



P.U. (A) 143./70

LAWS OF MALAYSIA

Ordinance 32

**EMERGENCY (ESSENTIAL POWERS)
ORDINANCE No. 32, 1970**

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Am: PU(A) 204/70.

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EMERGENCY (ESSENTIAL POWERS)
ORDINANCE No. 32, 1970

An Ordinance promulgated by the Yang di-Pertuan Agong
under Article 150 (2) of the Federal Constitution.

[12th of May, 1970.]

WHEREAS by reason of the existence of a grave emergency threatening the security of Malaysia, a Proclamation of Emergency has been issued by the Yang di-Pertuan Agong under Article 150 of the Constitution; P.U. (A) 145/69.

AND WHEREAS Parliament was dissolved on the twentieth day of March, 1969, and elections to the new Dewan Ra'ayat have not been completed; P.U. (A) 94/69.

AND WHEREAS the Yang di-Pertuan Agong is satisfied that immediate action is required for an Ordinance to be promulgated to amend the Emergency (Essential Powers) Ordinance No. 1, 1969 for the purpose of enabling the resumption of uncompleted elections and to provide for matters connected therewith; P.U. (A) 146/69.
in Sabah and Sarawak
PU (A) 204/70.

IT IS HEREBY ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong pursuant to Clause (2) of Article 150 of the Constitution as follows:

1. This Ordinance may be cited as the Emergency (Essential Powers) Ordinance No. 32, 1970. Citation.

2. (1) Section 7 of the Emergency (Essential Powers) Ordinance No. 1, 1969 is hereby repealed and the following provisions shall have effect. Sub. by PU(A) 204/70
Resumption of uncompleted elections.

(2) Elections to the Dewan Ra'ayat and Legislative Assembly in respect of Sarawak and elections to the Dewan Ra'ayat in respect of Sabah and the constituency of Malacca Selatan shall, subject to the following sections of this Ordinance, be recommenced. PU(A) 204/70

3. Notwithstanding anything contained in any written law—
(a) save as provided in paragraph (b), all writs, notices and other documents issued or made in relation to the elections to the Dewan Ra'ayat and Legislative Assembly in respect of Sarawak and the elections to the Dewan Ra'ayat in respect of Sabah and the constituency of Malacca Selatan Writs, notices, etc., valid except in certain cases, polling days and retaking of polls in certain cases.

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"(1) Subsection (1) of section 7 of the
Emergency (Essential Powers) Ordinance No. 1,
1969 is hereby repealed in so far as it applies
to Sabah and Sarawak; and the following pro-
visions shall have effect.";

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shall continue to remain valid and to have force and effect subject to the following provisions of this Ordinance;

- (b) in respect of the elections recommenced by virtue of this Ordinance, the poll shall be taken on such day or days as may be determined by the Election Commission;
- (c) in any constituency where the poll had commenced but not completed immediately before the coming into force of section 7 of the Emergency (Essential Powers) Ordinance No. 1, 1969, the poll shall be retaken and all documents referred to in regulation 24 (1) of the Elections (Conduct of Elections) (Sabah and Sarawak) Regulations, 1968 and regulation 11 of the Elections (Postal Voting) (Sabah and Sarawak) Regulations, 1968 and all the contents of the sealed boxes referred to in regulation 24 (2) of the Elections (Conduct of Elections) (Sabah and Sarawak) Regulations, 1968 and regulation 13 of the Elections (Postal Voting) (Sabah and Sarawak) Regulations, 1968 in respect thereof shall be destroyed;
- (d) if at any time after the elections are recommenced under this Ordinance, it is shown to the satisfaction of the Election Commission that in any constituency or any polling station, owing to any cause whatsoever, the poll cannot be taken or has not been taken or has been taken but cannot be completed on the date or dates determined under paragraph (b), the Election Commission shall, by notice published in the constituency or local area for which the polling station is designated as the case may be, suspend the poll and appoint fresh date or dates for the poll to be taken or to be completed in such manner as may be directed by the Election Commission.

Death or
disqualifica-
tion of
candidates.

4. (1) In the case where before the poll has commenced by virtue of this Ordinance in any constituency and one of the candidates nominated dies or becomes disqualified for being a member of the Dewan Ra'ayat or the Legislative Assembly of a State as the case may be, the Election Commission shall, upon being satisfied with such fact, countermand the notice of the poll and shall appoint by notice published in the *Gazette* and in such newspapers as it thinks fit a fresh date or dates for the election.

(2) In every such case all proceedings with reference to the election shall be commenced afresh under the relevant provisions of the law relating to elections provided that no

fresh nomination shall be necessary in the case of a qualified candidate who stood nominated at the time of the counter-mand of the poll.

5. (1) Except as provided in sub-section (2) soliciting for votes or support for or on behalf of any candidate or any political party or the political or other opinion entertained or supposed to be entertained by such candidate or such political party or the use or display of any slogan for any candidate or any political party shall be prohibited.

Restrictions
on election
campaign.

(2) Notwithstanding sub-section (1)—

(a) symbols or pictures of the candidates or symbols of political parties participating in the election together with the words "Vote For" may be used or displayed in accordance with the provisions of any law relating to election offences;

(b) in any constituency where all proceedings with reference to the election are commenced afresh under section 4 (2) and where a new candidate or candidates have been nominated, each of the candidates in such constituency may subject to sub-section (3) issue and distribute a manifesto containing the picture of the candidate and his symbol or the symbol of a political party setting out the aims and objectives of the candidate or party:

Provided that such manifesto shall not contain matters which are likely to lead to the breach of the peace or public order or likely to promote feelings of ill-will and hostility between the different races or classes of the population:

Provided further that the distribution of such manifesto shall be limited to one issue only, and shall be confined within the limits of such constituency.

(3) The Minister charged with the responsibility for Home Affairs may in any particular case prohibit the distribution of any manifesto in the interest of public security.

(4) Any person who contravenes sub-section (1) and any person who distributes or causes to be distributed any manifesto which has been prohibited under sub-section (3) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand dollars or to both such imprisonment and fine.

(5) For the purpose of this section, "soliciting for votes or support" includes—

- (a) convening or organising or assisting in convening or organising any public meeting, procession or demonstration with a view to or for the purpose of gaining votes or support;
- (b) interviewing members of the public for the purpose of the election except as provided for in section 26A of the Election Offences Act, 1954;
- (c) writing, printing, distributing or displaying or causing to be written, printed, distributed or displayed any appeal in favour of or against any candidate or political party except as provided in sub-section (2);
- (d) damaging, altering or removing any posters, papers or banners which had been displayed under sub-section (2) (a);
- (e) using any musical instrument or loud speaker in or upon any premises, vessels, animals, motor cars, trucks or other vehicles as or for the purpose of political propaganda;
- (f) making statements of a political nature to the press;
- (g) incurring any expenditure for any of the matters specified above.

Act 5.

Operation
of laws
relating to
elections.

(in Sabah and
Sarawak

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6. (1) Subject to this Ordinance, all laws relating to elections in force shall apply to anything done or omitted to be done in respect of elections in Sabah and Sarawak ~~and the constituency of Malacca Selatan~~ recommenced by virtue of this Ordinance.

(2) This Ordinance shall cease to have effect as soon as the elections recommenced by virtue of this Ordinance shall have been completed save in respect of anything done or omitted to be done under this Ordinance or under any other law relating to elections.

Promulgated at Istana Negara, Kuala Lumpur, on 10th day of May, 1970.

[MGN (PA) R. 21.11/Jld. 4.]

TUANKU ISMAIL NASIRUDDIN SHAH,
Yang di-Pertuan Agong