



# **LAWS OF MALAYSIA**

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**Act 295**

## **MILITARY MANOEUVRES ACT 1983**

*As at 1 December 2011*

**MILITARY MANOEUVRES ACT 1983**

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**LAWS OF MALAYSIA****Act 295****MILITARY MANOEUVRES ACT 1958****ARRANGEMENT OF SECTIONS**

## Section

1. Short title and application
2. Interpretation
3. Declaration of manoeuvring or firing grounds
4. Power of the Chief of the Armed Forces Staff to authorize execution of manoeuvring exercise
5. Notice of Military Manoeuvre
6. Where no notice is necessary
7. Powers of persons engaged in military manoeuvres
8. Military manoeuvres and firing exercises not to be held in catchment area of waterworks
9. Offence
10. Compensation for damage
11. Time limit for claim for compensation
12. Power to make rules
13. Penalty for breach of rules
14. Repeal

## SCHEDULE



## LAWS OF MALAYSIA

### Act 295

#### MILITARY MANOEUVRES ACT 1983

An Act to consolidate the laws relating to military manoeuvres.

[1 October 1984, P.U. (B) 443/1984]

**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:

#### Short title and application

1. (1) This Act may be cited as the Military Manoeuvres Act 1983.
- (2) This Act shall apply throughout Malaysia.

#### Interpretation

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

“Armed Forces Council” means the Council established under Article 137 of the Federal Constitution;

“Collector” means, in Peninsular Malaysia and Sabah, the \*Collector as defined in the National Land Code 1965 [Act 56 of 1965] and the Land Ordinance of Sabah [Sabah Cap. 68] respectively and in Sarawak, the “Director” as defined in the Land Code of Sarawak [Swk. Cap. 81];

“firing ground” means any land, sea, tidal water or shore declared under section 3 for carrying out artillery or rifle practices, air firing,

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\*NOTE—Reference to “Collector” is now construed as “Land Administrator”—see section 3 of the National Land Code (Amendment) Act 1984 [Act A587].

bomb dropping or torpedo dropping exercises, including the use of any weapons fired on the ground, from the sea or from aircraft in flight;

“manoeuvring ground” means any land, sea, tidal water or shore declared under section 3 on which or over which military manoeuvres may take place;

“military manoeuvre” means any deployment of service personnel, guns, vehicles, ships or aircraft carried out on any land, sea, tidal water, shore or air by the armed forces or any of the visiting forces;

“visiting force” means any body, contingent or detachment of the forces of a country for the time being lawfully present in Malaysia pursuant to any treaty, agreement or arrangement to which the Government of Malaysia is a party.

### **Declaration of manoeuvring or firing grounds**

3. The Yang di-Pertuan Agong, after consultation with the relevant State Authority of the State where a military manoeuvre is to be held, may from time to time, by notification in the *Gazette*, declare that any area specified in such notification shall be a manoeuvring or firing ground and, may from time to time, in like manner declare that such area shall cease to be a manoeuvring or firing ground, as the case may be.

### **Power of the Chief of the Armed Forces Staff to authorize execution of manoeuvring exercise**

4. The Chief of the Armed Forces Staff shall have the power—
- (a) to authorize the execution of military manoeuvres for training purposes in any part of the manoeuvring ground at any time of the year;
  - (b) to direct military manoeuvres to be carried out within the manoeuvring ground without giving the notice required by subsection 5(1);
  - (c) to cause, at any time of the year, firing exercises either on the ground, from the sea or from the air, experiments in gunnery, any act or practice incidental to such exercises or experiments,

bombing or torpedo practices or any other military manoeuvre to be carried out in or over the firing ground, giving not less than seven days' notice thereof to the occupiers of land in or over which such exercises, experiments, acts or practices are to take place, by the hoisting of a red flag in a conspicuous position within the firing area; and

- (d) to cause the removal of any building or vegetation within the firing ground which may hinder or interfere with the full exercise of the right given by this Act, and to prohibit the erection of any new building or the growing of any vegetation within the firing ground.

