



LAWS OF MALAYSIA

Act 20

TELECOMMUNICATIONS ACT, 1950

(Revised—1970)

Revised up to 1st May, 1970

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Enacted in 1950 as Ordinance No. 28 of 1950.

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LAWS OF MALAYSIA

Act 20

TELECOMMUNICATIONS ACT, 1950

(Revised—1970)

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LAWS OF MALAYSIA

Act 20

TELECOMMUNICATIONS ACT, 1950

(Revised—1970)

Am: Act A. 115/72
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An Act relating to telecommunications.

[West Malaysia—1st July, 1950;
East Malaysia—10th December, 1964.]

PART I

PRELIMINARY

1. This Act may be cited as the Telecommunications Act, 1950. Short title.

2. In this Act—^{“authorized” ---}
^{“Director General”}

← AA797
Interpreta-
tion. ← A628

“Land Authority” in connection with any matter affecting land in the States of Sabah and Sarawak means the State Minister charged with the responsibility for matters affecting land and in any other State means the Ruler or Governor of that State;

“Magistrate” means, except in section 39 (2), a Magistrate of the First Class in East Malaysia;

d/A A-628

“message” means any communication sent and received or made by telecommunication or given to a telecommunication officer to be sent by telecommunication or to be delivered;

“post” means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telecommunication line;

^{“premises” ---}

“prescribed” means prescribed under this Act;

← AA797

“President” means a President of a Sessions Court. ~~in West Malaysia;~~

d/A A-628

“telecommunication” means any system for the transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems;

Sub. A628

“telecommunication authority” means the Director-General of Telecommunications, Malaysia, and includes any

Subs. by AA797

telecommunication officer empowered by him to perform all or any of the functions conferred on the telecommunication authority under this Act;

AA628
AA797

→ "telecommunication engineer" telecommunication equipment
→ "telecommunication line" means a wire or wires used for the purpose of a telecommunication with any casing, coating, tube or pipe enclosing the same, and any appliances and any apparatus connected therewith for the purpose of fixing or insulating the same;

Subs. by
AA797

"telecommunication officer" means any person employed, either permanently or temporarily, in connection with a telecommunication established, maintained or worked by the Government or by a person licensed under this Act;

"telecommunication plant" means any building, apparatus, machinery, equipment, poles, lines, vehicles and any other appliances used for and in connection with telecommunications.

PART II

PRIVILEGES AND POWERS OF THE GOVERNMENT

Exclusive privilege and power to grant licences.

3. (1) The Government shall have the exclusive privilege of establishing, maintaining and working telecommunications in Malaysia.

(2) The exclusive privilege referred to in subsection (1) shall not extend to a telecommunication, other than a radio-communication as defined in section 36, contained wholly within a building or part of a building when such telecommunication is owned and operated by a person occupying that building or part of a building for his sole use and interest.

to be obtained by the licensee
AA797

(3) The Minister may grant a licence on such conditions and in consideration of such payments as he thinks fit to any person to establish, maintain or work a telecommunication in any part of Malaysia, and, subject to the approval of the Land Authority, a licence may extend to authorising the licensee to place, lay, carry or maintain any posts, cables or wires for the purpose of the telecommunication on, along, through, under or across any land:

AA846 →
AA628 →
AA797 →

Provided that where it is not proposed to carry any telecommunication line for the purpose of a telecommunication on, along, through, under or across any State land, or in such manner as to cause interference with any private right of any other person the licence may be granted by the telecommunication authority.

(4)(5)---
3A, 3B..
3C---

4. (1) Where any person (hereinafter referred to as the petitioner) requests the Minister to grant him a licence under section 3 (3), and the granting of such a licence would authorise the doing of work involving interference with any private right, no licence shall, subject to subsection (12), be granted until the procedure set out in subsections (2) to (10) has been complied with.

Procedure on application for licence authorising work involving interference with private rights.

(2) The petitioner shall prepare a plan of the area or areas over, along or under which the telecommunication line is to be laid and maintained and shall show on the plan the whole of the premises whether built or not which will be affected by the undertaking, and the said plan shall be kept open for public inspection for a period of three weeks after the date of the publication in the *Gazette* of the notification referred to in subsection (3).

