



LAWS OF MALAYSIA

REPRINT

Act 301

PRINTING PRESSES AND PUBLICATIONS ACT 1984

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**PRINTING PRESSES AND PUBLICATIONS
ACT 1984**

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LAWS OF MALAYSIA

Act 301

PRINTING PRESSES AND PUBLICATIONS ACT 1984

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SCHEDULE II

LAWS OF MALAYSIA**Act 301****PRINTING PRESSES AND PUBLICATIONS ACT 1984**

An Act to regulate the use of printing presses and the printing, importation, production, reproduction, publishing and distribution of publications and for matters connected therewith.

[1 September 1984, P.U. (B) 364/1984]

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:

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the Printing Presses and Publications Act 1984.

Interpretation

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

“audio recording” means any material on which is recorded a recording of a human voice or of instrumental music or other sounds and includes phonograph records, tapes and laser discs;

“authorized officer” means any police officer, an officer of Customs, an officer of the Postal Services Department and any other public officer declared by the Minister to be an authorized officer for the purpose of this Act;

“document” means any paper, card or other material or substance on which is printed, typed, written or marked, letters, figures, marks, pictorial or any other visible representation and includes a newspaper, book and pamphlet;

“licence” means a licence granted under subsection 3(3);

“newspaper” means any publication containing news, intelligence, reports of occurrences or any remarks, observations or comments, in relation to such news, intelligence or occurrences, or to any other matter of public interest, or any magazine, comic or other forms of periodical printed in any language for sale or free distribution at regular or irregular intervals, but does not include any publication published by or for the Federal or any State Government or the Government of Singapore;

“permit” means a permit granted under paragraph 6(1)(a) or (b);

“person” includes a body corporate or unincorporated;

“prohibited publication” means any publication which has been prohibited under subsection 7(1) and includes any copy, reproduction, extract or any translation, *precis* or paraphrase thereof;

“proprietor” means as well the sole proprietor of any newspaper as also the persons who, as partners or otherwise, represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein and no other person;

“publication” includes—

- (a) a document, newspaper, book and periodical;
- (b) all written or printed matter and everything whether of a nature familiar to written or printed matter or not containing any visible representation;
- (c) anything which by its form, shape or in any manner is capable of suggesting words or ideas; and
- (d) an audio recording;

“senior authorized officer” means—

- (a) any police officer not below the rank of Assistant Superintendent;

- (b) any officer of Customs not below the rank of Superintendent;
- (c) any officer of the Postal Services Department not below the rank of Senior Postal Officer;
- (d) any other public officer declared by the Minister to be a senior authorized officer for the purpose of this Act.

PART II

LICENSING OF PRINTING PRESSES

Licence to use printing press

3. (1) No person shall keep for use or use a printing press unless he has been granted a licence under subsection (3).

(2) For the purpose of this section “printing press” means the machine, equipment or article for printing, copying or reproducing any document described in Schedule I.

(3) The Minister may in his absolute discretion grant to any person a licence to keep for use or use a printing press for such period as may be specified in the licence and he may in his absolute discretion refuse any application for such licence or may at any time revoke or suspend such licence for any period he considers desirable.

(4) Any person who keeps for use or uses a printing press without a valid licence granted under subsection (3), or in contravention of any conditions imposed therein, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both and the deposit made under section 10 shall be liable to be forfeited.

(5) A printing press which is kept for use or used in respect of which no licence has been granted shall be ordered to be forfeited by the court notwithstanding that no person is convicted of any offence and where there is no prosecution it shall be disposed of in accordance with section 19.

(6) For the purpose of this section the owner, occupier and any person having the care or management or assisting in the management of any premises in which such printing press is found shall be deemed to have kept the same for use until he proves the contrary.

(7) The Minister may by order published in the *Gazette* amend Schedule I.

(8) Nothing in this section shall extend to the impression of any engraving or to the printing of any visiting or business card, billhead or letter heading, or to any letter, memorandum or document whatsoever, typed, printed or reproduced in the ordinary course of business, not being a printing or publishing business, or for any other lawful object or purpose.

