



MALAYSIA

PERPUSTAKAAN  
PEGUAM-NEGARA  
MALAYSIA  
KUALA LUMPUR

23 APR 1976

20/4

# Warta Kerajaan

SERI PADUKA BAGINDA  
DITERBITKAN DENGAN KUASA

*HIS MAJESTY'S GOVERNMENT GAZETTE*  
*PUBLISHED BY AUTHORITY*

Jil. 20  
No. 7

1hb April, 1976

TAMBAHAN No. 20  
PERUNDANGAN (A)

✓ P.U. (A) 92.

## ORDINAN LALULINTAS JALAN, 1958

PADA menjalankan kuasa-kuasa yang diberi oleh perenggan (f) seksyen-kecil (1) seksyen 73 Ordinan Lalulintas Jalan, 1958, Menteri membuat 49/58. kaedah-kaedah yang berikut:

1. Kaedah-kaedah ini bolehlah dinamakan **Kaedah-kaedah Kenderaan Barang (Memuat dan Menurunkan Barang) (Kuala Lumpur) (Pindaan), 1976.** Nama.

2. Kaedah 2 Kaedah-kaedah Kenderaan Barang (Memuat dan Menurunkan Barang) (Kuala Lumpur) (Pindaan), 1976 adalah dengan ini dipinda dengan menambah perkataan "half-past" selepas sahaja perkataan "from" yang terdapat dalam perenggan (b). Pindaan bagi kaedah 2. L.N. 294/62.

Bertarikh pada 19 haribulan Mac, 1976. <  
[KRP/PJR/(S) 69; PKL. 2362; PN. (PU<sup>2</sup>) 177 Pt. II.]

DATUK HAJI ABDUL GHANI GILONG,  
Menteri Kerjaraya dan Pengangkutan

(Akan dibentangkan dalam Dewan Rakyat dengan seberapa segera yang boleh di bawah seksyen-kecil (2) seksyen 151 Ordinan Lalulintas Jalan, 1958.)

## ROAD TRAFFIC ORDINANCE, 1958

IN exercise of the powers conferred by paragraph (f) of subsection (1) of section 73 of the Road Traffic Ordinance, 1958, the Minister makes 49/58. the following rules:

1. These Rules may be cited as the **Goods Vehicles (Loading and Unloading) (Kuala Lumpur) (Amendment) Rules, 1976.** Citation.

Ins. Pu(A) 489/98  
L TERM OF

- 9. PRICE.....
- 10. PAYMENT.....
- 11. DATE OF DELIVERY.....
- 12. PLACE OF DELIVERY.....
- 13. \*.....
- 14. \*.....

(Company seal/Signature of buyer)

(Name)

Sub. Pt

Pu(A) 489/98

(Company seal/Signature of seller)

(Name)

Pu(A) 489/98

Sub. I

Sub. I

Department the words "Malaysian Grading Rules for Sawn Hard-wood Timber (1984 Edition) made by the Malaysian Timber Industry Board" and

request the grading authority to check-grade the scheduled timber.)

- 15. \* (Include such other terms and conditions as may be agreed upon.)

Made this 29th day of March, 1976.

[LPKM. 3/002; KPU (E) O. 6/1/105; PN (PU<sup>2</sup>) 129 Pt. II.]

MUSA HITAM,

Minister of Primary Industries



**P.U. (A) 97.**

**AKTA MALAYSIA**

**PERINTAH PENGUBAHSUAIAN UNDANG-UNDANG (ACARA JENAYAH) (SABAH DAN SARAWAK), 1976**

Akta 23/63.

PADA menjalankan kuasa-kuasa yang diberi oleh seksyen 74 Akta Malaysia, Yang di-Pertuan Agong dengan ini membuat perintah yang berikut:

Nama dan mula berkuatkuasa.

1. Perintah ini bolehlah dinamakan **Perintah Pengubahsuaian Undang-undang (Acara Jenayah) (Sabah dan Sarawak), 1976**, dan hendaklah disifatkan sebagai telah mula berkuatkuasa pada 10hb Januari, 1976.

Pengubahsuaian N.M.B. Bab 6 dalam pemakaiannya bagi Sabah dan Sarawak.

