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NATIONAL SERVICE TRAINING ACT 2003

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NATIONAL SERVICE TRAINING ACT 2003

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LAWS OF MALAYSIA**Act 628****NATIONAL SERVICE TRAINING ACT 2003**

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LAWS OF MALAYSIA**Act 628****NATIONAL SERVICE TRAINING ACT 2003**

An Act to provide for the registration and attendance of persons for national service training in Malaysia based on the philosophy of the Rukun Negara, to establish a National Service Training Council for the purposes of such national service training, and for matters connected therewith and incidental thereto.

[16 November 2003, P.U. (B) 346/2003]

ENACTED by the Parliament of Malaysia as follows:

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the National Service Training Act 2003.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

“Director General” means the Director General of National Service Training appointed under section 13;

“community service”—

- (a) shall be any work, service or course of instruction for the betterment of the public at large, and includes any work performed which involves payment to the prison or local authority, of such nature and performed at such time and place and subject to such conditions as may be specified by the Court;
- (b) shall not exceed 240 hours in aggregate; and
- (c) shall be under the responsibility of the Minister charged with the responsibility for social and community service.

“national service training” means the training which persons liable under this Act have to undergo having the aim particularly of preparing Malaysian youths for national service under the National Service Act 1952 [*Act 425*] and generally of creating a nation which is patriotic and resilient and imbued with the spirit of volunteerism guided by the principles of the Rukun Negara;

“Council” means the National Service Training Council established under section 5;

“Minister” means the Minister charged with the responsibility for national service;

“postponement certificate” means a certificate issued under section 20;

“proper authority” means the person appointed by the Council for the purposes of all or any of the provisions of this Act where the expression occurs;

“Rukun Negara” means the philosophy of nationhood as set out in the Schedule.

PART II

LIABILITY FOR NATIONAL SERVICE TRAINING

Proclamation

3. The Yang di-Pertuan Agong may from time to time, by proclamation, direct that, unless this Act provides otherwise, every person who—

(a) on the date of the proclamation, has attained such age as may be specified in the proclamation, not being less than sixteen years, but has not attained such age as may be specified in the proclamation, not being more than thirty-five years; and

(b) is a citizen or permanent resident of Malaysia,

shall be liable to undergo national service training under this Act.

Exemption

4. (1) The Minister may, by notification in the *Gazette*, exempt any person or categories of persons from the operation of this Act.

(2) If any person who, on the date of the proclamation under section 3, is exempted under subsection (1) from the liability to undergo national service training ceases to be so exempted, he shall on such cesser be liable to undergo national service training.

(3) If there is doubt or dispute as to whether any person is exempted by virtue of subsection (1) from the liability to undergo national service training, the onus of proving that he is exempted shall lie on the person claiming such exemption.

(4) The Council may, on the application of a person who is exempted under subsection (1), issue a certificate to the effect that such person is so exempted.

PART III

NATIONAL SERVICE TRAINING COUNCIL

Establishment

5. There is established a National Service Training Council.

Functions

6. (1) The Council shall perform the functions conferred by or under this Act and shall advise the Minister on all matters relating to national service training.

(2) The Minister may from time to time give the Council directions not inconsistent with this Act as to the policy to be followed in the performance of the functions of the Council and the Council shall give effect to such directions.

Membership of the Council

7. (1) The Council shall consist of the following members who shall be appointed by the Yang di-Pertuan Agong on the recommendation of the Minister:

(a) a Chairman;

(b) five members representing the Government; and

(c) not less than three but not more than five other members who shall consist of representatives of the major races in Malaysia.

(2) The Minister may appoint temporarily any member of the Council to act as Chairman for the period—

(a) when the office of the Chairman is vacant;

(b) when the Chairman is absent from Malaysia; or

(c) when the Chairman is, for any other reason, unable to perform the duties of his office.

Tenure of office

8. (1) A member of the Council shall hold office for a period of three years and is eligible for re-appointment.

(2) A member of the Council may resign from his appointment by letter addressed to the Minister.

(3) The Yang di-Pertuan Agong, on the recommendation of the Minister, may revoke the appointment of a member of the Council.

(4) The office of a member of the Council is vacated—

(a) if he dies;

(b) if there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law in relation to corruption; or

(iii) any other offence punishable with imprisonment;

(c) if his conduct, whether in connection with his duties as a member of the Council or otherwise, has been such as to bring discredit on the Council;

(d) if he becomes a bankrupt;

(e) if he is of unsound mind or is otherwise incapable of discharging his duties;

(f) if he absents himself from three consecutive meetings of the Council without the leave of the Chairman;

(g) if his resignation is accepted by the Yang di-Pertuan Agong; or

(h) if his appointment is revoked by the Yang di-Pertuan Agong.