Printing press used for unlawful purpose

4. (1) Any person who prints or produces, or causes or permits to be printed or produced by his printing press or machine any publication or document—

- (a) which is obscene or otherwise against public decency; or
- (b) which contains an incitement to violence against persons or property, counsels disobedience to the law or to any lawful order or which is or is likely to lead to a breach of the peace or to promote feelings of ill-will, hostility, enmity, hatred, disharmony or disunity,

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

(2) Notwithstanding any law to the contrary any printing press or machine which is used to print any publication or document which is the subject matter of an offence under subsection (1) or any provision of any of the written laws specified in Schedule II shall be ordered to be forfeited by the court notwithstanding that no person is convicted of any offence.

PART III

PERMIT TO PUBLISH NEWSPAPER

Offence to print, import, publish, etc., newspaper without permit

5. (1) No person shall print, import, publish, sell, circulate or distribute, or offer to publish, sell, circulate or distribute, any newspaper printed in Malaysia or Singapore unless there has been granted by the Minister in respect of such newspaper a permit under paragraph 6(1)(a) or (b).

- (2) Any person who—
- (a) prints any newspaper in respect of which a permit has not been granted or in respect of which a permit has been revoked or suspended; or
 - (b) imports, publishes, sells, circulates or distributes, or offers to publish, sell, circulate or distribute, or has in his possession for any such purpose, any newspaper printed in Malaysia or Singapore in respect of which no permit has been granted or in respect of which a permit has been revoked or suspended,

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

Grant of permit

6. (1) The Minister may in his absolute discretion grant—
- (a) to any person a permit to print and publish a newspaper in Malaysia; or
 - (b) to any proprietor of any newspaper in Singapore a permit allowing such newspaper to be imported, sold, circulated or distributed in Malaysia.

(2) The Minister may at any time revoke or suspend a permit for any period he considers desirable.

(3) The Minister may impose as a condition of the grant of a permit that the proprietor of the newspaper in Singapore shall establish and maintain a place of business within Malaysia or shall appoint persons within Malaysia authorized to accept service of any notice or legal process on behalf of the proprietor and shall furnish the Minister with, and cause to be published in such manner as the Minister may direct, a list containing the names and addresses of such persons.

PART IV

CONTROL OF UNDESIRABLE PUBLICATIONS

Undesirable publications

7. (1) If the Minister is satisfied that any publication contains any article, caricature, photograph, report, notes, writing, sound, music, statement or any other thing which is in any manner prejudicial

to or likely to be prejudicial to public order, morality, security, or which is likely to alarm public opinion, or which is or is likely to be contrary to any law or is otherwise prejudicial to or is likely to be prejudicial to public interest or national interest, he may in his absolute discretion by order published in the *Gazette* prohibit, either absolutely or subject to such conditions as may be prescribed, the printing, importation, production, reproduction, publishing, sale, issue, circulation, distribution or possession of that publication and future publications of the publisher concerned.

(2) In the case of a publication originating in any country outside Malaysia, an order under subsection (1) may, if the order so provides—

- (a) prohibit the importation of any or all publications whether before or after the date of the order, subject to such conditions as may be prescribed therein;
- (b) in the case of a periodical publication, prohibit the importation of any past or future issue thereof;
- (c) in the case of a publication which has been issued or appears or purports to have been issued from any publishing house, agency or other source specified in the order, prohibit the importation of any other publication which may at any time whether before or after the date of the order has been, or appears or purports to have been, issued from the specified publishing house, agency or other source;
- (d) require the publisher thereof to make such deposits of such amount and in such manner as may be prescribed therein before any such publication may be imported.

(3) Where the Minister is satisfied that the publisher of any publication has acted in contravention of the Act or any rules or order made thereunder or any condition of the licence or permit or any law relating to sedition or defamation, he may after giving such publisher an opportunity to show cause why the deposit made under paragraph 2(d) should not be forfeited, order the deposit or part thereof to be forfeited.

(4) Whether or not an order has been made under subsection (3) the court may order the deposit or any balance thereof, if any—

- (a) to be forfeited where the publisher fails to appear in court to answer any criminal charge or civil action relating to any matter in connection with such publication; or

(b) to be paid out in settlement of any judgment obtained against the publisher arising out of any proceeding in connection with such publication.

(5) Where a deposit made under paragraph 2(d) is ordered to be forfeited or utilized in settlement of any damages under subsection (3) or (4), the order of prohibition under subsection (1) shall become absolute unless the publisher makes a further deposit as may be required by the Minister.

(6) A local or foreign publisher shall be responsible and liable for any action in respect of any material published in his publication.

