



LAWS OF MALAYSIA

Act 192

EMERGENCY POWERS (KELANTAN) ACT 1977

Date of Royal Assent ... 9th November 1977

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Repealed by PA(A) 46/78

EMERGENCY POWERS (KELANTAN) ACT 1977

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Repealed by P.U. (A) 46/78

LAWS OF MALAYSIA

Act 192

EMERGENCY POWERS (KELANTAN) ACT 1977

An Act under Clauses (4), (5) and (6) of Article 150 of the Federal Constitution to extend to the State of Kelantan the executive authority of the Federation in respect of all matters which are now within the executive authority of the State of Kelantan, and to confer upon the Ruler of the State of Kelantan, to the exclusion of the Legislative Assembly of the State of Kelantan, the legislative authority of the State of Kelantan in respect of all matters which are now within the legislative authority of the State of Kelantan.

[9th November 1977.]

WHEREAS by reason of the existence of a grave emergency threatening the security and economic life of a part of the Federation, to wit, the State of Kelantan, a Proclamation of Emergency has been issued on the 8th day of November 1977 by the Yang di-Pertuan Agong under Article 150 of the Federal Constitution:

P.U. (A) 358/77.

AND WHEREAS Parliament by reason of the emergency hereby declares that this Act is required in order to enable immediate action to be taken for securing national security, public safety, the maintenance of public order, and the maintenance of the administration and economic life, in the State of Kelantan:

NOW, THEREFORE, pursuant to Clause (5) of Article 150 of the Federal Constitution, BE IT ENACTED by the Duli Yang Maha Mulia 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:

1. This Act may be cited as the Emergency Powers (Kelantan) Act 1977, and it shall come into force on the date of its publication in the Gazette.

Short title and commencement.

Interpretation.

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

“Director” means the Director of Government, State of Kelantan appointed under section 3 (1);

“Executive Council” means the State Executive Council of the State of Kelantan;

“Mentri Besar” means the Mentri Besar of the State of Kelantan;

“State” means the State of Kelantan.

Appointment of Director of Government, State of Kelantan.

3. (1) For the purpose of this Act, the Prime Minister shall appoint a person who is or has been in the public service of the Federation to be the Director of Government, State of Kelantan.

(2) The Prime Minister may at any time, in his absolute discretion, revoke the appointment of, or suspend, the Director, and appoint another person in his place temporarily or otherwise, or appoint another person to act as Director during any absence or inability of the Director for any cause.

Director to exercise executive authority and powers, duties and functions of Executive Council and Mentri Besar.

4. For as long as this Act remains in force, all authority, powers, duties and functions under the Constitution of Kelantan or any other written law which before the commencement of this Act were exercisable or could be discharged or performed by the Mentri Besar or the Executive Council, shall be exercised, discharged and performed by the Director.

Discharge of powers, authority, duties and functions of Mentri Besar and Executive Council.

5. For as long as this Act remains in force, the Mentri Besar and the Executive Council shall not exercise any authority or powers, or discharge any duties, or perform any functions which by virtue of this Act are to be exercised, discharged or performed by the Director under section 4.

Director's right to information.

6. The Ruler of the State shall be entitled, at his request, to any information concerning the Government of the State which is available to the Director.

7. The Director shall be subject to general or specific directions which may be given to him by the Prime Minister, and it shall be the duty of the Director to forthwith comply with and give effect thereto.

Director subject to directions given by Prime Minister.

8. The Director shall have the direction, control and charge of the Government and the administrative affairs of the State and may issue from time to time directions relating thereto.

Director to have direction, control and charge of the Government and administrative affairs of the State.

9. (1) In carrying out his function, the Director may, whenever he deems it desirable or expedient to do so, seek the advice of a State Advisory Council which shall consist of

State Advisory Council.

(a) the State Secretary;

(b) the State Legal Adviser;

(c) the State Financial Officer;

(d) the Director of Lands and Mines of the State;

(e) the Chief Police Officer of the State; and

(f) such other persons, being not more than four, as may be appointed by the Prime Minister.

