



LAWS OF MALAYSIA

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Act 297

PREVENTION OF CRIME ACT 1959

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PREVENTION OF CRIME ACT 1959

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LAWS OF MALAYSIA

Act 297

PREVENTION OF CRIME ACT 1959

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LAWS OF MALAYSIA

Act 297

PREVENTION OF CRIME ACT 1959

An Act to provide for the more effectual prevention of crime in Peninsular Malaysia and for the control of criminals, members of secret societies and other undesirable persons, and for matters incidental thereto.

[1 April 1959, L.N. 85/1959]

Short title

1. (1) This Act may be cited as the Prevention of Crime Act 1959.
- (2) This Act shall apply to Peninsular Malaysia only.

Interpretation

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

“district, mukim, town or village” means the land included in any district, mukim, town or village under the provisions of any law for the time being in force relating to land;

“Inquiry Officer” means an officer appointed by the Minister under section 8;

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

“Register” means the register kept by the Registrar under section 12;

“registered person” means a person whose name is entered on the Register;

*NOTE—All references to “West Malaysia” shall be construed as reference to “Peninsular Malaysia”—see the Interpretation (Amendment) Act 1997 [Act A996], subsection 5(2).

“registrable categories” means any of the categories prescribed in the First Schedule;

“Registrar” means the Registrar of Criminals appointed under section 3 of the Registration of Criminals and Undesirable Persons Act 1969 [*Act 7*];

(2) References to the supervision of the police shall be construed as references to the obligations imposed upon persons subject to police supervision under section 296 of the Criminal Procedure Code [*Act 593*].

PART I

POWERS OF ARREST AND REMAND

Arrest and production before a Magistrate

3. (1) A police officer may without a warrant arrest any person if he has reason to believe that grounds exist which would justify the holding of an inquiry into the case of that person under this Act.

(2) Any person arrested under subsection (1) shall, unless sooner released, be taken without unreasonable delay, and in any case within twenty-four hours (excluding the time of any necessary journey) before a Magistrate.

Procedure before Magistrate

4. (1) Whenever any person is taken before a Magistrate under subsection 3(2) the Magistrate shall—

- (a) on production of a statement in writing signed by a police officer not below the rank of Assistant Superintendent stating that there are grounds for believing that the name of that person should be entered on the Register, remand the person in police custody for a period of fourteen days; or
- (b) if no such statement is produced, and there are no other grounds on which the person is lawfully detained, direct his release.

(2) Any person remanded under paragraph (1)(a) shall, unless sooner released, on or before the expiry of the period for which he is remanded be taken before a Magistrate, who shall—

(a) on production of:

- (i) a statement in writing signed by the Public Prosecutor or a Deputy Public Prosecutor stating that in his opinion sufficient evidence exists to justify the holding of an inquiry under section 9; and
- (ii) a statement in writing signed by a police officer not below the rank of Assistant Superintendent stating that it is intended to hold an inquiry into the case of that person under section 9,

order the person to be remanded in custody for a period of twenty-eight days; or

(b) if no such statements are produced, and there are no other grounds on which the person is lawfully detained, direct his release.

Duty to produce person in custody before a Magistrate

5. (1) Upon the expiry of the period of twenty-eight days from the date of any order made under paragraph 4(2)(a) the person remanded in custody thereunder shall, if not sooner released, be taken before a Magistrate, who shall—

- (a) if satisfied that there has been unreasonable delay in completing proceedings under this Act, and there are no other grounds on which the person is lawfully detained, direct his release;
- (b) in any other case order the person to be remanded in custody or direct that he be subject to the supervision of the police, for such further period, not exceeding twenty eight days, as he may think necessary for the purpose of completing proceedings under this Act.

(2) Upon the expiry of the period of any order made under paragraph (1)(b) any person remanded in custody thereunder shall, unless sooner released (and whether or not proceedings under this Act have been completed) be taken before a Magistrate, who shall, if there are no other grounds on which the person is lawfully detained, thereupon direct his release.

Person in custody to be brought before Inquiry Officer

6. Every person remanded in custody under section 4 or 5 shall, if not sooner released, as soon as possible be brought before an Inquiry Officer.

Release of person remanded in custody

7. Any person remanded in custody under section 4 or 5 may at any time be taken before a Magistrate who, if there are no other grounds on which the person is lawfully detained—

- (a) shall direct his release if there is produced to him a statement in writing signed by a police officer not below the rank of Assistant Superintendent stating that it is not intended to continue with an inquiry into the case of that person under section 9; or
- (b) in any other case, on the application of a police officer may direct his release subject to—
 - (i) the execution by the person of a bond, with or without sureties, for his due appearance at such place or places and at such time or times and within such period not exceeding forty-two days, as the Magistrate may direct; or
 - (ii) the supervision of the police for such period not exceeding forty-two days as the Magistrate may direct.