Offences

8. (1) Any person who without lawful excuse is found in possession of any prohibited publication shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

(2) Any person who prints, imports, produces, reproduces, publishes, sells, issues, circulates, offers for sale, distributes or has in his possession for such purpose any prohibited publication shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both.

Offence to publish false news

8A. (1) Where in any publication there is maliciously published any false news, the printer, publisher, editor and the writer thereof shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both.

(2) For the purposes of this section, malice shall be presumed in default of evidence showing that, prior to publication, the accused took reasonable measures to verify the truth of the news.

(3) No prosecution for an offence under this section shall be initiated without the consent in writing of the Public Prosecutor.

Suppression of publication

8B. Where any person has been found guilty of any offence by any court in respect of anything published in any publication, it shall be lawful for the court upon the application of the Public Prosecutor to order the suppression of the publication for a period not exceeding six months of such publication.

Suspension of publication

8C. (1) Pending the determination of any proceedings for the prosecution of a printer, publisher, editor or writer before any court for any offence in respect of anything published in any publication, it shall be lawful for the court upon the application of the Public Prosecutor to order the suspension of such publication.

(2) Where an appeal has been lodged against the order of acquittal of any person charged with an offence in respect of anything published in any publication, it shall be lawful for the court which will hear the appeal, on application by the Public Prosecutor, to order a further suspension of such publication pending the final disposal of the appeal.

(3) Any person who contravenes an order made under this section shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand ringgit or to both.

Undesirable publication may be refused importation

9. (1) Without prejudice to anything in this Act, the Minister may refuse the importation into Malaysia or withhold delivery or return to the sender thereof outside Malaysia any publication which he is satisfied contains any article, caricature, photograph, report, notes, writing, sound, music, statement or any other thing which is likely to be prejudicial to public order, morality, security, or which is likely to alarm public opinion, or which is likely to be contrary to any law or is otherwise prejudicial or is likely to be prejudicial to public interest or national interest.

(2) Notwithstanding subsection (1), the Minister may allow the importation or delivery of any publication after any part of the publication which he considers objectionable under any of the

grounds specified in subsection (1) has been, to his satisfaction, obliterated, deleted, erased or removed.

(3) (*Deleted by Act A684*).

Withholding delivery pending decision of Minister

9A. Where a senior authorized officer reasonably suspects that a publication contains any article, caricature, photograph, report, notes, writing, sound, music, statement or any other thing which is likely to be prejudicial to public order, morality, security, or which is likely to alarm public opinion, or which is likely to be contrary to any law or is otherwise prejudicial or is likely to be prejudicial to public interest or national interest, he may withhold delivery of such publication pending the decision of the Minister to deal with it as provided for under section 9.

PART V

MISCELLANEOUS

Deposit

10. A person granted a licence or permit under this Act may be required by the Minister, prior to the issue of such licence or permit to deposit with the Government an amount as may be specially or generally prescribed by rules and the amount or any part thereof may be forfeited by the court upon the commission of any offence under this Act or any rule made thereunder or in the event of breach of any condition of the licence.

Printed document to bear name of printer and publisher

11. (1) Every publication printed or published within Malaysia shall have printed legibly in Bahasa Malaysia or the English language on its first or last leaf the name and address of its printer and publisher.

(2) No person shall publish, reproduce, sell, circulate or distribute, or offer to publish, reproduce, sell, circulate or distribute, any publication which does not have the name and address of the printer and publisher, or in the case of an audio recording, the name and address of the producer, conspicuously printed on the

cover or container and any person who acts in contravention of this section 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 five thousand ringgit or to both.

(3) In the case of a publication imported into Malaysia it shall be sufficient compliance with this section that the name of the printer, publisher or producer be conspicuously printed in any part of the publication or container.

Validity of licence and permit

12. (1) A licence or permit granted under this Act shall be subject to such conditions as may be endorsed therein and shall, unless sooner revoked or suspended, be valid for a period of twelve months from the date of the granting or issue of such licence or permit or for such shorter period as may be specified in the licence or permit.

(2) The Minister shall have the absolute discretion to refuse an application for a licence or permit.

Revocation, suspension, and transfer of licence and permit

13. (1) Without prejudice to the powers of the Minister to revoke or suspend a licence or permit under any other provisions of this Act, if the Minister is satisfied that any printing press in respect of which the licence has been issued is used for printing of any publication which is prejudicial to public order or national security or that any newspaper in respect of which a permit has been issued contains anything which is prejudicial to public order or national security, he may revoke such licence or permit.