2. Kanun Acara Jenayah (N.M.B. Bab 6) (kemudian daripada ini disebut Kanun itu) sebagaimana diperluaskan ke Sabah dan Sarawak oleh Akta Kanun Acara Jenayah (Pindaan dan Perluasan), 1976 (Akta A324) hendaklah berkuatkuasa di Sabah dan Sarawak tertakluk kepada pengubahsuaian-pengubahsuaian yang dinyatakan dalam Jadual Pertama.

Pengubahsuaian lain-lain undang-undang Sabah dan Sarawak, yang berbangkit.

3. Ordinan Sabah yang dinyatakan dalam ruang pertama Bahagian I dalam Jadual Kedua dan Ordinan-ordinan Sarawak yang dinyatakan dalam ruang pertama Bahagian II dalam Jadual Kedua hendaklah berkuatkuasa di Sabah atau Sarawak, mengikut mana yang berkenaan, tertakluk kepada pengubahsuaian-pengubahsuaian yang dinyatakan masing-masing dalam ruang kedua Bahagian I dan II.

## JADUAL PERTAMA

(Perkara 2)

PENGUBAHSUAIAN-PENGUBAHSUAIAN YANG HENDAK DIBUAT  
KEPADA KANUN ITU DALAM PEMAKAIANNYA BAGI SABAH DAN  
SARAWAK

Pengubahsuaian-pengubahsuaian kepada Bahagian II Bab II, iaitu seksyen 6 dan seksyen-seksyen baru 8A hingga 8H, adalah peruntukan-peruntukan peralihan yang berkuatkuasa di Sabah dan Sarawak sehingga mula berkuatkuasanya Akta Mahkamah Rendah, 1948 (*Akta 92*) dalam Negeri-negeri itu, dan apabila berkuatkuasanya Akta itu peruntukan-peruntukan peralihan itu hendaklah terhenti berkuatkuasa.

Seksyen	Ubahsuaian
6 ... ..	<p>Proviso yang berikut hendaklah ditambah di hujung seksyen itu:</p> <p style="padding-left: 40px;">“Provided that the Courts of Magistrates for the administration of criminal justice in Sabah and Sarawak shall be those constituted under the Subordinate Courts Ordinance (<i>Cap. 29</i>) of Sabah and the Subordinate Courts Ordinance (<i>Cap. 42</i>) of Sarawak.”</p>
8A hingga 8H ...	<p>Seksyen-seksyen yang berikut hendaklah dimasukkan selepas sahaja seksyen 8:</p> <p>“Classes of Criminal Courts.</p> <p>8A. (i) The Courts, other than the High Court, for the administration of criminal justice in Sabah and Sarawak to which this Code applies shall be the following:</p> <p style="padding-left: 40px;">(a) Courts of Magistrates of the First Class;</p> <p style="padding-left: 40px;">(b) Courts of Magistrates of the Second Class;</p> <p style="padding-left: 40px;">(c) Courts of Magistrates of the Third Class.</p> <p style="padding-left: 40px;">(ii) Courts of Magistrates shall be constituted in accordance with the provisions of the Subordinate Courts Ordinance (<i>Cap. 29</i>) of Sabah and the Subordinate Courts Ordinance (<i>Cap. 42</i>) of Sarawak.</p> <p style="padding-left: 40px;">(iii) A Magistrate may try any case which is triable by a Court of lower jurisdiction than the Court which could lawfully be constituted by that Magistrate; and when trying that case that Magistrate shall have all the powers which he would have been able to exercise if the case had been triable in the Court of that Magistrate and not in a Court of lower jurisdiction.</p>

## Seksyen

## Ubahsuaian

Jurisdiction. 8B. Subject to the other provisions of this Code, the jurisdiction of every Court in criminal matters shall extend—

(a) to offences committed within Sabah and Sarawak;

(b) to offences committed outside Sabah and Sarawak in cases where such jurisdiction is conferred by or under any law for the time being in force in Sabah or Sarawak or by international law.

Powers of Courts.

8C. (i) Subject to the other provisions of this Code any offence under the Penal Code may be tried by any Court by which such offence is shown in the eighth column of the First Schedule:

Provided that the Yang di-Pertua Negara in respect of Sabah or the Governor in respect of Sarawak, on the recommendation of the Chief Justice, may by warrant which shall be published in the *Gazette*, declare any Magistrate to be a Stipendiary Magistrate and authorise any such Magistrate to try any offence specified in such warrant notwithstanding the limitations set forth in the eighth column of the First Schedule, and in the event of such Magistrate exercising any jurisdiction which by the provisions of the eighth column of the First Schedule is to be exercised by the High Court the provisions relating to trials and matters incidental to trials of offences by the High Court shall apply mutatis mutandis to all such trials and incidental matters where a Magistrate is exercising such powers conferred upon him by such warrant.

