



# LAWS OF MALAYSIA

REPRINT

**Act 336**

## **MINOR OFFENCES ACT 1955**

*Incorporating all amendments up to 1 January 2006*

PUBLISHED BY  
THE COMMISSIONER OF LAW REVISION, MALAYSIA  
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968  
IN COLLABORATION WITH  
PERCETAKAN NASIONAL MALAYSIA BHD  
2006

**MINOR OFFENCES ACT 1955**

First enacted	... ..	1955 (F.M. Ordinance No. 3 of 1955)
Revised	... ..	1987 (Act 336 w.e.f. 31 October 1987)

*PREVIOUS REPRINT*

*First Reprint* ... .. 2000

# LAWS OF MALAYSIA

## Act 336

### MINOR OFFENCES ACT 1955

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**LAWS OF MALAYSIA****Act 336****MINOR OFFENCES ACT 1955**

An Act relating to minor offences.

*[Section 33—3 March 1955;  
Remainder—1 September 1955;  
Malacca—1 July 1955, L.N. 311/1955]*

**Short title and application**

1. (1) This Act may be cited as the Minor Offences Act 1955.
- (2) This Act shall apply to Peninsular Malaysia only.

**Interpretation**

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

“cattle” includes bulls, cows, bullocks and buffaloes;

“Chief Police Officer” means the Chief Police Officer of a State;

“horse” includes mules, ponies and asses;

“local force” includes any force raised and maintained in Malaysia under the provisions of any written law;

“Minister” means the Minister charged with responsibility for the police;

“place of public resort” means any place licensed under any written law in force in Malaysia relating to theatres and includes an amusement park;

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

“public road” includes every road, street, bridge, passage, footway or square over which the public have a right of way; and the expression “in or near any public road” includes all places in the public road and all places within ten yards of it not being effectually separated from and hidden from the road by a wall or otherwise;

“vehicle” includes any vehicle whether mechanically propelled or otherwise;

“visiting force” means any visiting force lawfully present in Malaysia under any written law for the time being in force relating to visiting forces;

“Peninsular Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 [*Act 388*], and includes the Federal Territory of Kuala Lumpur.

(2) The arcade of any house, where such arcade abuts on any street, notwithstanding any rights of property in the owner of such house, shall, for the purposes of this Act, be deemed to be a public footway.

## ORDERS AS TO FIREWORKS

### **Restriction on letting off of fireworks**

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

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

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

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

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

#### BURNING MATERIAL OR DISCHARGING FIREARMS

##### **Burning material or discharging firearms**

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

#### ANIMALS

##### **Mad, dangerous and wild animals**

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

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

(3) In this section “veterinary authority” shall have the same meaning as in the Animals Act 1953 [Act 647], and “game warden” includes every person who has the powers of a game warden under any written law relating to wild animals for the time being in force in Malaysia or any part thereof.

### **Dog running at persons, etc.**

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

### **Liability of dog owner**

7. (1) The owner of every dog which shall cause injury to any person shall be liable to a fine not exceeding fifty ringgit; and compensation for any such injury not exceeding one hundred ringgit shall be assessed by the magistrate and shall be recoverable in the manner provided by law for the recovery of fines before magistrates, in addition to any other fine imposed under this subsection, from the owner of the dog and shall be payable to the person injured.

(2) In any prosecution relating to any dog under subsection (1), it shall not be necessary to show a previous vicious propensity in such dog or the owner’s knowledge of such previous propensity or that the injury was attributable to neglect on the part of such owner.

(3) The occupier of any house or premises where any dog was kept or permitted to live or remain at the time of causing any such injury as is referred to in subsection (1) shall be deemed to be the owner of such dog and shall be liable as such unless the said occupier can prove that he was not the owner of such dog at the time the injury complained of was committed and that such dog was kept or permitted to live or remain in the said house or premises without his sanction or knowledge:

Provided that where there are more occupiers than one in any house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular part of the premises in which such dog shall have been kept or permitted to live or remain at the time of such injury shall be deemed to be the owner of such dog.

