



LAWS OF MALAYSIA

Act 182

**THEATRES AND PLACES OF PUBLIC AMUSEMENT
(FEDERAL TERRITORY) ACT 1977**

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(FEDERAL TERRITORY) ACT 1977**

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LAWS OF MALAYSIA

Act 182

THEATRES AND PLACES OF PUBLIC AMUSEMENT
(FEDERAL TERRITORY) ACT 1977

An Act to provide for the better control of theatres and places of public amusement.

[11th March 1977]

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 Theatres and Places of Public Amusement (Federal Territory) Act 1977 and shall apply to the Federal Territory. Short title and application.

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

“cinematograph exhibition” means any exhibition of pictures or other optical effects presented by means of a cinematograph or other similar apparatus and includes the production of any music, speech, noise or other sound whatsoever which accompanies the projection by means of a cinematograph or other similar apparatus;

“Commissioner” means the Commissioner appointed under section 3 of the Federal Capital Act 1960; 35/60.

“licensing officer” means the officer appointed under section 3;

“Minister” means the Minister responsible for the Federal Territory;

“place of public amusement” means any place on which there is any erection or structure, any premises or building whether temporary or permanent or any water-borne craft or other place in or at which a public amusement takes place and to which the public are admitted with or without payment for admission, and includes an amusement park;

“public amusement” means any game, diversion or entertainment of any kind whatsoever provided for the public in which members of the public may take part;

“theatre” means any place on which there is any erection or structure, any premises or building whether temporary or permanent or any water-borne craft or other place where a theatrical performance is performed or presented and to which the public are admitted with or without payment for admission;

“theatrical performance” means any game, diversion or entertainment of any kind whatsoever provided for the public in which members of the public may not take part and includes a cinematograph exhibition.

3. (1) The Minister may appoint any person by name or office to be a licensing officer for the purposes of this Act.

(2) The licensing officer shall be deemed to be a public servant within the meaning of the Penal Code.

4. The Minister may from time to time give the licensing officer directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the licensing officer by this Act or rules made thereunder and the licensing officer shall give effect to all such directions.

5. (1) It shall be unlawful for any person to open or keep open any theatre or place of public amusement without a licence to be granted under this Act.

(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to an imprisonment not exceeding two years or to both.

6. (1) An application for a licence to open a theatre or place of public amusement under this Act shall be made in the prescribed form and shall be submitted to the licensing officer.

(2) Subject to subsection (3) the licensing officer may on the payment of the prescribed fee grant to the applicant a licence on such conditions as may be specified in the licence.

(3) No licence shall be granted under this Act in respect of a theatre or place of public amusement unless the permission in writing or, in any case in which it is necessary, a licence has been obtained from the Commissioner under the law relating to the local authority in respect of the theatre or place of public amusement.

Appoint-
ment of
licensing
officer.

F.M.S.
Cap. 45.

Power of
Minister to
issue
directions.

Prohibition
to open or
keep open a
theatre or
place of
public
amusement
without a
licence.

Application
for a licence
to open a
theatre or
place of
public
amusement.

(4) The licensing officer may refuse any application if he is satisfied—

- (a) that the theatre or place of public amusement is likely to lead to a breach of the peace or to cause obstruction, annoyance or injury to the residents in the locality;
- (b) that any performance in the theatre or place of public amusement is likely to be of a dangerous, indecent, immoral or improper nature or is likely to endanger human life; or
- (c) that the theatrical performance or public amusement is or is likely to be in any way detrimental to the national interest.

7. (1) For the purpose of considering the application for a licence under section 6, the licensing officer may require the applicant to furnish to him the script and such information as he may specify relating to the following matters—

Power to require information.

- (a) particulars of persons concerned in the promotion of the theatrical performance or public amusement and the interests represented by those persons;
- (b) particulars of the persons who have agreed to participate or have participated in the theatrical performance or public amusement or have been invited to do so and the interests represented by those persons; and
- (c) the purposes to which any profits from the theatrical performance or public amusement are intended to be or have been applied.

(2) For the purpose of this section, the expression "script", in relation to a performance of a play, means the text of the play (whether expressed in words or in musical or other notation) together with any stage or other directions for its performance, whether contained in a single document or not.

8. (1) The licensing officer may at any time cancel any licence issued by him—

Cancellation of licence.

- (a) if there has been any breach of the conditions or any act in contravention of any written law relating to the control of buildings;
- (b) if there has been any breach of the peace, obstruction, annoyance or injury to the residents in the locality of the theatre or place of public amusement in respect of which the licence was issued;

- (c) if in his opinion any performance therein is of a dangerous, indecent, immoral or improper nature, or is likely to endanger human life;
- (d) if he is satisfied that the theatrical performance or public amusement is or is likely to be in any way detrimental to the national interest.

(2) Upon the cancellation of a licence of a place of public amusement which is an amusement park, the licences of theatres and all places of public amusement situated therein shall be deemed to be cancelled.

9. The licensing officer may require any person to whom a licence is granted to give security in such form as he may determine that the provisions of this Act and of any rules made thereunder and of the conditions of the licence shall be duly observed.