(ii) In subsection (i), "the First Schedule" means the First Schedule to the Criminal Procedure Code of Sabah (*No. 4 of 1959*) or the Criminal Procedure Code (*Cap. 58*) of Sarawak, as the case may be.

(iii) Notwithstanding the repeal of the Criminal Procedure Codes of Sabah and Sarawak by the Criminal Procedure Code (Amendment and Extension) Act, 1976 (*Act A324*) the First Schedule to each of the said Codes shall be deemed to continue in force for the purpose of reference in the application of this section.

## Seksyen

## Ubahsuaian

Offences  
under  
other laws.

8D. (i) Subject to the other provisions of this Code, any offence under any law other than the Penal Code shall, when that law makes that offence triable by any particular Court, be triable by that Court or by any other Court of higher jurisdiction.

(ii) Any offence under any written law, other than the Penal Code and not being an offence to which subsection (i) applies shall be triable by any Court to which this Code applies :

Provided that—

- (a) no Court of a Magistrate of the First Class shall try any offence which is punishable with imprisonment for more than three years;
- (b) no Court of a Magistrate of the Second Class shall try any offence which is punishable with imprisonment for more than six months or by a fine of more than one thousand dollars;
- (c) no Court of a Magistrate of the Third Class shall try any offence which is punishable with imprisonment for more than six months or by a fine of more than five hundred dollars.

(iii) Notwithstanding anything in this section contained, the Chief Justice may by order signified in the *Gazette* empower any Court to try any particular offence or class of offences against any written law other than the Penal Code which but for the provisions of this subsection it would not have had jurisdiction to try.

Sentences  
which lower  
Courts may  
pass.

8E. (i) (a) Courts of Magistrates of the First Class may pass a sentence of imprisonment for a term not exceeding twelve months and a fine not exceeding two thousand dollars or a sentence of caning not exceeding twelve strokes or, where the Yang di-Pertua Negara in respect of Sabah or the Governor in respect of Sarawak by warrant under the proviso to section 8C or by notification in the *Gazette*, declares that the Magistrate specified in such notification shall be a

## Seksyen

## Ubahsuaian

Stipendiary Magistrate, a Court presided over by that Magistrate may pass a sentence of imprisonment for a term not exceeding three years and a fine not exceeding five thousand dollars;

(b) Courts of Magistrates of the Second Class may pass a sentence of imprisonment for a term not exceeding six months or a fine not exceeding one thousand dollars;

(c) Courts of Magistrates of the Third Class may pass a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five hundred dollars.

(ii) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorised by law to pass.

(iii) The Yang di-Pertua Negara in respect of Sabah or the Governor in respect of Sarawak may, on the recommendation of the Chief Justice, limit the jurisdiction or the powers of sentence or both of any Magistrate appointed to hold any of the Courts referred to in this section.

Power of Magistrates to sentence to imprisonment in default of fine.

8F. (i) The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorised by section 283:

Provided that the term is not in excess of the Magistrate's powers under this Code.

(ii) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 8E.

Sentence in case of conviction of several offences at one trial.

8G. (i) When a person is convicted at one trial of two or more distinct offences, the Court may, subject to the provisions of section 71 of the Penal Code sentence him for such offences to the several punishments prescribed therefor which such Court is competent to inflict, such punishments to commence the one after the expiration of the other in such order as the Court may direct unless the Court directs that such punishments shall run concurrently.

## Seksyen

## Ubahsuaian

(ii) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fifteen years;

(b) the aggregate punishment shall not exceed three times the amount of punishment which the Magistrate in the exercise of his ordinary jurisdiction is competent to inflict.

(iii) For the purpose of appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

Taking out-  
standing  
offences  
into con-  
sideration.

8H. (i) Where offences other than the one of which an accused person has been convicted and of a similar nature have been committed by him and are still untried and admitted by him and are within the jurisdiction of the Court and he desires that they should be taken into consideration in determining the sentence to be imposed and the Court may, subject to subsection (ii), properly take them into consideration.