(4) No compensation shall be payable to any person under this section in respect of injury sustained in any house or premises except upon proof that he entered such house or premises in the ordinary course of his duties or with the express or implied permission of the occupier.

(5) No criminal liability shall arise under this section in respect of any injury sustained by any person in any house or premises unless such person has entered such house or premises in the ordinary course of his duties or with the express or implied permission of the occupier.

(6) The owner shall not be liable under this section for any injury sustained by any person where such injury was attributable to any wrongful act of such person.

### **Letting loose dog or other animal**

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

### **Animals damaging property**

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

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

### **Animals led or driven on a public road at night**

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

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

### **Miscellaneous offences**

**11.** Any person who—

- (a) leads, drives or rides any horse, cattle, sheep, goat or pig on any public road in such a manner as not to have control over the same or in such a manner as to cause danger or obstruction to persons or traffic moving on the road;
- (b) drives, rides or leads any elephant on any public road without the permission of the Chief Police Officer or of an officer authorized by him in writing by name or office;
- (c) drives or rides any animal in a manner so rash or negligent as to indicate a want of due regard for the safety of others;
- (d) being in charge of any horse, cattle, sheep, goat or pig in any public road or public place fails to take proper steps to keep such animals under proper control;
- (e) exposes in any public road for show, hire or sale any horse or other animal or cleans or dresses any horse or other animal in such a manner as to interfere with the traffic,

shall be liable to a fine not exceeding fifty ringgit.

### **NUISANCES**

#### **Offences in relation to public roads**

**12.** Any person who—

- (a) without lawful authority or excuse lays any stone, brick or other article on any public road so as to cause an obstruction thereto or so as to make the use of the road less convenient;
- (b) allows to remain on any public road any article which has fallen from any vehicle of which he is in charge;

- (c) rides or drives any vehicle upon any public footway;
- (d) causes or allows goods or other articles to rest on any public footway or other part of a public road or otherwise causes or allows such goods or other articles to create obstruction or inconvenience to the passage of the public for a longer time than may be absolutely necessary for loading or unloading such goods or other articles;
- (e) flies any kite or plays at any game or does any act which unreasonably obstructs or interferes with the traffic in any public road, or the wires of any telephone or telegraph, or public electric lighting system,

shall be liable to a fine not exceeding fifty ringgit.

**Excessive noise**

**13.** (1) Any person who—

- (a) beats within the limits of any town or village between the hours of midnight and 6 a.m. or in any public road or public place at any hour, a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any instrument or utensil in such a manner as to cause annoyance or inconvenience to occupants of any premises in the vicinity; or
- (b) operates or causes or suffers to be operated any gramophone or wireless loud speaker or pianola or other form of music mechanically or electrically produced in such a manner as to cause annoyance or inconvenience to occupants of any premises in the vicinity; or
- (c) operates or causes or suffers to be operated in or near any public road or public place or in any shop, business premises, building or place which adjoins any public road or public place any gramophone or wireless loud speaker or any other instrument whatsoever for the production of noise or music in such a manner as to cause annoyance or inconvenience to occupants of any premises in the vicinity,

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

(2) Any police officer not below the rank of Inspector, on the complaint of a house holder that the noise of any such instrument is dangerous to any sick person living near the place where such instrument is being operated, or for any other good and sufficient

reason, may enter upon the premises or other place where the instrument is being operated, and after warning stop the same, either by the removal of the instrument or in some other appropriate way.

