



LAWS OF MALAYSIA

Act 843

PRESERVATION OF PUBLIC SECURITY (SABAH) ACT 1962

(Revised—2023)

REVISED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
2023

**PRESERVATION OF PUBLIC SECURITY
(SABAH) ACT 1962**

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First enacted in 1962 as Sabah Ordinance No. 6 of 1962

PREVIOUS REPRINTS

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LAWS OF MALAYSIA**Act 843****PRESERVATION OF PUBLIC SECURITY
(SABAH) ACT 1962**

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LAWS OF MALAYSIA**Act 843****PRESERVATION OF PUBLIC SECURITY
(SABAH) ACT 1962**

An Act to confer upon the Yang di-Pertuan Agong powers to take measures for the preservation of public security in Sabah and to provide for incidental and connected matters.

[11 May 1962]

Short title and application

1. (1) This Act may be cited as the Preservation of Public Security (Sabah) Act 1962.

(2) This Act applies to Sabah only.

Interpretation

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

“public security” includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority, and the maintenance of the administration of justice;

“written law” means, in relation to federal laws, any written law as defined in section 66 of the Interpretation Acts 1948 and 1967 [Act 388] and, in relation to State laws, any written law as defined in the Interpretation and General Clauses Enactment, 1963 [Sabah No. 34 of 1963].

*NOTE—Definition of “law” deleted by L.N. 54/1964.

Public security regulations

†3. (1) If at any time the Yang di-Pertuan Agong is satisfied that it is necessary for the preservation of public security, he may, by notice in the *Gazette*, declare that the provisions of subsections (2) and (3) shall come into operation and the provisions shall continue in operation until the Yang di-Pertuan Agong, by further notice in the *Gazette*, directs that the provisions shall cease to have effect, except as respects things previously done or omitted to be done.

*(2) Subject to subsection (3), the Minister may for the preservation of public security by regulations—

- (a) provide for the prohibition of the publication and dissemination of matter prejudicial to public security and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;
- (b) provide for the prohibition, restriction and control of assemblies;
- (c) provide for the prohibition, restriction and control of residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
- (d) provide for the regulation, control and maintenance of supplies and services;

†NOTE—See Proclamation bringing subsections 3(2) and (3) and subsection 4(2) into operation—No. S 152/1962.

*NOTE—See Preservation of Public Security Regulations 2013 [*P.U. (A) 103/2013*]
Preservation of Public Security Regulations, 1963 (No. S 12/1964)
Preservation of Public Security (Amendment of Police Force Ordinance) Regulations, 1964 (No. S 106/1964)
Preservation of Public Security (Appropriation of Aircraft and Vessels and Use Thereof) Regulations, 1962 (No. S 162/1962)
Preservation of Public Security (Protected Places and Areas) Regulations, 1963 (No. S 63/1963)

The power of the Minister to make regulations under this section may, subject to any general or special directions of the Minister, be exercised by the local federal authority—see L.N. 328/1963.

(e) provide for, and authorize the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in Sabah.

(3) The regulations made under this section shall not provide for any of the matters set out in subsection 4(2).

(4) The coming into operation of subsection 4(2) shall not cause subsections (2) and (3) to cease to have effect.

Special public security regulations

†4. (1) If at any time the Yang di-Pertuan Agong is satisfied that the situation in Sabah is so grave that the exercise of the powers conferred by section 3 is inadequate to ensure the preservation of public security, he may, by Proclamation, declare that subsection (2) shall come into operation and subsection (2) shall continue in operation until the Yang di-Pertuan Agong, by a further Proclamation, directs that subsection (2) shall cease to have effect, except as respects things previously done or omitted to be done.

(2) The Minister may, for the preservation of public security, make regulations to provide, so far as appears to him to be strictly required by the exigencies of the situation in Sabah, for—

- (a) the detention of persons;
- (b) requiring persons to do work and render services;
- (c) the deportation and exclusion of persons from Sabah.

Incidental and supplementary provisions in regulations

*5. (1) The regulations made under section 3 or 4 may—

- (a) provide for the payment of compensation and remuneration to persons affected by the regulations;

† NOTE—See Proclamation bringing subsections 3(2) and (3) and subsection 4(2) into operation—No. S 152/1962.

*NOTE—The powers of the Minister under this section may, subject to any general or special directions of the Minister, be exercised by the local federal authority—see L.N. 328/1963.

- (b) provide for the apprehension and trial of persons who contravene the regulations and, notwithstanding paragraph 25(d) of the Interpretation and General Clauses Enactment, 1963, for such penalties as the Minister may think fit for offences under the regulations;
- (c) provide for the suspension of the operation of, or for the amendment of, any written law in force in Sabah and any Act of Parliament of the United Kingdom which applies to Sabah by virtue of the Application of Laws Ordinance [*Sabah Cap. 6*], but such regulations shall not, without the concurrence of the Yang di-Pertua Negeri, suspend the operation of or amend any written law having effect as State law;
- (d) provide for the powers of such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;
- (e) provide for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;
- (f) contain such other incidental and supplementary provisions as appear to the Minister to be necessary or desirable for the purpose of such regulations.

(2) Nothing in subsection (1) or section 3 or 4 shall authorize the making of any regulations providing for the trial of persons by military courts.

Application and effect of regulations

6. (1) Any regulations made under this Act may be made to apply to Sabah as a whole or to any part of Sabah, and to any person or class of persons or to the public generally.

(2) Any regulations made under this Act, and any order or rule made under any such regulations, shall have effect notwithstanding anything inconsistent with the regulations, order or rule contained

in any law and to the extent of any such inconsistency any such law shall have no effect so long as such regulations, order or rule shall remain in force.

Proof of documents

7. Any document purporting to be an order, licence, permit, certificate, direction, authority or other document made, granted or issued by the Yang di-Pertuan Agong or any other authority or persons in pursuance of this Act or any regulations made under this Act, or any order or rule made under such regulations, and purporting to be signed by or on behalf of the Yang di-Pertuan Agong or such other authority or person, shall be received in evidence and shall until the contrary is proved be deemed to have been made, granted or issued by the Yang di-Pertuan Agong or that authority or person.

Repeal

8. The Emergency Powers Ordinance [*Sabah Cap. 41*] is repealed.

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*Particulars under paragraphs 7(ii) and (iii) of the
Revision of Laws Act 1968 [Act 1]*

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|---------------|---|---------------|
| L.N. 232/1963 | Modification of Laws (Internal Security and Public Order) (Borneo States) Order, 1963 | 16-09-1963 |
| L.N. 328/1963 | Modification of Laws (Internal Security and Public Order) (Borneo States) (No. 2) Order, 1963 | 05-12-1963 |
| L.N. 54/1964 | Modification of Laws (Preservation of Public Security) (Borneo States) Order, 1963 | 13-02-1964 |
| L.N. 199/1965 | Modification of Laws (Declaration of Federal Present Laws) (Sabah) Order, 1965 | 16-09-1963 |

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

| No. | Title |
|-------------------------------|---|
| Sabah Ordinance No. 6 of 1962 | Preservation of Public Security Ordinance, 1962 |