PART II**INQUIRIES****Appointment of Inquiry Officers**

8. The Minister may by writing under his hand appoint any person by name or office, and either generally or for any particular case, to be an Inquiry Officer for the purposes of this Act: provided that no police officer shall be appointed to be an Inquiry Officer.

Duties and powers of Inquiry Officers

9. (1) When any person is brought before an Inquiry Officer under section 6 the Inquiry Officer shall inquire and report in writing to the Minister whether there are reasonable grounds for believing that the person is a member of any of the registrable categories.

(2) An inquiry held under subsection (1) shall be held in such manner and in accordance with such procedure as the Minister may direct.

(3) An Inquiry Officer may, for the purpose of any inquiry under this Act—

- (a) procure and receive all such evidence, whether oral or in writing and whether the same be admissible or not under any written law for the time being in force relating to evidence or criminal procedure, which he may think necessary or desirable;
- (b) summon and examine witnesses on oath or affirmation, and may for those purposes administer any oath or affirmation;
- (c) require the production of any document or other thing in his opinion relevant to the inquiry;
- (d) if he considers it necessary in the public interest, receive evidence in the absence of the person who is the subject of the inquiry:

Provided that where any such evidence is received the Inquiry Officer shall communicate to the person the substance of the evidence, so far as he may consider it compatible with the public interest so to do, and shall in every such case include in any report made under subsection 10(2) a statement of the circumstances in which the evidence was received.

(4) Any person summoned as a witness under subsection (3) who without reasonable excuse fails to attend at the time and place mentioned in the summons or who, having attended, refuses to answer any question that may lawfully be put to him or to produce any document or thing which it is in his power to produce, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

Report of Inquiry Officer

10. (1) If the Inquiry Officer is satisfied that there are no sufficient grounds for believing that the person who was the subject of the inquiry is a member of any of the registrable categories, he shall forthwith direct any person having the custody of that person, within twenty-four hours of the receipt of the direction, to produce the person before a Magistrate, who shall thereupon discharge the order of remand made under section 4 or 5 and, if there are no other grounds on which the person is lawfully detained, shall order his immediate release.

(2) If the Inquiry Officer is satisfied that there are reasonable grounds for believing that the person who was the subject of the inquiry is a member of any of the registrable categories, he shall report the grounds, together with his finding, to the Minister, and shall forward a copy of his finding to the officer having custody of the person, who shall forthwith serve a copy of the finding of the Inquiry Officer on that person.

Review by the Minister of decision of Inquiry Officer

11. (1) Any person who was the subject of an inquiry who is dissatisfied with any finding made under subsection 10(2) may within fourteen days of the service thereunder of the copy of the finding on him by notice in writing request the Minister to review the finding.

(2) The Minister shall, upon making any review under subsection (1), and after considering the advice of a law officer thereon—

- (a) confirm the finding made under subsection 10(2); or
- (b) reverse the finding:

Provided that if the Minister reverses any such finding, and the person who made the request is still in custody, the Minister shall within twenty-four hours of his decision direct the person to be taken before a Magistrate, who shall thereupon discharge his order of remand and, if there are no other grounds on which the person is lawfully detained, shall order his immediate release.

PART III

REGISTRATION

Registration of persons believed to be members of any of the registrable categories

12. (1) The Registrar shall keep a Register for the purposes of this Act, in which shall be entered the name of every person—

- (a) who is reported by an Inquiry Officer to be a person in respect of whom there are reasonable grounds for believing that he is a member of any of the registrable categories; and
- (b) who has not requested any review under section 11, or in respect of whom the Minister has confirmed the finding made under subsection 10(2),

together with such other particulars as may be prescribed.

(2) The Minister may, if he shall consider it in the interest of public order or security to do so, with or without inquiry under this Act direct the Registrar to enter in the Register the name, and such other particulars as may be prescribed, of any person who is a member of any of the registrable categories prescribed in Part II of the First Schedule.

Person to be registered to attend before a police officer

13. (1) Any police officer of or above the rank of Inspector may by order in writing direct the attendance before him at such time and place as may be specified in the order of any person whose name is required to be entered in the Register, for the purpose of—

- (a) taking the finger impressions and photograph of the person;
- (b) obtaining any other particulars relating to the person as may be prescribed or as may be necessary for effecting any such registration.

(2) If any person fails to attend as so directed a police officer may report the failure to a Magistrate who shall thereupon issue a warrant to secure the attendance of that person as required.