(ii) In exercising the jurisdiction conferred by subsection (i) the Court shall record convictions in respect of such offences as such accused person admits without recourse to the provisions of Part VI other than Chapters XXVI and XXVII and proceed to sentence thereon.”

293 dan 293A (baru) 1. Ubahsuaian ini hendaklah dipakai bagi Sarawak sahaja.

2. Perenggan-kecil (d) seksyen-kecil (i) tidaklah berkuatkuasa di Sarawak atau di mana-mana kawasannya sehingga tarikh yang ditetapkan oleh Yang di-Pertuan Agong (kemudian daripada ini disebut tarikh yang ditetapkan) di bawah seksyen 1 (1) Akta Mahkamah Budak-budak, 1947 (*Akta 90*) bagi mulanya berkuatkuasa Akta itu atau Bahagian V atau VIII Akta itu di Sarawak atau

## Seksyen

## Ubahsuaian

di mana-mana kawasannya itu, mengikut mana yang berkenaan, dan sehingga tarikh itu perenggan-kecil (d) seksyen-kecil (i) hendaklah digantikan dengan yang berikut :

“(d) commit such offender to custody in a place appointed by the Minister to be a place of detention for the purposes of this section for a period of not less than one year and not more than five years and so that the period of custody shall not extend beyond the day when apparently the offender will attain the age of twenty years :

Provided that the local federal authority may at any time by writing under his hand order any youthful offender who has been detained as aforesaid for a period of not less than one year to be released on parole subject to such conditions as the local federal authority may in such written order prescribed.”.

3. Sehingga tarikh yang ditetapkan seksyen baru 293A yang berikut hendaklah berkuatkuasa :

<sup>RuUta.</sup> 293A. The Minister may make rules to provide for—

- (a) places of detention within Sarawak and for their inspection;
- (b) the classification, treatment, employment, education, discipline, control, diet and recreation of youthful offenders detained in any place of detention;
- (c) the appointment of an Advisory Board to advise the local federal authority on the exercise of the power conferred on him by section 293 (i) (d) and to perform such other duties as may be prescribed in such rules;
- (d) the circumstances under which, the persons by whom, and the manner in which youthful offender who have been released on parole under section 293 (i) (d) may be re-arrested and re-committed to a place of detention;
- (e) the transfer of youthful offenders from one place of detention to another;

Seksyen	Ubahsuaian
	(f) the conveyance or transmission of articles or messages into or from a place of detention and for the exclusion of persons from places of detention and for the arrest of persons found contravening any rule made under this paragraph; and
	(g) the appointment of Probation Officers and Probation Committees and for the powers and duties of such Officers and Committees.”.
328 hingga 341 ...	Seksyen-seksyen ini tidaklah berkuatkuasa di Sabah atau Sarawak sehingga suatu tarikh yang akan ditetapkan oleh Menteri melalui pemberitahuan dalam <i>Warta</i> .
341A ... ..	Gantikan “this Chapter” dengan “The Inquests Ordinance, 1959 of Sabah and the Inquests Ordinance ( <i>Cap. 48</i> ) of Sarawak”.

#### JADUAL KEDUA

(Perkara 3)

##### BAHAGIAN I

#### PENGUBAHSUAIAN BERBANGKIT YANG HENDAK DIBUAT KEPADA ORDINAN YANG BERKUATKUASA DI SABAH

Ordinan Pema- kaian Undang- undang (Bab 6), seksyen 3 (1)	Perkataan-perkataan “by way of habeas corpus or” dalam teks seksyen-kecil itu dan dalam nota bidai kepada seksyen itu adalah dengan ini dipotong.
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##### BAHAGIAN II

#### PENGUBAHSUAIAN-PENGUBAHSUAIAN BERBANGKIT YANG HENDAK DIBUAT KEPADA SETENGAH-SETENGAH ORDINAN YANG BERKUATKUASA DI SARAWAK

Ordinan Remidi Prerogatif (Bab 47)	1. Takrif bagi “Rules of Court” dalam seksyen 2 adalah dengan ini dimansuhkan.  2. Seksyen 3 adalah dengan ini dimansuhkan.
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Ordinan Ketera- ngan (Bab 54)	Seksyen 25 adalah dengan ini dimansuhkan.
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Diperbuat pada 1 haribulan April, 1976.  
[P.N. (SU<sup>2</sup>) 74; P.N. (PU<sup>2</sup>) 112.]