(2) Subject to this Act and to any subsidiary legislation made thereunder, and to any direction that may be given by the Prime Minister, the Director shall determine the procedure of the State Advisory Council.

(3) The Director shall, so far as is practicable, attend and preside at all meetings of the State Advisory Council, and in his absence the State Secretary shall preside.

(4) The Director shall consider any advice given by the State Advisory Council but shall not be under an obligation to accept such advice or act in accordance therewith.

10. Where legislative authority in respect of any matter is required to be exercised by the State of Kelantan, the same shall not be exercised by the Legislative Assembly of the State but shall be exercised by way of regulations made by the Ruler of the State, acting on the advice of the Director.

Legislative authority of the State to be exercised by the Ruler.

Director
members of
the State
Advisory
Council
deemed to
be public
servants
within the
meaning of
the Penal
Code.

F.M.S.
Cap. 45.

Protection
against
proceedings.

Power to
make rules.

Duration of
this Act.

11. The Director and the members of the State Advisory Council shall be deemed to be public servants within the meaning of the Penal Code.

12. No action, suit, prosecution or other proceeding whatsoever shall lie or be brought or instituted against the Prime Minister, the Director, the State Advisory Council or any member thereof, or any public officer, either personally or in his or their official capacity, or against any person acting on behalf of the Prime Minister, the Director, the State Advisory Council or any member thereof, or any public officer, in respect of any act done or statement made or purporting to have been done or made in pursuance or intended pursuance of this Act or any subsidiary legislation made thereunder.

13. The Prime Minister may make such rules as he may deem necessary or expedient for giving effect to the provisions of this Act or carrying out the purposes of this Act, and without prejudice to the generality of the foregoing, rules made under this section may provide for—

- (a) the removal of any difficulty or anomaly whatsoever in any written law or otherwise that may be occasioned by the provisions of this Act;
- (b) the exercise of such powers, the discharge of such duties, and the performance of such functions as may be specified in the rules, in the State; by any public officer.

14. (1) The Yang-di-Pertuan Agong may, by order published in the *Gazette*, suspend the operation of this Act for such period as may be specified in the order or for an indefinite period, as he may deem fit; where such suspension is for an indefinite period, he may, by order published in the *Gazette*, bring this Act into force again with effect from such date as may be specified in the order.

(2) The Yang di-Pertuan Agong shall have the power to repeal this Act by order published in the *Gazette* whenever he deems it fit to do so.

(3) An order made under this section may contain such consequential or transitional provisions as the Yang di-Pertuan Agong may deem necessary or expedient.

15. (1) The provisions of this Act and of any subsidiary legislation made thereunder shall prevail notwithstanding anything to the contrary contained in the Constitution of Kelantan or any other written law. Provisions of this Act to prevail.

(2) The Constitution of Kelantan and all other written laws shall be read—

(a) *mutatis mutandis* with the provisions of this Act and of any subsidiary legislation made thereunder; and

(b) with all such modifications, adaptations, alterations or changes whatsoever as may be necessary to have the same to accord with the provisions of this Act and of any subsidiary legislation made thereunder.

16. Nothing in this Act or any subsidiary legislation made thereunder shall in any manner derogate from or be so construed as to affect the continuing validity of any Ordinance, regulations, rules, orders or other legislation whatsoever made, or the validity of any legislation whatsoever which may hereafter be made, by virtue of the Proclamation of Emergency issued by the Yang di-Pertuan Agong on the 15th day of May 1969, and this Act and any subsidiary legislation made thereunder shall be read as being in addition thereto. This Act and subsidiary legislation thereunder not to derogate from, and be in addition to, any legislation under the Proclamation of Emergency dated 15-5-1969. P.U. (A) 145/69.

KUALA LUMPUR

DICETAK OLEH KETUA PENGARAH PERCETAKAN DAN DITERBITKAN DENGAN PERINTAH YADA
9BB NOVEMBER 1977

Harga: 50 sen