Removal of name from the Register

14. The Minister may at any time in his discretion direct the Registrar to remove the name of any person from the Register, and thereupon the person shall cease to be a registered person, unless and until his name is subsequently re-entered in the Register in accordance with section 12.

PART IV**CONSEQUENCES OF REGISTRATION****Police supervision**

15. (1) The Minister may by order direct that any registered person named in the order shall be subject to the supervision of the police for any period not exceeding five years, and may renew any such order for a further period not exceeding five years at a time; and the registered person shall be conveyed under police escort to the State, district, mukim, town or village in which he is required to reside under subsection (2) (if any).

(2) Any person placed under the supervision of the police by order made under this section shall also be subject to all or any of the following restrictions, as the Minister may by order direct:

- (a) he shall be required to reside within the limits of any State, district, mukim, town or village specified in the order;
- (b) he shall not be permitted to transfer his residence to any other State, district, mukim, town or village, as the case may be, without the written authority of the Chief Police Officer of any State concerned;
- (c) except so far as may be otherwise provided by the order, he shall not leave the State, district, mukim, town or village within which he resides without the written authority of the Chief Police Officer of the State concerned;
- (d) he shall at all times keep the Officer in Charge of the Police District in which he resides notified of the house or place in which he resides;

- (e) he shall be liable, at such time or times as may be specified in the order, to present himself at the nearest police station;
- (f) he shall remain within doors, or within such area as may be defined in the order, between such hours as may be specified in the order, unless he obtains special permission to the contrary from the Officer in Charge of the Police District;
- (g) except so far as may be otherwise provided by the order, he shall not be permitted to enter any State, district, mukim, town or village specified in the order.

(3) The Minister may from time to time, by order in writing served on the registered person, vary, cancel or add to any restrictions imposed under this section.

(4) A registered person who contravenes or fails to comply with any order or restriction imposed on him under this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding five years and not less than two years.

Registered person not to consort with other registered persons

16. (1) No registered person shall consort or habitually associate with any other registered person without the permission of the Officer in Charge of the Police District in which he resides, unless he shall prove that he did not know and had no reason to suspect that such other person was a registered person.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand ringgit or to both.

Double penalties for crimes of violence

17. Any registered person who is convicted of any offence committed after the date of the entry of his name on the Register under the provisions of any law specified in the Second Schedule shall be liable to imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence, and also to whipping.

Loitering by a registered person in a public place, etc.

18. Any registered person who—

- (a) is found between the hours of sunset and sunrise frequenting or loitering in or about any public place or in or in the neighbourhood of any place of public entertainment; or
- (b) at any time is found in the company of two or more registered persons; or
- (c) at any time is found in or near any place in which any act of violence or breach of the peace is being or has just been committed,

and who is unable satisfactorily to account for his presence at such place or time or in such company shall be guilty of an offence and liable to imprisonment for a term of one year or to a fine of one thousand ringgit or to both.

Harbouring

19. (1) Any person who knowingly conceals or harbours any person who enters any State, district, mukim, town or village in contravention of any order under section 15 shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred ringgit or to both: provided that this subsection shall not apply to the case of a wife harbouring or concealing her husband or a husband harbouring or concealing his wife.

(2) Any person aware of the presence in any State, district, mukim, town or village of any person, not being the husband or wife of the first-mentioned person, who has been ordered not to enter the State, district, mukim, town or village or has been ordered to reside in any other State, district, mukim, town or village, and being aware also of the making of the order, shall in the absence of reasonable excuse, proof whereof shall lie on him, forthwith give information thereof to the nearest police officer or Magistrate, and in default of his so doing shall be guilty of an offence and liable to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty ringgit or to both.

PART V

GENERAL

Powers of police to investigate

20. (1) When a police officer not below the rank of Sergeant has reason to believe that grounds exist which would justify the holding of an inquiry into the case of any person under this Act he or any police officer subordinate to him and acting under his orders may investigate the facts and circumstances of the case so far as they may be relevant to any proceedings in respect of that person under this Act.

(2) In making any investigation under subsection (1) a police officer may exercise all or any of the powers in relation to police investigations in any seizable case which are given him by the law for the time being in force relating to criminal procedure.

Arrest

20A. A police officer may without a warrant arrest any person if he has reason to believe that the person has committed an offence against section 16, 18 or 19 and every such offence shall be seizable and non-bailable for the purposes of the Criminal Procedure Code.