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

### **Insulting behaviour**

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

### **Miscellaneous nuisances**

**15.** (1) Any person who—

(a) *(Deleted by Act No. 40 of 1967);*

#### **Bathing in public**

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

#### **Obstructing person bathing**

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

**Spitting**

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

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

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

**Affixing bills or otherwise defacing property, etc.**

(2) Any person who without authority in the case of public property or without the consent of the owner or occupier in the case of private property—

- (a) affixes or causes to be affixed any advertisement, bill or notice, or any paper or banner against or upon any property;
- (b) writes upon, marks, defaces or tampers with chalk or paint or in any other way any property;
- (c) damages, alters or removes any property,

shall be liable to a term of imprisonment not exceeding one year or a fine not exceeding one thousand ringgit or to both.

In this subsection the expression “property” includes any building, wall, road, fence, tree, lamp standard, lamp or telephone post, traffic sign and notice board.

**Offering, soliciting to offer, or loitering for the purpose of offering, services for profit or reward**

**15A.** (1) Any person who in any Government office or in the office of any public authority, or in the vicinity thereof offers, or solicits to offer, or loiters for the purpose of offering, for profit or reward his services to any person having business in that office or any other office (whether or not the services so offered relate

to the business) shall be guilty of an offence punishable with a fine not exceeding five hundred ringgit or with imprisonment for a term not exceeding six months or to both:

Provided that the foregoing provisions shall not apply to—

- (a) any person who is licensed under any written law or is otherwise authorized to act as a petition writer; and
- (b) any officer in the office specifically appointed to advise the public on the business carried on in the said office.

(2) For the purpose of this section “Government office” includes the office of the Registrar of Federal Court, the High Court, Sessions Court or Magistrate’s Court, and “public authority” shall mean a local authority, or a statutory authority exercising powers vested in it by Federal or State law.

(3) Any person offering or soliciting to offer his services or loitering in any office mentioned in subsection (1) or in the vicinity thereof shall be presumed until the contrary is proved to have offered or solicited to offer, as the case may be, his services for profit or reward.

#### MILITARY, POLICE AND MARINE

#### **Unlawful possession of military, naval, air force or police stores**

**16.** Any person who knowingly detains, buys, exchanges or receives from any person serving in the armed forces of Malaysia or in any local force or visiting force or from any member of the police force of Malaysia or of Singapore any accoutrements, clothing or other military, naval, air force or police stores or necessities, or any other property belonging to the Government of Malaysia or of Singapore or the Government of the country to which such visiting force belongs, or any medal for good conduct or for distinguished or other services, or who has in his possession or keeping any such accoutrements, clothing or other military, naval, air force or police stores or necessities or other property or medal as above and does not give a satisfactory account how he came by the same shall be liable to a fine not exceeding fifty ringgit or to imprisonment for a term not exceeding six weeks or to both.

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

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

**HOTELS AND PUBLIC HOUSES****Disorderly conduct in hotels, boarding-houses, etc.**

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

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

neglects or defaults as fully and effectually as if such agent or servant had been the keeper of such hotel, boarding-house, public house, common lodging house, eating house, coffee shop, or other place of public entertainment or resort.

## POUNDS

### **Public pounds to be provided**

**19.** (1) Public pounds shall be provided and pound-keepers appointed at such places as the Menteri Besar or Chief Minister in the State may direct.

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

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

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

### **Penalty for pound breach**

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

(6) Every pound-keeper shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

OTHER OFFENCES

**Corpses and dying persons**

**20.** Whoever deposits or causes to be deposited any dying person or any corpse in any public place or in any private place without the consent of the owner shall be liable to a fine not exceeding two hundred and fifty ringgit or to imprisonment for a term not exceeding six months or to both.

**Disorderly conduct at public meetings**

**20A.** (1) If a police officer reasonably suspects any person at a lawful public meeting of acting or inciting others to act in a manner likely to cause a breach of the peace or of persistently interrupting the proceedings at such meeting in a manner likely to prevent the transaction of the business for which such meeting was convened, he may, if so requested by the chairman of such meeting, require such person forthwith to leave the place where such meeting is being held until after the conclusion of the proceedings thereof.

(2) Any person who fails to comply with the requirement of a police officer made under subsection (1) shall be guilty of an offence and liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding two months or to both.