Allowances

9. Members of the Council shall be paid such allowances at such rates as the Minister may determine after consultation with the Minister of Finance.

Procedure of the Council

10. Subject to regulations made under this Act, the Council shall regulate its own procedure.

Committees of the Council

11. (1) The Council may from time to time appoint such committees as it may consider necessary or expedient to assist it in the performance of its functions.

(2) Subject to this Act and any directions that may be issued by the Council, such committees may regulate their own procedure.

(3) The members of such committees may be paid such allowances and other expenses in connection with the work of the committees as the Minister may from time to time determine with the concurrence of the Minister of Finance.

Power to appoint proper authorities

12. (1) The Council shall have the power to appoint proper authorities for the purpose of carrying out the provisions of this Act.

(2) If by or under the provisions of this Act or regulations made under this Act any person is to report to or furnish any information or document to the Council, he shall be deemed to have so reported or furnished the information or document if he reports or furnishes such information or document to the proper authority appointed for such purposes.

(3) If by or under any provision of this Act or regulations made under this Act any order, direction or notification is to be given by the Council, such order, direction or notification shall, unless the context otherwise requires, be deemed to have been properly and lawfully made if made on its behalf by a proper authority appointed for such purpose.

PART IV

NATIONAL SERVICE TRAINING DEPARTMENT

Director General and other officers

13. (1) There shall be a Director General of National Service Training who shall be appointed by the Yang di-Pertuan Agong, on the recommendation of the Minister.

(2) The Minister may appoint such number of Deputy Directors General of National Service Training and other officers as he may consider necessary for the purposes of this Act.

Officers may be appointed to be proper authorities

14. The Director General, the Deputy Director General and other officers may be appointed to be proper authorities for the purposes of section 12.

Power of Minister to issue directions

15. The Minister may from time to time give the Director General directions, not inconsistent with this Act, as to the exercise of the powers and discretions conferred upon the Director General by, and the duties required to be discharged by the Director General under, this Act or regulations made under this Act in relation to all matters which appear to him to affect matters concerning national service training, and the Director General shall give effect to all such directions.

PART V

NATIONAL SERVICE TRAINING

Order for national service training

16. The Minister may from time to time by order published in the *Gazette*, and in such other manner as in his opinion will provide the widest publicity to such order, require all or any category of persons liable to undergo national service training under this Act to undergo national service training.

Nature, place and duration of national service training

17. (1) The national service training referred to in section 16 shall be of such nature and conducted at such place and for such duration (not being longer than ninety days for each occasion) as may be determined by the Council by notification in the *Gazette*.

(2) Persons affected by the order made under section 16 shall be notified by the Council, in such manner as may be determined by the Council, of the time and place at which he must present himself for the purpose of national service training.

(3) The Council shall ensure that every effort is made to ensure that persons affected by the notification under subsection (2) are informed or made aware of the requirements under that subsection.

Failure to attend national service training

18. (1) Any person who fails to present himself for national service training as he is required to do by virtue of the notification issued by the Council under subsection 17(2) commits an offence and shall on conviction be ordered to perform community service.

(2) Any finding of guilt under subsection (1) in respect of any person shall not relieve him from the liability to undergo national service training.

Absence without leave

19. (1) Every person undergoing national service training who absents himself without leave commits an offence and shall on conviction be ordered to perform community service.

(2) Any person who persuades, endeavours to persuade, procures or attempts to procure any person undergoing national service training under this Act to absent himself without leave commits an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) Every person undergoing national service training who persuades, endeavours to persuade, procures or attempts to procure any other person undergoing national service training under this Act to absent himself without leave commits an offence and shall on conviction be ordered to perform community service.

PART VI

POSTPONEMENT OF LIABILITY TO ATTEND
NATIONAL SERVICE TRAINING**Postponement of liability**

20. (1) Subject to this section, any person liable to undergo national service training may apply in the prescribed manner to the proper authority for a certificate of postponement of liability to be called up for national service training on the ground that exceptional hardship would ensue if he were so called up, and may on that ground apply in the prescribed manner to the proper authority for the renewal of any postponement certificate granted to such person.

(2) An application for a postponement certificate or the renewal of the certificate made under this section shall be determined by the proper authority.

