shall, if required to do so by such officer—

- (a) stop the conveyance and allow the officer to examine it; and
- (b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the officer considers necessary.

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

Seizure of material, *etc.*

10D. (1) Any material, instrument, machinery or other thing that is reasonably suspected of having been used or is to be used in the commission of any offence under this Act may be seized and detained by any senior immigration officer, senior police officer or senior officer of customs.

(2) Where any seizure is made under subsection (1), the seizing officer shall immediately give notice in writing of the seizure and the grounds thereof to the owner of the material, instrument, machinery or other thing so seized by delivering a copy of such notice to him in person or by post at his place of business or residence:

Provided that no notice shall be required to be given where the seizure or detention is made in the presence of or with the knowledge of the owner.

(3) For the purpose of this section, “owner” includes an agent or representative of the owner.

Forfeiture of material, *etc.*, seized

10E. (1) Any material, instrument, machinery or other thing liable to seizure or detention under this Act shall be liable to forfeiture.

(2) Where any material, instrument, machinery or other thing has been seized under this Act, a senior immigration officer, senior police officer or senior officer of customs may, at his discretion, temporarily release such material, instrument, machinery or other thing to the owner of the same on security being furnished to his satisfaction that such material, instrument, machinery or other thing shall be surrendered to him on demand or produced before a court of competent jurisdiction on demand.

(3) An order for the forfeiture or for the release of any material, instrument, machinery or other thing liable to forfeiture under this Act shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the material, instrument, machinery or other thing shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the material, instrument, machinery or other thing was the subject matter of or was used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

(4) If there is no prosecution with regard to any material, instrument, machinery or other thing seized under this Act, such material, instrument, machinery or other thing shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of seizure unless before that date a claim thereto is made in the following manner:

- (a) any person asserting that he is the owner of such material, instrument, machinery or other thing and that it is not liable to forfeiture may personally or by his agent authorized in writing give written notice to the senior immigration officer, senior police officer or senior officer of customs in whose possession such material, instrument, machinery or other thing is held that he claims the same;
- (b) on receipt of such notice the senior immigration officer, senior police officer or senior officer of customs, as the case may be, shall refer the claim to the Director General or the Director General of Customs and Excise, as the case may require, who may order that such material, instrument, machinery or other thing be released or may direct such officer to refer the matter to a Magistrate or a Judge of a Sessions Court for a decision;

- (c) the Magistrate or Judge to whom the matter is referred shall issue a summons requiring the person asserting that he is the owner of the material, instrument, machinery or other thing and the person from whom it was seized to appear before him and on his appearance or default to appear, the Magistrate or Judge shall proceed to the examination of the matter and, on proof that an offence under this Act has been committed and that such material, instrument, machinery or other thing was the subject matter of or was used in the commission of such offence, shall order the same to be forfeited and shall, in the absence of such proof, order its release.

No costs, damages, etc., on seizure

10F. No person shall, in any proceedings before any court in respect of the seizure of any material, instrument, machinery or other thing seized or detained in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief other than an order for the return of such material, instrument, machinery or other thing or the payment of its value unless such seizure was made without reasonable or probable cause.

Power to prosecute

10G. (1) Subject to subsection (2), every senior immigration officer, senior police officer or senior officer of customs shall have the authority to appear in court and to conduct any prosecution in respect of an offence under this Act:

Provided that in the case of a senior immigration officer or a senior officer of customs, such authority shall be subject to the approval of the Director General or the Director General of Customs and Excise, respectively.

(2) No prosecution in respect of any offence under this Act shall be instituted without the written consent of the Public Prosecutor.

Regulations

11. The Minister may make regulations generally for the purposes of this Act.

Offences**12. (1)** Any person who—

- (a) forges, alters or tampers with his passport or internal travel document, or any visa or endorsement thereon, or without lawful authority uses or attempts to use, or has in his possession, any passport or internal travel document which has been so forged, altered or tampered with;
- (b) impersonates or falsely represents himself to be or not to be a person to whom a passport or internal travel document has been duly issued;
- (c) with intent to obtain for himself a passport, internal travel document, or an endorsement or visa on his passport, knowingly makes any false statement or produces any document which is to his knowledge false in any particular;
- (d) without lawful authority, has in his possession any passport or internal travel document which has been obtained as a result of making any material statement which was false or misleading, or as a result of the production of false evidence;
- (e) allows any person to have possession of any passport or internal travel document issued for his use alone, intending or knowing that the passport or internal travel document may be used by any other person;
- (f) without lawful authority, has in his possession any passport or internal travel document issued for the use of some person other than himself;
- (g) wilfully assists any person to enter Malaysia contrary to this Act;
- (h) wilfully assists any person to contravene this Act; or
- (i) obstructs or hinders any immigration officer, police officer or officer of customs in the discharge of his duty under this Act,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any person contravening any of the provisions of this Act shall be guilty of an offence and shall, where no other penalty is provided by this Act, be liable, on conviction, to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Offence relating to procurement of passport, etc., for another person

12A. Any person who with intent to obtain for any other person a passport, internal travel document, or an endorsement or visa on a passport, knowingly makes any false statement or produces any document which to his knowledge is false in any particular shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than fifty thousand ringgit and imprisonment for a term of not less than one year but not more than five years.

Making of false passport, etc.

12B. Any person who makes any false document—

(a) intending it to be used by himself or by any other person;
or

(b) that is used by himself or by any other person,

as a passport for the purposes of this Act shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than fifteen thousand ringgit but not more than one hundred thousand ringgit and imprisonment for a term of not less than two years but not more than ten years and with whipping of not more than six strokes of the rotan.

Rewards

12c. The Director General may order such reward as he thinks fit to be paid to any person for any service rendered in connection with the detection and prosecution of an offence under this Act.

Directions of Minister

12d. The Minister may from time to time give the Director General directions of a general or specific nature not inconsistent with this Act as to the exercise of the powers and discretion conferred on the Director General by, and the duties required to be discharged by the Director General under, this Act in relation to all matters which appear to him to affect the policy of Malaysia, and the Director General shall give effect to all such directions.

Saving

13. The provisions of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force relating to immigration.

LAWS OF MALAYSIA**Act 150****PASSPORTS ACT 1966**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A69	Passports (Amendment) Act 1971	17-09-1971
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 159/1984	Federal Territory of Labuan (Modification of Passports Act) Order 1984	16-04-1984
Act A948	Passports (Amendment) Act 1996	01-01-1997

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
1A	Act A948	01-01-1997
2	Act A948	01-01-1997
6	Act A948	01-01-1997
9	Act A948	01-01-1997
10	Act A948	01-01-1997
10A-10G	Act A948	01-01-1997
12	Act A69 Act A948	17-09-1971 01-01-1997
12A-12D	Act A948	01-01-1997