(3) When the plan referred to in subsection (2) has been prepared and is ready for inspection the petitioner shall publish a notification in the *Gazette* giving notice of the same and of the place where the plan is kept open for public inspection. The petitioner shall also during the said period of three weeks arrange for the notification to be repeated once in the *Gazette* and twice weekly in at least one English language newspaper and one Malay or Chinese language newspaper. The notification shall be in such form as may be prescribed.

Malay
ARAB 28
English
ARAB 28

(4) The petitioner shall serve a notice on every owner of property affected by the plan stating that the plan has been prepared and requiring the owner to signify his assent or dissent thereto within one month from the date of the service of the notice.

(5) Any person affected by the plan may within the said period of three weeks or within one month from the date of the service of the notice referred to in subsection (4), whichever date is the later, deliver to the petitioner a written objection to any proposal contained in the plan.

(6) The Minister may, within fourteen days after the receipt of a request from the petitioner or after any person has delivered an objection under subsection (5), appoint a tribunal consisting of not more than six persons (three of whom shall form a quorum) to consider any objection. Each member of the tribunal shall be furnished by the petitioner with a copy of the plan, the notification and the objection.

(7) The tribunal shall meet to consider any objection not earlier than one week nor later than three weeks after its appointment.

(8) The tribunal shall give written notice of the meeting to the petitioner and the objectors. The notice shall be deemed to have been sufficiently given if it is delivered to the last known address of the petitioner and the objectors or left at the property deemed to be affected by the plan and the notification. The petitioner and the objectors may appear at the meeting in person or be represented by a duly authorised agent.

(9) The tribunal shall submit its findings to the Minister in the form of a report within fourteen days after completing the hearing of the objections. One copy each of the plan, the notification and a schedule of the objections in a summary form, which shall record the opinion of the tribunal as to each objection, shall accompany the report.

(10) After considering the report of the tribunal the Minister may approve or reject the plan or he may approve it subject to such conditions and modifications as he thinks fit. The Minister's approval or rejection shall be notified in the *Gazette* and the notification shall be conclusive evidence that the plan was duly prepared and approved or rejected, as the case may be.

(11) Subject to this section the tribunal shall have power to regulate its own procedure.

(12) Where no objection is lodged within the time specified in subsection (5) or where an objection has been lodged in respect of certain immovable property and not in respect of other immovable property, the Minister may, upon the expiration of the time so specified and subject to the approval of the Land Authority, forthwith grant a licence to the petitioner under section 3 (3) so far as the immovable property in respect of which no objection has been lodged within the specified time is concerned.

Special
powers in
emergency.

5. (1) On the occurrence of any public emergency or in the interest of public safety, the Prime Minister or any officer specially authorised by him in that behalf may—

(a) take temporary possession of any telecommunication established, maintained or worked by any person licensed under this Act;

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- (b) withdraw either totally or partially the use of any telecommunication facility or telecommunication plant from any person or class of persons or from the public at large; or
- (c) order that any message or class of messages to or from any person or class of persons or relating to any specified subject shall not be transmitted or shall be intercepted or detained, or that any such message or messages or the records thereof shall be disclosed to an officer mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under subsection (1) was in the interest of public safety, a certificate signed by the Prime Minister and delivered to the person in charge of the telecommunication shall be conclusive proof on the point.

6. Where it appears to the Minister that such a course is expedient in the public interest he may by warrant under his hand require any person who owns or controls any telecommunication to produce to him or to a person named in the warrant the originals and transcripts and records relating to either all messages, or messages of any specified class or description, or messages sent from or addressed to any specified person or place or sent to or received from any place out of Malaysia by means of any such telecommunication and all other papers relating to any such messages as aforesaid.

Power to
require
production
of messages.

7. (1) The Minister may make regulations for the conduct of all or any telecommunications established, maintained or worked by the Government or by persons licensed under this Act *or for the control of any telecommunication apparatus or equipment.*

Power to
make
regulations.

