



LAWS OF MALAYSIA

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Act 691

EMERGENCY (ESSENTIAL POWERS) ACT 1964

As at 1 January 2015

EMERGENCY (ESSENTIAL POWERS) ACT 1964

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LAWS OF MALAYSIA**Act 691****EMERGENCY (ESSENTIAL POWERS) ACT 1964**

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LAWS OF MALAYSIA**Act 691****EMERGENCY (ESSENTIAL POWERS) ACT 1964**

An Act to confer certain powers on the Yang di-Pertuan Agong which it is expedient that His Majesty should be enabled to exercise in the emergency proclaimed on 3 September 1964, under Article 150 of the Federal Constitution.

[18 September 1964]

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:

AND WHEREAS Parliament by reason of the emergency considers it necessary for securing public safety, the defence of Malaysia, the maintenance of public order and of supplies and services essential to the life of the community, that powers be conferred on the Yang di-Pertuan Agong to make such regulations as appear to him to be necessary:

AND WHEREAS it is hereby declared that this Act appears to Parliament to be required by reason of the emergency:

NOW, THEREFORE, pursuant to Clause (6) of Article 150 of the Federal Constitution **BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same as follows:

Short title and application

1. This Act may be cited as the Emergency (Essential Powers) Act 1964, and shall have application throughout Malaysia.

Essential Regulations

2. (1) Subject to this section, the Yang di-Pertuan Agong may make any regulations (in this Act referred to as “Essential Regulations”) which he considers desirable or expedient for securing the public safety, the defence of Malaysia, the maintenance of public order and of supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by subsection (1), Essential Regulations may, so far as appear to the Yang di-Pertuan Agong to be necessary or expedient for any of the purposes mentioned in that subsection—

- (a) make provision for the apprehension, trial and punishment of persons offending against the regulations, and for detention of persons whose detention appears to the Minister charged with the responsibility for internal security to be expedient in the interests of the public safety or the defence of Malaysia;
- (b) create offences and prescribe penalties, including the death penalty, which may be imposed for any offence against any written law, including regulations made under this Act;
- (c) provide for the trial by such courts as may be specified in such regulations, of persons guilty of any offence against the regulations;
- (d) make special provisions in respect of procedure, including the hearing of proceedings in camera, in civil or criminal cases and of the law regulating evidence, proof and civil and criminal liability;
- (e) make provision for directing and regulating the performance of services by any persons;
- (f) authorize—

- (i) the taking of possession or control, on behalf of the Federal Government, of any property or undertaking;
- (ii) the acquisition, on behalf of the Federal Government, of any property other than land;
- (g) authorize the entering and search of any premises;
- (h) prescribe fees or other payments;
- (i) provide for amending any written law, for suspending the operation of any written law and for applying any written law with or without modification; and
- (j) provide for any other matter in respect of which it is in the opinion of the Yang di-Pertuan Agong desirable in the public interest that regulations should be made.

(3) Essential Regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the regulations to make orders, rules and by-laws for any of the purposes for which such regulations are authorized by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Yang di-Pertuan Agong to be necessary or expedient for the purposes of the regulations.

(4) An Essential Regulation, and any order, rule, or by-law duly made in pursuance of such a regulation, shall have effect notwithstanding anything inconsistent therewith contained in any written law other than this Act or in any instrument having effect by virtue of any written law other than this Act.

Extra-territorial operation of Essential Regulations

3. Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any Essential Regulation shall—

- (a) in so far as they specifically impose prohibitions, restrictions or obligations in relation to ships, vessels or aircraft, or specifically authorize the doing of anything in relation to ships, vessels or aircraft, apply to all ships, vessels or aircraft in or over Malaysia and to all ships or aircraft registered in Malaysia wherever they may be; and
- (b) in so far as they impose prohibitions, restrictions or obligations on persons, apply to all persons in Malaysia and all persons on board any ship or aircraft registered in Malaysia, and to all citizens of Malaysia:

Provided that Essential Regulations may make provision whereby the owner, manager or charterer of any ship or aircraft registered in Malaysia, being a person resident in Malaysia or a corporation incorporated under the law of Malaysia, is subjected to restrictions in respect of the employment of persons in any country or territory in connection with the management of the ship or aircraft.

Proof of instruments

4. Every document purporting to be an instrument made or issued by any Minister or authority or person under any provision contained in, or having effect under, Essential Regulations, and to be signed by or on behalf of the said Minister, authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that Minister, authority or person; and *prima facie* evidence of any such instrument as aforesaid may, in any legal proceedings, including arbitrations, be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister or other authority or person having power to make or issue the instrument.

Powers to be additional to those under other laws

5. The powers conferred by this Act and by any regulations made under this Act shall be in addition to and not in substitution for any

powers conferred by or under other written law from time to time in force.

Penalties

6. Every person who contravenes any regulation made under this Act shall, where no other penalty is provided by such regulation, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
6	Act 160	29-08-1975