(3) An appeal shall lie to the Council from any refusal by the proper authority to grant or renew a postponement certificate.

(4) An application for the grant of a postponement certificate may be made within ten days after the publication of the order made under section 16, or within such extended time as the proper authority may in its discretion allow; and an application for the renewal of a postponement certificate may be made within thirty days before the expiration of the period for which that certificate was granted or last renewed.

(5) The Minister may make regulations as to the principles to be applied, and the circumstances to which regard is or is not to be had, in considering any application under subsection (1) for the grant or renewal of a postponement certificate, and as to the period for which a postponement certificate may be granted or renewed.

Change in circumstances

21. (1) Where an applicant has represented to the proper authority the existence of any circumstance or condition as a reason for the grant or renewal of a postponement certificate and a certificate has been granted or renewed wholly or partly in consequence of such representation, and where at any time while such certificate is in force any change occurs in any such circumstance or condition, the person to whom the certificate was granted shall immediately notify the change in the prescribed manner to the proper authority.

(2) Any person who, being required to notify a change in accordance with this section, fails to do so commits an offence.

(3) If at any time it appears to the proper authority that, by reason of any such change as is referred to in subsection (1) or for any other sufficient reason, the certificate ought to be revoked or the period for which it was granted or last renewed ought to be shortened, the proper authority may revoke the certificate or vary it by shortening the period for which it was granted or renewed.

Suspension pending appeals, etc.

22. Where on the day on which a person is required to present himself in accordance with the notification under subsection 17(2)—

(a) there is in force a postponement certificate relating to such person; or

(b) any application by such person under section 20 has been made and is awaiting determination, then—

(aa) in the case where paragraph (a) applies to a person, the notification shall be of no effect against him; and

(bb) in the case where paragraph (b) applies to a person, the operation of such notification shall be suspended until the determination of such application.

Suspension of right to postponement of liability

23. The Yang di-Pertuan Agong, if satisfied at any time that it is necessary in the national interest or public interest so to do, may by order—

- (a) cancel all or any postponement certificate granted in pursuance of an application under section 20 and in force at the date of the order, either generally or in relation to a specified category of persons or in relation to an individual; and
- (b) abrogate, either generally or in relation to a specified category of persons, any right to apply for the grant of a postponement certificate under that section,

and the Yang di-Pertuan Agong may, by order, vary or revoke any order in force under this section, without prejudice, however, to the previous effect of that order.

PART VII**LEAVE FROM EMPLOYMENT****Leave for national service training**

24. (1) Every employer shall, if any person in his employ is called up for national service training for a period not exceeding thirty days, allow such person in his employ leave for such period to attend national service training.

(2) No employer shall—

- (a) make or cause to be made any deduction from the pay, other remuneration or annual leave of such person; or
- (b) impose or cause to be imposed upon or exact from him any penalty,

by reason of his absence from work during such period.

- (3) Any employer or other person who—
- (a) directly or indirectly refuses, or by intimidation, undue influence, or in any other manner, interferes with the granting to any person the period of leave under subsection (1); or
 - (b) contravenes subsection (2),

commits an offence and shall on conviction be liable to a fine of not less than double the pay and other remuneration due to such person during the period he was called up for national service training or to imprisonment for a term not exceeding two months or to both; and the Court by which any employer is found guilty of an offence under this subsection shall order him to pay to such person the pay and other remuneration to which he is entitled during the period of the national service training.

(4) Section 432 of the Criminal Procedure Code [*Act 593*], except paragraph (1)(d), shall apply to the recovery of moneys due to the employee under subsection (3).

(5) This section shall be binding on the Government of Malaysia and the Government of each State.

(6) Where there is any inconsistency between the provisions of this section and those of any other law, the provisions of this section shall prevail.

PART VIII

APPOINTMENT OF TRAINERS

Power of Minister to appoint trainers

25. (1) A public officer or an officer or servant of a statutory body, or any other person shall be liable at any time to be served with a written notice by or on behalf of the Minister to serve as a trainer in

such capacity, at such place and on such date as may be specified in the notice.

(2) A person served with a notice under subsection (1) shall comply with such notice and if he fails to do so he commits an offence under this Act.

(3) Where a notice under subsection (1) has been served on any such person, the Minister may at any time cancel the notice and, if he thinks fit, cause to be served on such person a further notice under subsection (1).

Period and terms of service of a trainer

26. (1) A person who is liable to serve as a trainer in pursuance of a notice issued under section 25 shall serve as such a trainer in such capacity and at such places and on such dates as may from time to time be determined by the Minister in his discretion, and if the person fails to do so he commits an offence under this Act.