(Act.A.115/72)
// AA797

(2) (a) The said regulations may provide for all or any of the following matters:

- (i) the rates at which, and the other conditions and restrictions subject to which, messages shall be transmitted, and apparatus, equipment and plant may be hired;
- (ii) the precautions to be taken for preventing the improper interception or disclosure of messages;
- (iii) the period for which and the conditions subject to which messages and other documents belonging

Act. A. 115/72
AA797

(vii) (viii) (ix) (x)

to or being in the custody of telecommunication officers shall be preserved;

the fees to be charged for searching for messages or other documents in the custody of any telecommunication officer;

(viii) (ix) (x) prescribing all matters which under this Part may be prescribed.

(b) The regulations may prescribe fines for any offence against the provisions thereof which shall not exceed the following limits:

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(i) where the offender is a person licensed under this Act and is punishable for the breach, five hundred thousand dollars, and in the case of a continuing breach, a further fine of one hundred dollars for every day or part of a day after the first day during which the breach continues;

(ii) where the offender is a servant of a person licensed as aforesaid or any other person, one-fourth of the amount specified in sub-paragraph (i).

(3) Regulations made under this section shall be laid before the Dewan Ra'ayat at its first meeting after their publication in the Gazette.

(4) If a resolution of the Dewan Ra'ayat is passed, at the meeting next after the meeting at which the regulations are laid in accordance with sub-section (3), to the effect that any such regulation shall be cancelled as from a specified date, the regulation shall be void as from that date, but without prejudice to the validity of anything done under the regulation prior to the said date.

AA628 ->

Revocation of licences.

8. The Minister may at any time revoke any licence granted under section 3 on the breach of any of the conditions therein contained or in default of payment of any consideration payable thereunder.

Government not responsible for loss or damage.

9. (1) The Government shall not be responsible for any loss or damage which may occur in consequence—

(a) of any telecommunication officer failing in his duty with respect to the receipt, transmission or delivery of any message; or

(b) of any failure of telecommunication plant.

(2) No telecommunication officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

PART III

POWER TO PLACE TELECOMMUNICATION LINES AND POSTS

10. (1) The telecommunication authority may from time to time place and maintain a telecommunication line under, over, along or across, and posts in or upon, any immovable property.

// or equipment
AA797
Power to place telecommunication lines and posts.

(2) The telecommunication authority shall not exercise the powers conferred by this section except for the purposes of a telecommunication established or maintained by the Government, or to be so established or maintained, or licensed under section 3 (3).

/telecommunication equipment
AA797

(3) Neither the Government nor the telecommunication authority shall acquire any right other than that of user only in the property under, over, along, across, in or upon which the telecommunication authority places any telecommunication line or post.

/ equipment
AA797

(4) Except as hereinafter provided, the telecommunication authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority without the permission of that authority.

(5) In the exercise of the powers conferred by this section, the telecommunication authority shall do as little damage as possible and when it has exercised those powers in respect of any property other than property referred to in subsection (4) shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

11. The telecommunication authority, its officers, servants and agents may at any time for the purpose of examining, repairing, altering or removing any telecommunication line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Power to enter on property.
/ equipment
AA797

Provisions applicable to property vested in or under the control or management of local authorities

12. Any permission given by a local authority under section 10 (4) may be given subject to such reasonable conditions as that authority thinks fit to impose as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by

Power for local authority to impose conditions.

that section, or as to the time or mode of execution of any work or as to any other thing connected with or relative to any work undertaken by the telecommunication authority under those powers.

Power for local authority to require removal of lines and posts.
Equipment
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13. When under the foregoing provisions of this Act a telecommunication line or post has been placed by the telecommunication authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority having regard to circumstances which have arisen since the telecommunication line or post was so placed considers it expedient that it should be removed or that its position should be altered, the local authority may require the telecommunication authority to remove it or alter its position, as the case may be.

Power to alter position of pipes and drains.

14. (1) The telecommunication authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property vested in or under the control or management of a local authority, alter the position thereunder of any pipe, not being a main pipe for the supply of gas or water, or of any drain, not being a main drain.