Dengan Titah Perintah,

TAN SRI DATO' HAJI ABDUL KADIR BIN YUSOF,  
*Menteri Undang-undang dan Peguam Negara*

(Akan dibentangkan dalam tiap-tiap satu Majlis Parlimen menurut  
seksyen 74 (9) Akta Malaysia.)

## MALAYSIA ACT

MODIFICATION OF LAWS (CRIMINAL PROCEDURE) (SABAH AND SARAWAK)  
ORDER, 1976

- Act 23/63.* IN exercise of the powers conferred by section 74 of the Malaysia Act, the Yang di-Pertuan Agong hereby makes the following order:
- Citation and commencement. 1. This Order may be cited as the **Modification of Laws (Criminal Procedure) (Sabah and Sarawak) Order, 1976**, and shall be deemed to have come into force on the 10th day of January, 1976.
- Modification of F.M.S. Cap. 6 in its application to Sabah and Sarawak. 2. The Criminal Procedure Code (*F.M.S. Cap. 6*) (hereinafter referred to as the Code) as extended to Sabah and Sarawak by the Criminal Procedure Code (Amendment and Extension) Act, 1976 (*Act A324*) shall have effect in Sabah and Sarawak subject to the modifications set out in the First Schedule.
- Consequential modification of other laws of Sabah and Sarawak. 3. The Ordinance of Sabah specified in the first column of Part I of the Second Schedule and the Ordinances of Sarawak specified in the first column of Part II of the Second Schedule shall have effect in Sabah or in Sarawak, as the case may be, subject to the modifications set out in the second column of Parts I and II respectively.

## FIRST SCHEDULE

## (Article 2)

MODIFICATIONS TO BE MADE TO THE CODE IN ITS  
APPLICATION TO SABAH AND SARAWAK

The modifications to Part II of Chapter II, that is to say section 6 and new sections 8A to 8H, are transitional provisions having effect in Sabah and Sarawak until the coming into operation of the Subordinate Courts Act, 1948 (*Act 92*) in those States, whereupon they shall cease to have effect.

*See PU(A)  
35-7/80* ||

Section	Modification
6 ... ..	<p>The following proviso shall be added at the end of the section:</p> <p style="padding-left: 40px;">“Provided that the Courts of Magistrates for the administration of criminal justice in Sabah and Sarawak shall be those constituted under the Subordinate Courts Ordinance (<i>Cap. 29</i>) of Sabah and the Subordinate Courts Ordinance (<i>Cap. 42</i>) of Sarawak.”.</p>
8A to 8H ... ..	<p>The following sections shall be inserted immediately after section 8:</p> <p>“Classes of Criminal Courts.”</p> <p>8A. (i) The Courts, other than the High Court, for the administration of criminal justice in Sabah and Sarawak to which this Code applies shall be the following:</p> <p style="padding-left: 40px;">(a) Courts of Magistrates of the First Class;</p> <p style="padding-left: 40px;">(b) Courts of Magistrates of the Second Class;</p> <p style="padding-left: 40px;">(c) Courts of Magistrates of the Third Class.</p>

## Section

## Modification

(ii) Courts of Magistrates shall be constituted in accordance with the provisions of the Subordinate Courts Ordinance (*Cap. 29*) of Sabah and the Subordinate Courts Ordinance (*Cap. 42*) of Sarawak.

(iii) A Magistrate may try any case which is triable by a Court of lower jurisdiction than the Court which could lawfully be constituted by that Magistrate; and when trying that case that Magistrate shall have all the powers which he would have been able to exercise if the case had been triable in the Court of that Magistrate and not in a Court of lower jurisdiction.

## Jurisdiction.

8B. Subject to the other provisions of this Code, the jurisdiction of every Court in criminal matters shall extend—

- (a) to offences committed within Sabah and Sarawak;
- (b) to offences committed outside Sabah and Sarawak in cases where such jurisdiction is conferred by or under any law for the time being in force in Sabah or Sarawak or by international law.

