



# LAWS OF MALAYSIA

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REPRINT

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**Act 461**

## **OFFENDERS COMPULSORY ATTENDANCE ACT 1954**

*Incorporating all amendments up to 1 January 2006*

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**OFFENDERS COMPULSORY ATTENDANCE  
ACT 1954**

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**LAWS OF MALAYSIA****Act 461****OFFENDERS COMPULSORY ATTENDANCE  
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**ARRANGEMENT OF SECTIONS**

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## Section

1. Short title
2. Interpretation
3. Compulsory Attendance Centres
4. Appointment of officers to be in charge of Centres
5. Compulsory Attendance Order
6. Obligation of offenders
7. Injury to offender while employed at compulsory work
8. Offences
9. Rules



**LAWS OF MALAYSIA****Act 461****OFFENDERS COMPULSORY ATTENDANCE  
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An Act to provide for the performance, in certain circumstances, of compulsory work by offenders convicted of certain offences and liable to be sentenced to imprisonment or by persons liable to be committed to prison for failure to pay a fine or debt, in lieu of being so sentenced or committed; and for purposes connected therewith.

*[1 January 1957, L.N. 401/1956]*

**Short title**

1. This Act may be cited as the Offenders Compulsory Attendance Act 1954.

**Interpretation**

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

“Centre” means a Compulsory Attendance Centre established under section 3;

“Compulsory Attendance Centre Officer” means any officer appointed under section 4;

“Compulsory Attendance Order” means an order of Court made under section 5;

“compulsory work” means any labour, task, work or course of instruction ordered by the Compulsory Attendance Centre Officer to be undertaken by the offender;

“Director General” means the Director General of Prisons, Malaysia, and includes the Deputy Director General of Prisons;

“offender” means a person in respect of whom a Compulsory Attendance Order is for the time being in force;

“prescribed distance” means, in relation to any particular Centre, the distance which the Minister may from time to time by notification in the *Gazette* prescribe in relation to the Centre.

### **Compulsory Attendance Centres**

3. There shall be established in and for the States of Peninsular Malaysia, under the direction and control of the Director General, at such places as the Minister may from time to time direct, Compulsory Attendance Centres for the performance therein of compulsory work by offenders in pursuance of Compulsory Attendance Orders.

### **Appointment of officers to be in charge of Centres**

4. The Director General shall appoint a Superintendent of Prisons or an Officer in Charge of a prison either by name or office to be in charge of each Centre and such Superintendent or Officer shall be known as the Compulsory Attendance Centre Officer.

### **Compulsory Attendance Order**

5. (1) Where a person, who resides not more than the prescribed distance from a Centre—

- (a) has been convicted of an offence for which he is liable to be sentenced to imprisonment; or
- (b) is liable to be committed to prison for failure to pay a fine or debt, and

the Court is of the opinion that—

- (i) had this Act not been passed, such person would have been adequately punished by a sentence of imprisonment for a period not exceeding three months; and
- (ii) having regard to the character of such person, the nature and seriousness of the offence or the circumstances of such person’s failure to pay (as the case may be) and all the other circumstances of the case, it is inexpedient to commit him,

the Court may, in lieu of such sentence or committal, make a Compulsory Attendance Order requiring such person to attend daily at a Centre to be specified in such Order and to undertake compulsory work for a period not exceeding three months and for such number of hours each day not exceeding four as may be specified in such Order, and may, for further ensuring due compliance with such Order, require the offender to enter into a bond with or without sureties.

(2) Where the Court has reason to doubt whether any such person is physically capable for employment on compulsory work the Court—

- (a) may cause him to be medically examined;
- (b) shall not make a Compulsory Attendance Order unless it is shown to the satisfaction of the Court that he is so capable; and
- (c) shall specify in the Compulsory Attendance Order, if such an order is made, any compulsory work for which the Court is satisfied he is not physically capable.

(3) The number of hours each day during which the offender shall be required to be employed under subsection (2) shall not exceed four exclusive of any intervals prescribed for meals, refreshment or rest and shall, if the offender is gainfully occupied in employment, occupy only that part of the offender's time which would represent leisure hours.

(4) The Court shall, before making a Compulsory Attendance Order, explain to the person concerned in ordinary language the effect of such Order and the consequence of failure to comply therewith and shall not make the order unless such person expresses his willingness to comply with the requirements thereof.