(2) When the telecommunication authority desires to alter the position of any such pipe or drain, it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so to the local authority, and when the pipe or drain is not under the control of the local authority to the person under whose control the pipe or drain is.

(3) A local authority or person receiving notice under subsection (2) may send a person to superintend the work, and the telecommunication authority shall execute the work to the reasonable satisfaction of the person so sent.

Dispute between authorities.

15. (1) If any dispute arises between the telecommunication authority and a local authority in consequence of the local authority refusing the permission referred to in section 10 (4), or prescribing any condition under section 12, or in consequence of the telecommunication authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the Minister may appoint either generally or specially in this behalf.

(2) An appeal from the determination of the officer so appointed shall lie to the Yang di-Pertuan Agong, whose order shall be final.

Provisions applicable to other property

16. (1) If the exercise of the powers mentioned in section 10 in respect of property referred to in subsection (5) thereof is resisted or obstructed, a ~~President or a Magistrate~~, may, in his discretion, order that the telecommunication authority shall be permitted to exercise them.

Cases of
resistance or
obstruction.

d/A A 628

(2) If after the making of an order under subsection (1), any person resists the exercise of those powers, or having control over the property does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 188 of the Penal Code.

F.M.S.
Cap. 45:
Sabah 3/59;
Swk.
Cap. 57.

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10 (5), it shall, on application for that purpose by either of the disputing parties to a ~~President or a Magistrate~~, be determined by him.

d/A A 628

(4) If any dispute arises as to the persons entitled to receive compensation or as to the proportions in which the persons interested are entitled to share in it, the telecommunication authority may pay, ~~in the case of West Malaysia into the Sessions Court and, in the case of East Malaysia into the court of a Magistrate of the First Class for the district~~ such amount as it deems sufficient, or where all the disputing parties have, in writing, admitted the amount tendered to be sufficient, or the amount has been determined under subsection (3), that amount; and the ~~President or Magistrate~~, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

d/A A 628

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(5) Every determination of a dispute by a ~~President or Magistrate~~ under subsection (3) or (4) shall be final:

d/A A 628

Provided that nothing in this subsection shall affect the right of any person to sue for and recover the whole or any part of any compensation paid by the telecommunication authority from the person who has received the same.

Owner of property may require removal of line or post.
* equipment
AA 797

17. (1) When under the foregoing provisions of this Act a telecommunication line~~or~~ or post has been placed by the telecommunication authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telecommunication line~~or~~ or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telecommunication authority to remove or alter the line~~or~~ or post accordingly.

(2) If compensation has been paid under section 10 (5), he shall, when making the requisition, tender to the telecommunication authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever is the smaller sum.

d/AA 628

(3) If the telecommunication authority omits to comply with the requisition, the person making it may apply to the President ~~or Magistrate~~ within whose jurisdiction the property is situate to order the removal or alteration.

d/AA 628

* equipment
AA 797

(4) The President ~~or Magistrate~~ may, in his discretion, reject the application or make an order, absolute or subject to conditions, for the removal of the telecommunication line~~or~~ or post to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final.

Removal of trees dangerous to or obstructing telecommunication lines or communications.

18. (1) Where in the opinion of the telecommunication authority, there is at any time danger or suspected danger that any tree (which term in this section includes undergrowth) standing or lying near a telecommunication line may interrupt or interfere with telecommunications or cause damage to any telecommunication line, the telecommunication authority may cause the tree to be felled or dealt with in such other manner as will, in its opinion, avert the danger.

(2) Where a tree, which has been felled or otherwise dealt with under subsection (1), was in existence before the telecommunication line was placed, erected or installed, the telecommunication authority, may pay to any person interested in the tree such sum as may be agreed by way of compensation; and in default of agreement shall report the matter to the officer charged under the National Land Code, or under any written law corresponding thereto which is in force in any State, with the collection of land revenue

from the land on which the tree is situate, who after giving an opportunity of being heard to all persons interested, shall award, and if necessary shall apportion, such compensation as he thinks reasonable; and such award shall be final.