Appeal.

10. A person whose application is refused under section 6 or whose licence is cancelled under section 8 may within one month after being informed in writing of the refusal or cancellation appeal against the refusal or cancellation to the Minister whose decision thereon shall be final.

Prohibition to sell etc. ticket for a theatre or place of public amusement and to advertise or publicise before licence is obtained.

11. (1) It shall be unlawful for any person—

- (a) to give, distribute, sell or offer for sale any ticket for admission to, or invite any person to a performance in, a theatre or place of public amusement, or to cause to be made such gift, distribution, sale, offer or invitation; or
- (b) in any manner whatsoever to advertise or publicise or to cause to be advertised or publicised any theatrical performance or public amusement to be performed in a theatre or place of public amusement,

unless there has been a licence granted under section 6 in respect of that theatre or place of public amusement.

(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to an imprisonment not exceeding one year or to both.

12. The licensing officer, any police officer not below the rank of Inspector, or any person authorised by the licensing officer in writing in that behalf may without warrant enter any premises upon which any theatrical performance or public amusement is being held or is intended to be held with a view to ascertaining whether the provisions of this Act or any rules made thereunder or the conditions of any licence granted under this Act are being complied with, and may make such investigation and inspection of the premises and call any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as that officer or person may consider necessary for the purpose:

Powers of entry and investigation.

Provided that any person not in uniform purporting to exercise any powers under this section shall on demand produce his written authority to exercise these powers to any person lawfully demanding the same.

Obstruction.

13. Any person who—

- (a) obstructs any officer or authorized person lawfully exercising any powers conferred on him by or under section 12 in entering or inspecting any premises or delays to produce any articles, books, accounts or other documents or things which he has been called upon by the officer or authorized person to produce and which are or ought to be in the ordinary course of business in his power to produce;
- (b) refuses to furnish any information which he may be required to furnish by the officer or authorized person or who, being required to furnish information by the officer or authorized person, furnishes false or misleading information; or
- (c) obstructs the seizure of any document or other thing under section 15, or the closure of any theatre or place of public amusement under section 16,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding one year or to both.

14. (1) Any officer or person authorized to exercise the powers of entry or investigation under section 12 may without warrant and with or without assistance enter any premises if he considers it to be necessary and has reason to believe that an offence under this Act or any rules made thereunder has been committed and may search any place

Search.

and any person whom he reasonably believes to be concerned in the management or promotion of any theatrical performance or public amusement or to be a servant or agent of the promoter or of the proprietor of these premises.

(2) No woman shall be searched under this section except by a woman.

Power of seizure.

15. Any officer or person authorized to exercise the powers of entry or investigation under section 12 may seize any document or other thing in respect of which he reasonably believes to be or to contain evidence relating to an offence under this Act:

F.M.S. Cap. 6.

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the Criminal Procedure Code.

Powers of closure.

16. Any officer or person authorized to exercise the powers of entry or investigation under section 12 may, without prejudice to the exercise of the powers conferred on him by that section, forthwith take such steps as he may consider necessary to close any theatre or place of public amusement which he is satisfied is kept open in contravention of this Act or rules made thereunder or of any of the conditions of a licence granted under this Act.

Restriction on the unauthorized sale of tickets.

17. (1) No person shall sell or offer or exhibit or have in his possession for sale or solicit for the purchase of, any ticket authorizing or purporting to authorize admission to any theatre or place of public amusement licensed under this Act, in any public thoroughfare, or in the entrance hall of or approaches to any such place, except at a box-office, booth, turnstile or counter appointed by the proprietor or manager of that place or by the organizer of the theatrical performance or public amusement held therein.

(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine of one thousand ringgit or to imprisonment of not exceeding one year or to both.

Liability of director, etc.

18. (1) Where an offence under this Act has been committed by a body of persons corporate or unincorporate, any person who at the time of the commission of such offence was a director, manager, secretary or other similar officer of the body of persons or who was purporting to act in any such capacity, shall be deemed to be guilty of

that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Any person who would have been guilty of an offence if anything had been done or omitted by him personally shall be guilty of the offence and liable to the same penalty if such thing had been done or omitted by his partner, agent or servant in the course of partnership business or in the course of his employment, as the case may be, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing or omission to do such thing:

Provided that nothing herein shall relieve the partner, agent or servant from liability to prosecution.

19. The Minister may make rules generally for the carrying out of the provisions of this Act and such rules may— Rules.

- (a) prescribe such fees as may be necessary for the purposes of this Act;
- (b) prescribe the form of licence to be issued under section 6;
- (c) provide for exemption of type or class of theatrical performances or public amusements from any provisions of this Act;
- (d) provide generally for the purposes of giving effect to the provisions of this Act.

20. The Theatres and Places of Public Amusement Enactment 1936 (being a law in force in the Federal Territory by virtue of section 6 of the Constitution (Amendment) (No. 2) Act 1973 is repealed.

Repeal.
F.M.S. En.
47/36.