## Powers of Courts.

8C. (i) Subject to the other provisions of this Code any offence under the Penal Code may be tried by any Court by which such offence is shown in the eighth column of the First Schedule:

Provided that the Yang di-Pertua Negara in respect of Sabah or the Governor in respect of Sarawak, on the recommendation of the Chief Justice, may by warrant which shall be published in the *Gazette*, declare any Magistrate to be a Stipendiary Magistrate and authorise any such Magistrate to try any offence specified in such warrant notwithstanding the limitations set forth in the eighth column of the First Schedule, and in the event of such Magistrate exercising any jurisdiction which by the provisions of the eighth column of the First Schedule is to be exercised by the High Court the provisions relating to trials and matters incidental to trials of offences by the High Court shall apply *mutatis mutandis* to all such trials and incidental matters where a Magistrate is exercising such powers conferred upon him by such warrant.

## Section

## Modification

(ii) In subsection (i), "the First Schedule" means the First Schedule to the Criminal Procedure Code of Sabah (*No. 4 of 1959*) or the Criminal Procedure Code (*Cap. 58*) of Sarawak, as the case may be.

(iii) Notwithstanding the repeal of the Criminal Procedure Codes of Sabah and Sarawak by the Criminal Procedure Code (Amendment and Extension) Act, 1976 (*Act A324*) the First Schedule to each of the said Codes shall be deemed to continue in force for the purpose of reference in the application of this section.

Offences  
under  
other laws.

8D. (i) Subject to the other provisions of this Code, any offence under any law other than the Penal Code shall, when that law makes that offence triable by any particular Court, be triable by that Court or by any other Court of higher jurisdiction.

(ii) Any offence under any written law, other than the Penal Code and not being an offence to which subsection (i) applies shall be triable by any Court to which this Code applies:

Provided that—

- (a) no Court of a Magistrate of the First Class shall try any offence which is punishable with imprisonment for more than three years;
- (b) no Court of a Magistrate of the Second Class shall try any offence which is punishable with imprisonment for more than six months or by a fine of more than one thousand dollars;
- (c) no Court of a Magistrate of the Third Class shall try any offence which is punishable with imprisonment for more than six months or by a fine of more than five hundred dollars.

(iii) Notwithstanding anything in this section contained, the Chief Justice may by order signified in the *Gazette* empower any Court to try any particular offence or class of offences against any written law other than the Penal Code which but for the provisions of this subsection it would not have had jurisdiction to try.

## Section

## Modification

Sentences  
which lower  
Courts may  
pass.

8E. (i) (a) Courts of Magistrates of the First Class may pass a sentence of imprisonment for a term not exceeding twelve months and a fine not exceeding two thousand dollars or a sentence of caning not exceeding twelve strokes or, where the Yang di-Pertua Negara in respect of Sabah or the Governor in respect of Sarawak by warrant under the proviso to section 8C or by notification in the *Gazette*, declares that the Magistrate specified in such notification shall be a Stipendiary Magistrate, a Court presided over by that Magistrate may pass a sentence of imprisonment for a term not exceeding three years and a fine not exceeding five thousand dollars;

(b) Courts of Magistrates of the Second Class may pass a sentence of imprisonment for a term not exceeding six months or a fine not exceeding one thousand dollars;

(c) Courts of Magistrates of the Third Class may pass a sentence of imprisonment for a term not exceeding three months or a fine not exceeding five hundred dollars.

(ii) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorised by law to pass.

(iii) The Yang di-Pertua Negara in respect of Sabah or the Governor in respect of Sarawak may, on the recommendation of the Chief Justice, limit the jurisdiction or the powers of sentence or both of any Magistrate appointed to hold any of the Courts referred to in this section.

Power of  
Magistrates  
to sentence  
to imprison-  
ment in  
default  
of fine.

8F. (i) The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorised by section 283:

Provided that the term is not in excess of the Magistrate's powers under this Code.

(ii) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 8E.

## Section

## Modification

Sentence  
in case of  
conviction  
of several  
offences at  
one trial.

8G. (i) When a person is convicted at one trial of two or more distinct offences, the Court may, subject to the provisions of section 71 of the Penal Code sentence him for such offences to the several punishments prescribed therefor which such Court is competent to inflict, such punishments to commence the one after the expiration of the other in such order as the Court may direct unless the Court directs that such punishments shall run concurrently.

(ii) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fifteen years;

(b) the aggregate punishment shall not exceed three times the amount of punishment which the Magistrate in the exercise of his ordinary jurisdiction is competent to inflict.

(iii) For the purpose of appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

Taking out-  
standing  
offences  
into con-  
sideration.