(3) In the event of the owner or occupier of any land felling or clearing any tree or vegetation adjacent to any telecommunication line, such owner or occupier shall give to the telecommunication authority notice in writing of his intention so to do and shall take all reasonable precautions as the telecommunication authority may require for the protection of the telecommunication line.

(4) If any such owner or occupier fails to give notice as hereinbefore provided, or having given notice fails to take any such precautions as the telecommunication authority may have required, he shall be liable to pay to the telecommunication authority all costs and expenses incurred in repairing the line and re-establishing communication; and for the purposes of this subsection the certificate of the telecommunication authority as to the costs and expenses incurred shall be conclusive.

(5) If the amount due for costs and expenses be not paid within seven days after demand the telecommunication authority may report the same to a President or a Magistrate and the amount may be recovered in the same way as if it were a fine imposed by the President or Magistrate.

d(AAG)28

(6) If any trees or vegetation are felled or cleared upon land adjacent to any telecommunication line it shall be presumed until the contrary is proved that the trees or vegetation were felled or cleared by the owner or occupier of the land or by his servants or agents acting as such.

19. Every telecommunication line or post placed before the commencement of this Act under, over, along, across, in or upon any property for the purpose of a telecommunication established or maintained by the Government, shall be deemed to have been placed in exercise of the powers conferred by and after observance of all the requirements of this Act.

d(AAG)28
Existing line and posts deemed to be placed under this Act.

20. This Part shall apply to a person licensed under section 3 (3) to place, lay, carry or maintain any posts, cables or wires on, along, through, under or across any land, as though references to "the telecommunication authority" wherever appearing in this Part were references to the person so licensed.

Application of Part III to a person licensed under section 3.

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PART IV

PENALTIES

Unlicensed telecommunication or breach of licence.

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/ five hundred AA628
/ ten thousand AA797

21. Any person who establishes, maintains or works a telecommunication in Malaysia otherwise than as permitted under section 3 or breaks any condition contained in a licence granted under that section, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~five hundred~~ dollars, and to a further fine not exceeding ~~two hundred and fifty~~ dollars for every week or part thereof during which the line is maintained or worked or the breach of the condition continues.

Using unlicensed telecommunications.

22. Any person who, knowing or having reason to believe that a telecommunication has been established or is maintained or worked in contravention of this Act, transmits or receives any message by that telecommunication, or performs any service incidental thereto, or delivers any message for transmission by the said telecommunication, or accepts delivery of any message sent thereby, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty-five dollars.

Intrusion or trespass or obstruction.

23. Any person who—

- (a) enters any part of a telecommunication office of the Government or any part of an office of a person licensed under this Act without the permission of the telecommunication officer in charge;
- (b) enters a fenced enclosure, building or room of any such telecommunication office in contravention of any rule or notice not to do so;
- (c) refuses to quit any such enclosure, building or room on being requested to do so by any telecommunication officer or servant employed therein; or
- (d) wilfully obstructs or impedes any such officer or servant in the performance of his duty,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~two hundred~~ dollars.

X ten thousand AA797

Unlawful attempt to learn contents of messages.

24. Any person who does any of the acts mentioned in section 23, with the intention of unlawfully learning the contents of any message or of committing any offence punishable under this Act, shall, in addition to the fine to which he is liable under section 23, be liable to imprisonment for a term which may extend to one year.

TELECOMMUNICATIONS

25. Any person who, intending—

- (a) to prevent or obstruct the transmission or delivery of any message;
- (b) to intercept or to acquaint himself with the contents of any message; or
- (c) to commit mischief; or

A.A 373/
Intentional damage to telecommunication.

d/AA797

AA797

AA797

destroys, (A.A 373/77)

^{(d)---} damages, removes, tampers with or touches any telecommunication plant, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~three hundred~~ dollars or to imprisonment for a term which may extend to three years or to both.

~~(2) For the purpose of.~~

d/AA628

26. Any telecommunication officer, or any person not being a telecommunication officer but having official duties connected with any office which is used as a telecommunication office, who—

Offences by telecommunication officers.