(2) Subject to subsection (3), no licence or permit shall in any manner be transferred, assigned or otherwise placed under the control of any person other than the person to whom the licence or permit was originally granted unless the Minister so permits and any holder who contravenes this subsection shall be liable to have his licence or permit revoked or suspended.

(3) The Minister may, in the event of the death, incapacity, bankruptcy or, in the case of a company, liquidation of the holder

of such licence or permit, or where a receiver or manager is appointed in relation to the business of the holder of such licence, or where for any reason the Minister is satisfied that it would be unjust not to do so, authorize the transfer of such licence or permit.

Minister's decision final

13A. (1) Any decision of the Minister to refuse to grant or to revoke or to suspend a licence or permit shall be final and shall not be called in question by any court on any ground whatsoever.

(2) For the purpose of this section "decision" includes any order or direction made by the Minister under this Act.

Exclusion of right to be heard

13B. No person shall be given an opportunity to be heard with regard to his application for a licence or permit or relating to the revocation or suspension of the licence or permit granted to him under this Act.

Presumption

14. For the purpose of any proceedings under this Act any person who is found in possession, custody or control of—

- (a) any newspaper contrary to subsection 5(1) or (2); or
- (b) two or more copies of any particular issue, edition or print of any publication,

shall be presumed, until the contrary is proved, to have in his possession such newspaper or publication for the purpose of selling, circulating or distributing.

Presumption of printer and publisher

15. The printer, publisher or producer whose name or address is printed on such publication or the container thereof shall be presumed, until the contrary is proved, to have printed, published or produced such publication at the place stated therein.

Search warrant

16. (1) A Magistrate may issue a search warrant empowering a senior authorized officer to enter and search any premises where there is reasonably suspected to be found—

- (a) a printing press kept or used in contravention of section 3;
- (b) any newspaper printed or imported or published in contravention of section 5; or
- (c) any prohibited publication.

(2) Whenever it appears to any senior authorized officer that there is reasonable ground to believe that there is concealed or deposited in any premises any prohibited publication, and that by reason of the delay in obtaining a search warrant the object of the search is likely to be frustrated, he may enter and search the premises as if he were empowered to do so by a warrant issued under subsection (1).

Power to open package

17. Any authorized officer may detain, open and examine any package or article which he suspects to contain any prohibited publication or any publication liable to be prohibited under subsection 7(1).

Power of seizure or detaining printing press or publication

18. Any officer acting pursuant to section 16 or 17 is empowered to seize and detain—

- (a) any printing press or publication or any other article which he has reason to believe to be evidence of the commission of any offence under this Act or any rules made thereunder;
- (b) any publication which he suspects to be a publication which is liable to be prohibited under subsection 7(1) or is liable to be refused importation, withheld from delivery or returned to sender under subsection 9(1).

All things seized liable to forfeiture

19. (1) All publications and other articles, other than a printing press which shall be forfeited under section 3, seized and detained under section 17 or 18, whether or not any person is charged or convicted, may be dealt with in such manner as the court may direct.

(2) If there be no prosecution with regard to any printing press, publication or other article seized under this Act, such printing press, publication or other article shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of the service of a written notice of the seizure unless a claim thereto is made before that date in the manner hereinafter set forth.

(3) Any person asserting that he is the owner of such printing press, publication or other article and that they are not liable to forfeiture may personally or by his agent authorized in writing give written notice to the senior authorized officer that he claims the same.

(4) On receipt of such notice the senior authorized officer shall refer the claim to the Minister who may direct that such printing press, publication or other article be released to the claimant or otherwise disposed of or may direct such senior authorized officer to refer the matter to the court for its decision.

Arrest without warrant

20. Any police officer may arrest without warrant any person found committing or reasonably suspected of committing or of having committed or of attempting to commit or of procuring or abetting any person to commit any offence under this Act.

Corporations and firms

21. For any of the purposes of this Act a corporation may act by a director or its secretary, and a firm may act by any of its partners.

Liability of partners, directors, etc.

22. (1) Whenever an offence under this Act is committed by a body corporate any director, manager, secretary or other officer

of the body corporate shall also be deemed to be guilty of that offence unless he shall prove that the offence was committed without his knowledge or consent and was not attributable to any neglect on his part.