Taking and destruction of photographs and finger impressions

21. (1) A police officer may take or cause to be taken the photograph and finger impressions of any person arrested under subsection 3(1), or whose name is required to be entered on the Register under subsection 12(2), and shall send the photograph and impressions to the Registrar for identification and report; and every such person shall be legally bound to submit to the taking of his photographs and finger impressions, and may be compelled thereto by the use of force if necessary.

(2) Any person who, being legally bound under subsection (1) to submit to the taking of his photographs or finger impressions refuses or fails to submit thereto on demand shall be guilty of an offence and liable to imprisonment for a term not exceeding one month or to a fine not exceeding two hundred and fifty ringgit or to both.

(3) Whenever—

- (a) any person whose photograph and finger impressions have been taken under this section is released under section 4, 5, 7, 10 or 11; or
- (b) the name of any person is removed from the Register under section 14,

the officer in charge of the case shall forthwith notify the Registrar thereof, and the Registrar shall, upon the application of the person, deliver to that person the sheet upon which his finger impressions have been made, together with the negative and all copies of any photograph taken of him and forwarded to the Registrar under this section; and if no such application is received within three months from the date of the release or removal the Registrar shall destroy the sheet and every such negative and photograph.

Power to vary Schedules

22. The Dewan Rakyat may by resolution delete any provision from or add to or vary the provisions of the Schedules.

Regulations

23. (1) The Minister may make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the regulations may—

- (a) prescribe the form of the Register, and such other forms as may be necessary or desirable to be used in connection with the matters dealt with in this Act or in any regulations made thereunder;
- (b) require all or any class of registered persons to carry identity cards, provide for the form, issue, production, inspection, cancellation, alteration, endorsement on and replacement of those cards, and the substitution thereof for identity cards issued to those persons under any other written law, and for all other matters necessary or desirable in connection with the cards or the carrying thereof or

the enforcement of the regulations, including the prescription of penalties not exceeding in respect of any offence a fine of five thousand ringgit or imprisonment for a term of three years or both;

- (c) provide for any other matter which under this Act is required or permitted to be prescribed.

(3) All regulations made under this section 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 orders or regulations, as the case may be, are laid before it that the orders or regulations shall be annulled, the orders or regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of any new orders or regulations.

FIRST SCHEDULE

[Sections 2 and 22]

REGISTRABLE CATEGORIES

PART I

1. All members of unlawful societies which—
 - (i) use Triad ritual; or
 - (ii) are constituted or used for purposes involving the commission of offences that are seizable under the law for the time being in force relating to criminal procedure; or
 - (iii) maintain secrecy as to their objects.
2. Persons who belong to any group, body, gang or association of five or more persons who associate for purposes which include the commission of offences involving violence or extortion.
3. All traffickers in opium, *candu*, *bhang* or other deleterious drugs, whether of the same kind as opium, *candu* and *bhang* or not.
4. All traffickers in women and girls, including persons who live wholly or in part on the proceeds of prostitution.
5. All persons habitually concerned in the organization and promotion of unlawful gaming.

PART II

[Subsection 12(2)]

1. All persons who, being not less than twenty-one years of age, have since attaining the age of seventeen been convicted on at least three occasions of offences involving dishonesty or violence.
2. All persons, who have been convicted of offences against subsection 52(3) of the Societies Act 1966 [*Act 335*].
3. All persons who have at any time been the subject of banishment orders under any law for the time being in force relating to banishment, whether or not such orders have been revoked or cancelled or are spent.
4. All persons who are subject to orders under the Restricted Residence Act 1933 [*Act 377*].

SECOND SCHEDULE

[Sections 17 and 22]

1. Offences under sections 42, 43, 44 and 52 of the Societies Act 1966.

2. Offences under the Penal Code [*Act 574*], as follows:

Sections 323, 324, 325, 327, 332, 333, 346, 347, 352, 353, 356, 357, 365, 384 to 387, 392, 393, 399, 401, 402, 447, 448, 450 to 458 and Chapter V and section 511.

3. Offences under the Corrosive and Explosive Substances and Offensive Weapons Act 1958 [*Act 357*].

LAWS OF MALAYSIA**Act 297****PREVENTION OF CRIME ACT 1959****LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act 26/1960	Prevention of Crime (Amendment) Act 1960	30-07-1960
Act 6/1966	Prevention of Crime (Amendment) Act 1966	27-01-1966
Act 13/1966	Societies Act 1966	01-02-1966
Act 23/1967	Interpretation Act 1967	18-05-1967
Act 7	Registration of Criminals and Undesirable Persons Act 1969	02-05-1969
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A324	Criminal Procedure Code (Amendment and Extension) Act 1976	10-01-1976

LAWS OF MALAYSIA
Act 297
PREVENTION OF CRIME ACT 1959

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
	–NIL–	