(2) During the period that a public officer or an officer or servant of a statutory body serves as a trainer he shall continue to receive such remuneration as such public officer or as such officer or servant of a statutory body.

(3) The Government may enter into arrangements with the Government of a State or a statutory body in relation to the service of a public officer in the public service of that State or an officer or servant of that statutory body as a trainer under this Act, including the remuneration payable to such public officer or such officer or servant of the statutory body.

(4) Where a person who is not a public officer or an officer or servant of a statutory body becomes liable to serve as a trainer in pursuance of a notice under section 25 is employed, the provisions of section 24 shall apply in relation to his employment.

(5) Notwithstanding subsection (4), the Government may enter into arrangements with the employer of the person referred to

in that subsection in relation to the employment of that person, including matters relating to the remuneration payable to such person.

PART IX

MISCELLANEOUS

Penalties for maiming, etc.

27. (1) Any person who—

- (a) maims or injures any person liable to undergo national service training; or
- (b) administers any drug or other substance to any such person,

with intent in either case to produce in that person any disability or apparent disability and thereby to affect his suitability or apparent suitability to be called up for national service training either generally or in any particular capacity, commits an offence.

(2) Any person who knowingly makes any false statement as to the present or past state of health of any person liable to undergo national service training with intent that such person shall be treated as unsuitable for national service training, commits an offence.

(3) Any person liable to undergo national service training who maims or injures himself, or administers to himself any drug or other substance, with intent in either case to produce in himself any disability and thereby to affect his suitability or apparent suitability for national service training, either generally or in any particular capacity, commits an offence.

(4) Any person convicted of an offence under subsection (1) or (2) shall be liable to imprisonment for a term not exceeding ten years.

(5) Any person liable to undergo national service training shall on being convicted of an offence under subsection (3) be ordered to perform community service.

False statements and forgery

28. (1) Any person who—

(a) in giving information for the purposes of this Act, knowingly or recklessly makes any statement which is false in a material particular; or

(b) with intent to deceive—

(i) forges or uses, or lends to or allows to be used by any other person, any document under this Act; or

(ii) makes or has in his possession any document closely resembling any document under this Act, commits an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) Any person liable to undergo national service training who commits an offence under subsection (1) shall be ordered to perform community service.

Attempts and abetment

29. Any person who attempts to commit or abets the commission of any offence under this Act shall on conviction be liable to the punishment provided for such offence.

Evidence on prosecution

30. Where for the purpose of the prosecution of any person for an offence under this Act by reason of his failure to comply with the notification to present himself for national service training under subsection 17(2) it is necessary to show that he is or was at any particular time liable to present himself for national service training or that he is or was within particular limits of age, he shall be presumed to be, or to have been, at that time so liable or within those limits of age, unless the contrary is proved.

General provisions as to offence

31. (1) Any person who commits an offence against this Act for which no penalty is expressly provided shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both.

(1A) Any person liable to undergo national service training who commits an offence against this Act for which no penalty is expressly provided shall on conviction be ordered to perform community service.

(2) It shall be a defence against a prosecution for an offence under this Act for the accused to prove that he was prevented from complying with the relevant provisions of this Act by circumstances beyond his control.

Regulations

32. Without prejudice to subsection 20(5), the Yang di-Pertuan Agong may make regulations to prescribe anything which under this Act may be prescribed and generally for carrying into effect the provisions of this Act.

SCHEDULE

[Section 2]

RUKUN NEGARA

Our Nation Malaysia, being dedicated to achieving a greater unity of all her peoples; to maintaining a democratic way of life; to creating a just society in which the wealth of the nation shall be equitably shared; to ensuring a liberal approach to her rich and diverse cultural traditions; to building a progressive society which shall be oriented to modern science and technology:

We, her people, pledge our united efforts to attain these ends guided by these principles:

1. Belief in God
 2. Loyalty to King and Country
 3. Upholding the Constitution
 4. Rule of Law
 5. Good Behaviour and Morality
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LAWS OF MALAYSIA**Act 628****NATIONAL SERVICE TRAINING ACT 2003**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A1354	National Service Training (Amendment) Act 2009	01-11- 2009

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act 1354	01-11-2009
18	Act 1354	01-11-2009
19	Act 1354	01-11-2009
27	Act 1354	01-11-2009
28	Act 1354	01-11-2009
31	Act 1354	01-11-2009