### **Notice of Military Manoeuvre**

5. (1) Whenever the number of service personnel to be engaged in any military manoeuvre exceeds one thousand, notice in Form A shall be given to the State Government, who shall then inform the State Authority, at least one month before the date on which it is proposed to execute the military manoeuvre, specifying the date of its commencement and the period not exceeding three months during which, and approximately the limits within which, the military manoeuvre is to be executed.

(2) The notice shall also specify a date not earlier than one month from the conclusion of the military manoeuvre within which claims for compensation arising from the putting into force of any of the provisions of this Act shall be sent to the Secretary General of the Ministry of Defence.

(3) The State Government shall cause copies of the notice to be posted in every village and at other convenient places within the limits therein mentioned at least fourteen days before the day named for the commencement of the military manoeuvre.

### **Where no notice is necessary**

6. Whenever the number of service personnel to be engaged in any military manoeuvre does not exceed one thousand, no notice as mentioned in subsection 5(1) is necessary except that where no notice is given, the military manoeuvre shall not extend beyond a period of forty-

eight hours.

**Powers of persons engaged in military manoeuvres**

7. (1) When any military manoeuvre is being executed under this Act, the persons engaged in the military manoeuvre may, within the limits specified in the notice, if any, and during the period specified—

- (a) pass over and encamp, construct military works not of a permanent character and execute military manoeuvres on any land; and
- (b) supply themselves with water from any source, public or private, and may for that purpose, dam up any running water:

Provided that such damming does not interfere with any trade or industry.

(2) Nothing in this Act shall authorize—

- (a) the taking of water from any source of supply belonging to a private owner or public authority other than the supply shown to be required by those entitled to use such water supply by virtue of this Act; and
- (b) entry on or interference with any dwelling house, place of worship, school, factory, store or premises used for the carrying on of any business or manufacture or any ground attached to any place of worship or school or any premises enclosing or attaching to any dwelling house.

(3) At the conclusion of any military manoeuvre all military works, dams or other structures made or done under subsection (1) shall be removed and any damage done to property shall be repaired and the property left as nearly as may be in the same condition as it was prior to the military manoeuvre.

**Military manoeuvres and firing exercises not to be held in catchment area of waterworks**

**8.** No military manoeuvre or firing exercise shall be executed and no military encampment made on any land forming part of the catchment area in connection with the impounding reservoir of any public waterworks or on any land set apart for the collection of water for the supply of any public waterworks.

**Offence**

**9.** (1) If during the continuance of any military manoeuvre any person—

(a) wilfully and unlawfully interferes with the execution of such military manoeuvre; or

(b) without due authority enters or remains in any camp,

he commits an offence and is liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years and he and any animal or vehicle under his charge may be removed by any police officer or by order of any commissioned officer of the forces engaged in the military manoeuvre.

(2) If during the continuance of any military manoeuvre any person—

(a) without due authority, moves any flag or other mark, distinguishing for the purposes of the military manoeuvre any land; or

(b) maliciously cuts or damages any telegraph or telephone wire laid down by or for the use of the forces engaged in the military manoeuvre,

he commits an offence and is liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years.

**Compensation for damage**

**10.** (1) Full compensation shall be made for any damage to persons or property or interference with rights or privileges arising from the putting into force of any of the provisions of this Act whether or not occasioned by the acts or defaults of the forces engaged in the military manoeuvres, including therein all expenses reasonably incurred in protection of person, property, rights and privileges, and any damage by reason of excessive weight or extraordinary traffic caused to any highway for the repair of which any public body or any individual is responsible.

(2) The compensation shall be paid to all persons who send in their claims to the Secretary General of the Ministry of Defence under subsection 5(2) within the period named in such notice or, if there is no such notice, within six months from the conclusion of the military manoeuvre.