**Drunkenness and disorderly behaviour in public places**

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

**Wilful trespass**

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

**23.** *(Deleted by Ord. 43 of 1958).*

**Illegal drilling**

**24.** Any person, not being a member of the armed forces of Malaysia or of any local force or visiting force or of the police force of Malaysia, who—

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

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

**Wearing unauthorized uniform**

**25.** Whoever wears without due permission the uniform appointed for the use of any of the armed forces of Malaysia or of any local force or visiting force or of the police force of Malaysia or of Singapore or of any Government or Local Authority or any dress having the appearance or bearing any of the regimental or other

distinctive badges of such uniform or any colourable imitation thereof shall be liable on conviction to a fine not exceeding fifty ringgit, and any such uniform, dress, badge or mark may be forfeited:

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

**Wearing, possessing or manufacturing of camouflage uniform**

**25A.** (1) Any person, not being a member of the armed forces of Malaysia or of a visiting force, who wears any camouflage uniform or any part thereof or anything resembling a camouflage uniform or has in his possession, custody or control any camouflage cloth or camouflage uniform or any part thereof or anything resembling any camouflage uniform or camouflage cloth shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding six months or to both.

(2) Any person, without the written permission of the Minister, who makes, manufactures, sells, buys, imports or exports any camouflage cloth or any camouflage uniform or any part thereof or anything resembling camouflage uniform or camouflage cloth shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

(3) (a) Any police officer may without warrant arrest any person suspected of committing any offence under this section and any goods in relation to which the offence was committed may be seized by such police officer.

(b) An order for the forfeiture of any goods seized under paragraph (a) shall be made by the Court notwithstanding that no person may have been convicted of an offence under this section.

(4) For the purposes of this section—

“camouflage cloth” means a type of cloth for making camouflage uniform as specified in Part I of the Second Schedule;

“camouflage uniform” means a uniform designed as specified in Part II of the Second Schedule;

“Minister” means the Minister for the time being charged with the responsibility for defence;

“visiting force” has the same meaning assigned thereto by the Visiting Forces Act 1960 [Act 432].

(5) The Minister may by order from time to time amend the Second Schedule.

### **Unlawful use of boundary marks**

**26.** (1) Whoever unlawfully emplaces or erects or causes to be emplaced or erected any boundary mark to indicate or apparently to indicate a boundary of any land shall be liable to a fine not exceeding five hundred ringgit.

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

## **IDLE AND DISORDERLY PERSONS**

### **Unlicensed hawkers**

**27.** (a) Every hawker wandering abroad and trading without being duly licensed or otherwise authorized by law;

### **Prostitutes**

(b) every prostitute behaving in a disorderly or indecent manner in or near any public road or in any place of public resort;

### **Beggars**

(c) every person begging in a public place, or in a place to which the public are admitted without payment or on payment, or using in any such place conduct calculated to induce the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise), and having or able to have other lawful means of livelihood;

- (d) every person resorting to begging within two years of having been an inmate in a welfare home under the Destitute Persons Act 1977 [Act 183],

shall be deemed to be an idle and disorderly person and shall be liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding one month or to both.

### **Licensing of hawkers**

**27A.** (1) The Ruler or Yang di-Pertua Negeri, as the case may be, may make rules providing for the licensing of hawkers or of any class or classes of hawkers in any area in such State:

Provided that a hawker who is licensed or required to be licensed upon the payment of a fee under any other written law in force in such State shall not be required to be licensed under any rule made pursuant to the provisions of this subsection.

(2) The Ruler or Yang di-Pertua Negeri, as the case may be, may, by rules made under this section, prescribe the fees which may be charged for any licence issued.

(3) Rules made under this section or any by-laws made by a local authority under any written law shall provide that a hawker's licence shall not be granted to any person (otherwise than by way of renewal of a licence for the year immediately preceding or for the sale of fresh food or drink only) except upon the production by such person of a certificate signed by a police officer of or above the rank of Assistant Superintendent, or by the Officer in Charge of a Police District, certifying that such person is of good character and a proper person to be licensed as a hawker.