8H. (i) Where offences other than the one of which an accused person has been convicted and of a similar nature have been committed by him and are still untried and admitted by him and are within the jurisdiction of the Court and he desires that they should be taken into consideration in determining the sentence to be imposed and the Court may, subject to subsection (ii), properly take them into consideration.

(ii) In exercising the jurisdiction conferred by subsection (i) the Court shall record convictions in respect of such offences as such accused person admits without recourse to the provisions of Part VI other than Chapters XXVI and XXVII and proceed to sentence thereon.”.

Section	Modification
293 and 293A (new)	<p>1. This modification shall apply to Sarawak only.</p> <p>2. Subparagraph (d) of subsection (i) shall not have effect in Sarawak or in any area thereof until the date appointed by the Yang di-Pertuan Agong (hereinafter referred to as the appointed date) under section 1 (1) of the Juvenile Courts Act, 1947 (<i>Act 90</i>) for the coming into operation of that Act or of Part V or VIII thereof in Sarawak or in such area thereof, as the case may be; and until that date the following shall be substituted for subparagraph (d) of subsection (i):</p> <p style="padding-left: 40px;">“(d) commit such offender to custody in a place appointed by the Minister to be a place of detention for the purposes of this section for a period of not less than one year and not more than five years and so that the period of custody shall not extend beyond the day when apparently the offender will attain the age of twenty years:</p> <p style="padding-left: 80px;">Provided that the local federal authority may at any time by writing under his hand order any youthful offender who has been detained as aforesaid for a period of not less than one year to be released on parole subject to such conditions as the local federal authority may in such written order prescribed.”</p> <p>3. Until the appointed date the following new section 293A shall have effect:</p> <p>“Rules. 293A. The Minister may make rules to provide for—</p> <p style="padding-left: 40px;">(a) places of detention within Sarawak and for their inspection;</p> <p style="padding-left: 40px;">(b) the classification, treatment, employment, education, discipline, control, diet and recreation of youthful offenders detained in any place of detention;</p> <p style="padding-left: 40px;">(c) the appointment of an Advisory Board to advise the local federal authority on the exercise of the power conferred on him by section 293 (i) (d) and to perform such other duties as may be prescribed in such rules;</p> <p style="padding-left: 40px;">(d) the circumstances under which, the persons by whom, and the manner in which youthful offender who have been released on parole under section 293 (i) (d) may be re-arrested and re-committed to a place of detention;</p>

Section	Modification
	(e) the transfer of youthful offenders from one place of detention to another;
	(f) the conveyance or transmission of articles or messages into or from a place of detention and for the exclusion of persons from places of detention and for the arrest of persons found contravening any rule made under this paragraph; and
	(g) the appointment of Probation Officers and Probation Committees and for the powers and duties of such Officers and Committees."
* 1.6.81 - PU(B) 264/81	328 to 341 ... These sections shall not come into operation in Sabah or Sarawak until a date to be appointed by the Minister by notification in the <i>Gazette</i> .*
	341A ... For "this Chapter" there shall be substituted "The Inquests Ordinance, 1959 of Sabah and the Inquests Ordinance ( <i>Cap. 48</i> ) of Sarawak".

## SECOND SCHEDULE

## (Article 3)

## PART I

## CONSEQUENTIAL MODIFICATION TO BE MADE TO AN ORDINANCE IN FORCE IN SABAH

The Application of Laws Ordinance (Cap. 6) section 3 (1)	The words "by way of habeas corpus or" in the text of the subsection and in the marginal note to the section are hereby deleted.
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## PART II

## CONSEQUENTIAL MODIFICATIONS TO BE MADE TO CERTAIN ORDINANCES IN FORCE IN SARAWAK

The Prerogative Remedies Ordinance (Cap. 47)	1. The definition of "Rules of Court" in section 2 is hereby repealed. 2. Section 3 is hereby repealed.
The Evidence Ordinance (Cap. 54)	Section 25 is hereby repealed.

Made this 1st day of April, 1976.  
[P.N. (SU<sup>2</sup>) 74; P.N. (PU<sup>2</sup>) 112.]

By Command,

TAN SRI DATO' HAJI ABDUL KADIR BIN YUSOF,  
*Menteri Undang-undang dan Peguam Negara*

(To be laid before each House of Parliament pursuant to section 74 (9) of the Malaysia Act.)