(2) Whenever any agent or servant in the course of his employment does or omits to do any act the doing of which or the omission to do such act by his principal or employer would be an offence, the agent or servant shall be guilty of that offence.

(3) Any person who would have been guilty of an offence if anything had been done or omitted by him personally shall be guilty of that offence and liable to the same penalty if the thing had been done or omitted to be done by his partner, agent or servant in the course of the partnership business or in the course of his employment, as the case may be, unless he proves to the satisfaction of the court that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing or omission to do the thing.

(4) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act.

Service of notice, etc.

23. Any notice, document or other correspondence shall be deemed to be sufficiently communicated to the holder of a licence, permit or certificate if such notice, document or correspondence—

- (a) is personally served on the person in charge at the premises where the printing press is located, where the publication is published, or upon the agent appointed under subsection 6(3);
- (b) is sent by registered post to the address of the holder given in the licence or permit or the agent appointed under subsection 6(3); or
- (c) is published in the *Gazette*.

Bar to legal proceedings

24. No legal proceedings whatsoever shall lie or be instituted or maintained in any court for or on account of any loss of, or damage to, anything seized, detained, confiscated or destroyed under this

Act or for or on account of any damage sustained as a result of the seizure, detention, confiscation, destruction or return of anything under this Act or of any delay in the delivery or return of anything to the person to whom such thing would have been delivered or returned but for its detention under this Act.

Exemption

25. (1) Nothing in this Act shall extend to the publication or making of any document or periodical by or for the Federal or any State Government or any statutory body.

(2) The Minister may by order published in the *Gazette* exempt any person, printing press or publication from the application of all or any of the provisions of this Act.

Rules

26. (1) The Minister may from time to time make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such rules may provide for—

- (a) the nature and form of any document necessary for the purposes of this Act;
- (b) the particulars to be supplied on an application for a licence or permit and the manner of maintaining records;
- (c) procedure for the transfer of licences and permits;
- (d) the procedure for application of, the fees for and the conditions to be attached to, a licence or permit, the payment of a deposit upon the issue of a licence or permit and the circumstances in which the deposit may be forfeited;
- (e) the amount of deposit required to be made under paragraph 7(2)(d) or section 10 and the manner of forfeiture or for the payment of such deposit as damages; and
- (f) the procedure for, and hearing of, appeals.

Repeal

27. The Printing Presses Act 1948 [*Act 58*] and the Control of Imported Publications Act 1958 [*Act 63*] are repealed.

SCHEDULE I

[Subsection 3(2)]

Letterpress, Lithography, Gravure, Intaglio or any other process of printing capable of printing at a rate of 1,000 impressions per hour or more.

 SCHEDULE II

[Subsection 4(2)]

Penal Code

Section 255	Counterfeiting a Government stamp.
Section 292	Sale, <i>etc.</i> , of obscene books, <i>etc.</i>
Section 298A	Causing, <i>etc.</i> , disharmony, disunity, or feelings of enmity, hatred or ill-will, or prejudicing, <i>etc.</i> , the maintenance of harmony or unity, on grounds of religion.
Section 464	Making a false document.
Section 466	Forgery of a record of a Court, or a public Register of Birth, <i>etc.</i>
Section 467	Forgery of a valuable security or will.
Section 468	Forgery for the purpose of cheating.
Section 469	Forgery for the purpose of harming the reputation of any person.
Section 489A	Forging or counterfeiting currency notes or bank notes.
Section 499	Defamation.
Section 501	Printing or engraving matter known to be defamatory.

Sedition Act 1948

Paragraph 4(1)(c)	Printing any seditious publication.
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Internal Security Act 1960

Section 24	Printing proscribed document.
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LAWS OF MALAYSIA**Act 301****PRINTING PRESSES AND PUBLICATIONS ACT 1984**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A684	Printing Presses and Publications (Amendment) Act 1987	08-01-1988

LAWS OF MALAYSIA**Act 301****PRINTING PRESSES AND PUBLICATIONS ACT 1984**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
3	Act A684	08-01-1988
7	Act A684	08-01-1988
8A	Act A684	08-01-1988
8B	Act A684	08-01-1988
8C	Act A684	08-01-1988
9	Act A684	08-01-1988
9A	Act A684	08-01-1988
12	Act A684	08-01-1988
13	Act A684	08-01-1988
13A	Act A684	08-01-1988
13B	Act A684	08-01-1988