(4) Before issuing a certificate to any persons under the preceding paragraph, a police officer of or above the rank of Assistant Superintendent, or the Officer in Charge of a Police District, may require such person to provide his photograph in duplicate and to submit to all such steps as may be reasonably necessary for the taking and recording of his finger-prints.

## ROGUES AND VAGABONDS

**Persons previously convicted under section 27**

28. (a) Any person committing any of the offences mentioned in section 27 of this Act, after having been previously convicted as an idle and disorderly person;

**Fortune-tellers**

- (b) every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose upon any person;

**Wanderers failing to give a good account of themselves**

- (c) every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any vehicle, not having any visible means of subsistence, and not giving a satisfactory account of himself;

**Exposure of obscene or indecent prints, etc.**

- (d) every person wilfully exposing to view, in or near any public road or in any public place, any obscene print, picture or other indecent exhibition;

**Exposure of person with intent**

- (e) every person wilfully, openly, lewdly and obscenely exposing his person with intent to insult any other person;
- (f) (*Deleted by Act No. 19 of 1965*).

**Fraudulent charitable collections**

- (g) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;

**Public betting or gaming**

- (h) every person playing or betting by way of wagering or gaming in or near any public road or in any public place at or with any table or instrument of gaming, or any coin, card, token or other article used as an instrument or means of such wagering or gaming at any game or pretended game of chance;

**Possession of housebreaking implements or offensive weapons**

- (i) every person who shall be found between the hours of sunset and sunrise—
- (i) armed with any dangerous or offensive weapon or instrument, with intent to commit housebreaking; or
  - (ii) having in his possession without lawful excuse (the proof whereof shall lie on such person) any key, picklock, crow-bar, jack, bit or other implement of house-breaking; or
  - (iii) having his face blackened or disguised with intent to commit any offence; or
  - (iv) in any building with intent to commit any offence therein;

**Being found on premises for unlawful purpose**

- (j) every person being found in or upon any dwelling house, or premises for the custody of property, or in any enclosed yard, garden or area, for any unlawful purpose;

**Suspected persons, reputed thieves frequenting or loitering with intent**

- (k) every suspected person or reputed thief, frequenting or loitering in or about any river, canal or navigable stream, dock or basin, or any quay, wharf or warehouse near or adjoining thereto or any public place or in or near any public road with intent to commit a seizable and non-bailable offence, and in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances

of the case, and from his known character as proved to the Court, it appears that his intent was to commit a seizable and non-bailable offence; and

### **Idle and disorderly person resisting arrest**

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

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

## FRAUDULENT POSSESSION OF PROPERTY

### **Fraudulent possession of property**

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

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

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

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

(5) Any person who—

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

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

is subsequently convicted of an offence punishable under this section shall be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

### **Search for property stolen or fraudulently obtained**

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

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

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

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

(10) Sections 59, 64 and 65 of the Criminal Procedure Code [Act 593] shall apply to searches made under this section.

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

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

Provided that, if the value of such goods, metal or articles does not exceed three hundred ringgit this subsection shall have effect as if for the words “ten days” there were substituted the expression “three days (excluding any weekly holiday)”.

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

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

GENERAL

**Arrest**

**31.** (1) Subject to subsection (2), any police officer may arrest without warrant any person offending in his sight against any of the provisions of this Act, or reasonably suspected of committing any offence against this Act unless such person gives his name and address and satisfies such officer that he will duly answer any summons or other proceeding that may be taken against him.

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

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

**Power to compound offences**

**32.** The Inspector General of Police or any police officer not below the rank of Assistant Superintendent specially authorized in that behalf by the Minister by notification in the *Gazette* may in his discretion compound any offence punishable under section 3, 6, 9, 10, 11 or 12 of this Act by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding twenty five ringgit:

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

**Power of States to legislate on minor criminal matters**

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

(2) The Yang di-Pertuan Agong may, from time to time, revoke or amend any order made under subsection (1) of this section.