(3) In addition to any compensation in respect of damage for which compensation may be awarded under subsection (2), compensation shall also be paid to the owners or occupiers or both of land within any firing ground for any loss or damage arising from the land owned or occupied by them being declared and used as a firing ground under this Act.

(4) The compensation shall, unless otherwise agreed, be in the form of an annual rent payable to every person entitled to such compensation so long as the land in respect of which it is paid continues to be a firing ground.

(5) The amount of the compensation shall be such as is agreed upon between the Secretary General of the Ministry of Defence and the claimant, and if the amount of compensation cannot be settled by agreement, the claims shall be forwarded to the Collector for the district, who shall after such inquiry as he deems fit, determine the amount of compensation due.

(6) Any claimant dissatisfied with the decision of the Collector may, not later than one month after the date of such decision, refer to arbitration in accordance with the provisions of the arbitration laws from time to time in force.

**Time limit for claim for compensation**

**11.** (1) Every claim for compensation under subsection 10(3) shall be made in writing to the Secretary General of the Ministry of Defence, within six months after the land, sea, tidal water or shore, as the case may be, in respect whereof such claim is made has been used as a firing ground for the purposes of military manoeuvres by virtue of a declaration under this Act.

(2) No compensation shall be granted for any building erected or commenced after the posting of the rules under section 12.

**Power to make rules**

**12.** (1) The Armed Forces Council may make rules for securing the safety of the public during the military manoeuvres or during the use of any firing ground for the purposes of military manoeuvres and may, by such rules—

- (a) exclude all persons not engaged in the military manoeuvre from the whole or any part of the firing ground while such military manoeuvres are being carried out;
- (b) regulate the conduct of any persons permitted to be within the firing ground while such military manoeuvres are being carried out; and
- (c) prescribe any other matter which by this Act is required to be prescribed.

(2) All such rules shall be published in the *Gazette* and copies thereof shall be posted in at least three conspicuous places within or near the manoeuvring or firing ground.

(3) Where an area to which these rules apply consists of any sea or tidal water, or the shore thereof, and the boundaries of the area cannot, in the opinion of the Armed Forces Council, be conveniently marked by

permanent marks, those boundaries shall be described in the rules and shall be deemed to be sufficiently marked for the purposes of this Act if, while the area is in use for military purposes, sufficient means are taken to warn the public from entering the area.

**Penalty for breach of rules**

**13.** Any person committing a breach of any rule made under section 12 commits an offence and is liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months.

**Repeal**

**14.** The Military Manoeuvres Enactment of the Federated Malay States [*F.M.S. Cap. 43*], the Military Manoeuvres Ordinance of the Straits Settlements [*S.S. Cap. 103*], the Military Manoeuvres Ordinance 1959 of Sabah [*Sabah Ord. 26 of 1959*] and the Military Manoeuvres Ordinance of Sarawak [*Sarawak Ord. Cap. 23*] are repealed.

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## SCHEDULE

## FORM A

## MILITARY MANOEUVRES ACT 1983

## [Section 5]

## NOTICE OF MILITARY MANOEUVRE

It is hereby notified that a military manoeuvre will be carried out in the locality described below, including those lands, if any, specified by lot number or by the lot numbers of neighbouring lands, for a period of ..... days commencing from..... day of ..... 20.....

2. It is further notified that any owner or occupier of land who suffers any loss or damage as a result of this military manoeuvre and who wishes to make a claim of compensation for such loss or damage may submit his claim to the Secretary General of the Ministry of Defence, Jalan Padang Tembak, Kuala Lumpur within six months from the conclusion of the military manoeuvre.

Dated this ..... day of ..... 20.....

District .....

Township .....

Description of the locality .....

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**LAWS OF MALAYSIA****Act 295****MILITARY MANOEUVRES ACT 1983**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
	– NIL –	

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**Act 295**

**MILITARY MANOEUVRES ACT 1983**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
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—NIL—

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