### **Obligation of offenders**

6. (1) Subject to the provisions of any Rules made under this Act and to the terms of the Compulsory Attendance Order, an offender shall, during the continuance in force of such Order report daily at such time and place as, having regard to the offender's circumstances, the Compulsory Attendance Centre Officer may specify.

(2) An offender shall each day undertake such compulsory work as may be ordered by the Compulsory Attendance Centre Officer, which shall be such work as can, in the opinion of that Officer, be completed by the offender having regard to his physical capacity during the number of hours specified in the Compulsory Attendance Order.

(3) If an offender is gainfully occupied in employment, the time at which he is ordered to report daily under subsection (1) shall be such as not to interfere with such employment.

### **Injury to offender while employed at compulsory work**

7. If an offender is injured by an accident arising out of and in the course of his employment on compulsory work, while he is so employed by virtue of a Compulsory Attendance Order, he shall be entitled to receive such free medical and hospital treatment as may be prescribed.

### **Offences**

8. (1) If an offender without reasonable cause—

- (a) fails on any day to report in accordance with subsection 6(1);
- (b) fails on any day to undertake or to complete the compulsory work ordered under subsection 6(2);
- (c) in any way misconducts himself during the time when he is or should be undertaking compulsory work;
- (d) without permission granted by the Compulsory Attendance Centre Officer in such circumstances and subject to such conditions as may be prescribed, absents himself from any place at which he should undertake such compulsory work; or
- (e) fails in any other way to comply with any of the requirements of the Compulsory Attendance Order or the provisions of any Rules made under this Act,



the Compulsory Attendance Centre Officer, after due enquiry, may—

- (i) order that the offender forfeit any remission of the period of such Order which he may have earned, not exceeding such amount as may be prescribed;
- (ii) report the circumstances to the Director General who may order that any further remission be forfeited or that a report in writing be made to the Court, at the same time furnishing the offender with a copy thereof.

(2) On receipt of such report the Court shall cause the offender to be brought before it, and if satisfied as to the truth of such allegations, may pass any sentence or make any Order (including a Compulsory Attendance Order) which the Court could pass or make if the offender were then convicted of the offence in respect of which the original Compulsory Attendance Order was made, due allowance being made for the number of days on which he has completed his daily task, or may admonish the offender without passing any sentence or making any further such Order.

(3) In this section “Court” means the Court by which the original Compulsory Attendance Order was made.

## **Rules**

**9.** (1) The Minister may make Rules, not inconsistent with the Act, for the good management and government of Compulsory Attendance Centres and for the carrying out of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such Rules may prescribe for all or any of the following purposes or matters:

- (a) the staffing of the Compulsory Attendance Centres with Prison Officers or instructors and the supervision, treatment and training of offenders;
- (b) the medical examination, measuring, photographing and taking of statistics, finger impressions or other records of offenders, including detailed personal histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories;

- (c) the kind of compulsory work to be undertaken by the offenders;
- (d) the remission of the period of the Compulsory Attendance Order to be allowed to offenders who duly comply with the Rules on which such remissions are to be made;
- (e) the disposal of the products of the compulsory work of offenders;
- (f) the amount of remission earned to be forfeited for breach of this Act or the Rules made thereunder;
- (g) any other matter which under this Act is required or permitted to be prescribed.

(3) All Rules made under this Act shall be laid as soon as conveniently may be before the Dewan Rakyat, and if a resolution of the Dewan Rakyat is passed within the next subsequent three months after any such Rule is laid before it that such Rule shall be annulled, such Rule shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of any new Rule.

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**LAWS OF MALAYSIA****Act 461****OFFENDERS COMPULSORY ATTENDANCE  
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## LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 211/1956	Minister for Home Affairs (Transfer of Functions) Order 1956	05-07-1956
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
P.U. (B) 324/1970	Titles of Office Ordinance 1949—Notification under section 3	01-01-1971

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**LAWS OF MALAYSIA****Act 461****OFFENDERS COMPULSORY ATTENDANCE  
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## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	L.N. 211/1956 L.N. 332/1958	05-07-1956 13-11-1958
3	L.N. 211/1956 L.N. 332/1958	05-07-1956 13-11-1958
9	L.N. 211/1956 L.N. 332/1958	05-07-1956 13-11-1958
15	P.U. (B) 324/1970	01-01-1971

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