**Repeal**

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

(2) *(Deleted by Act No. 19 of 1965).*

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FIRST SCHEDULE

[Subsection 34(1)]

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

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SECOND SCHEDULE

[Subsection 25A(4)]

PART I

Camouflage cloth is a piece of cloth made up of cotton drill or polyester viscose material of khaki base colour with intermittent brown, grey, dark green and black patches of unspecified shape and size.

PART II

Camouflage uniform is a uniform comprising of a hat, a long sleeve jacket and trousers made up from camouflage cloth.

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## LAWS OF MALAYSIA

### Act 336

#### MINOR OFFENCES ACT 1955

##### LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 43/1958	Corrosive and Explosive Substances and Offensive Weapons Ordinance 1958	01-01-1959
Ord. 63/1958	Minor Offences (Amendment) Ordinance 1958	27-12-1958
Ord. 15/1959	Minor Offences (Amendment) Ordinance 1959	21-03-1959
L.N. 297/1959	Federal Constitution (Modification of Laws) (Supplementary) Order 1959	03-09-1959
Act 23/1960	Visiting Forces Act 1960	30-07-1960
Act 432	Visiting Forces Act 1960	Peninsular Malaysia; 30-07-1960 Sabah and Sarawak; 16-09-1963
Act 15/1961	Minor Offences (Amendment) Act 1961	23-03-1961
Act 19/1965	Vagrants Act 1965	01-03-1965
Act 27/1966	Minor Offences (Amendment) Act 1966	14-04-1966
Act 40/1967	Minor Offences (Malaysia) (Amendment) Act 1967	29-08-1967
P.U. (A) 235/1970	Emergency (Essential Powers) Ordinance No. 37 of 1970	09-07-1970
Act A44	Minor Offences (Amendment) Act 1971	30-04-1971

*Minor Offences*

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Amending law	Short title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A324	Criminal Procedure Code (Amendment and Extension) Act 1976	10-01-1976
Act A354	Constitution (Amendment) Act 1976	27-08-1976
Act 183	Destitute Persons Act 1977	15-11-1977 Sarawak; 27-01-1995
Act A551	Minor Offences (Amendment) Act 1983	20-02-1983
Act A996	Interpretation (Amendment) Act 1997	24-07-1997

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## LAWS OF MALAYSIA

### Act 336

## MINOR OFFENCES ACT 1955

### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
1	Act A966	24-07-1997
2	L.N. 297/1959	03-09-1959
6	Act 40/1967	29-08-1967
7	Act 15/1961	23-03-1961
13	L.N. 297/1959	03-09-1959
15	Act 40/1967	29-08-1967
15A	Act 27/1966	14-04-1966
16	L.N. 297/1959	03-09-1959
17	L.N. 297/1959	03-09-1959
19	L.N. 297/1959	03-09-1959
20A	Ord. 15/1959	21-03-1959
21	Act 40/1967	29-08-1967
22	L.N. 297/1959	03-09-1959
23	Ord. 43/1958	01-01-1959
24	L.N. 297/1959	03-09-1959
25	L.N. 297/1959	03-09-1959
25A	P.U. (A) 235/1970 Act A44	09-07-1970 30-04-1971
27	Act 19/1965	01-03-1965
27A	Ord. 63/1958	27-12-1958

*Minor Offences*

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Section	Amending authority	In force from
28	Act 19/1965	01-03-1965
29	Act A551	20-02-1983
31	Ord. 43/1958 Act 27/1966 Act 40/1967	01-01-1959 14-04-1966 29-08-1967
32	L.N. 297/1959 Act 15/1961	03-09-1959 23-03-1961
33	L.N. 297/1959	03-09-1959
Second Schedule	Act A44	30-04-1971

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