- (a) wilfully secretes, makes away with or alters any message or record of any message;
- (b) wilfully and otherwise than in obedience to an order of the Minister or of an officer specially authorised by him to make the order, omits to transmit or intercepts or detains any message or any part thereof, or otherwise than in pursuance of his official duty or in obedience to the direction of a competent court, discloses the contents or any part of the contents of any message or record of any message to any person not entitled to receive the same; or

(c) divulges the purport of any message to any person not entitled to become acquainted with the same,

~~(2) For the purpose of.~~

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~three hundred~~ dollars or to imprisonment for a term which may extend to three years or to both.

A.A 373/77.

ten thousand

AA797

27. Any telecommunication officer who transmits or allows to be transmitted by telecommunication any message on which the charge prescribed by the Government or by a person licensed under this Act, as the case may be, has not been paid, intending thereby to defraud the Government or that person, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~three hundred~~ dollars or to imprisonment for a term which may extend to three years or to both.

Fraudulently sending messages.

ten thousand

AA797

Misconduct. **28.** Any telecommunication officer, or other person having official duties connected with any telecommunication office, who is guilty of any act of drunkenness, carelessness or other misconduct whereby the correct transmission, or the delivery of any message is impeded or delayed, and any telecommunication officer who loiters or delays in the transmission or delivery of any message, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~fifty~~ ^{five thousand} dollars or to imprisonment for a term which may extend to ~~three~~ ^{AA797} months or to both.

*five thousand
AA797*

*SIX
AA797* Sending false messages.

29. Any person who transmits or causes to be transmitted by telecommunication a message which he knows to be false or fabricated shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~three hundred~~ ^{ten thousand} dollars or to imprisonment for a term which may extend to three years or to both.

*ten thousand
AA797*

Fraudulent retention of message.

30. Any person who fraudulently retains or wilfully secretes, makes away with or detains a message or record of a message which ought to have been delivered to some other person, or being required by a telecommunication officer to deliver up any such message or record thereof neglects or refuses to do so, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~two hundred~~ ^{ten thousand} dollars or to imprisonment for a term which may extend to two years or to both.

*ten thousand
AA797*

Refusal or neglect to produce message.

31. Any person who, on being required under section 6 to produce any original or transcript of a message or any record or paper relating to a message, refuses or neglects to do so, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~five hundred~~ ^{ten thousand} dollars or to imprisonment for a term which may extend to ~~three months~~ ^{one year} or to both.

*ten thousand
AA797*
*one year
AA797* →

Telecommunication officers deemed public servants. F.M.S. Cap. 45; Sabah 3/59; Swk. Cap. 57.

32. (1) A telecommunication officer shall be deemed a public servant within the meaning of the Penal Code.

(2) In section 161 of the Penal Code the word "Government" shall for the purposes of this Act, be deemed to include a person licensed under this Act.

Attempt to commit offence.

33. Any person who attempts to commit an offence punishable under this Act shall be liable to the punishment herein provided for the offence.

17A28 → *33A*

TELECOMMUNICATIONS

PART V

RADIOCOMMUNICATION

34. The provisions of this Part shall not apply to officers or men of the armed forces of Malaysia or of any visiting force lawfully present in Malaysia using radiocommunication apparatus in the performance of their official duties, or to radiocommunication apparatus so used.

Exemption.

35. (1) In this Part—

Subs. by AA197

Interpretation.

“vehicle” means any vehicle whether mechanically propelled or not;

“radiocommunication” means any telecommunication by means of Hertzian waves;

radio in AA628

“Hertzian waves” means electromagnetic waves between 10 Kc/s and 3,000,000 Mc/s;

AA628

“radiocommunication apparatus” means any apparatus or any component part thereof capable of being used or being adapted for the transmission or reception of Hertzian waves;

“local vessel” means any ship registered in a port of Malaysia, or any vessel licensed to be used in the tidal waters of Malaysia, or any unlicensed vessel habitually kept in Malaysia or the territorial waters thereof;

“local aircraft” means any aircraft registered in Malaysia.

(2) Subject to regulations made under section 40, nothing in this Part shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission or reception of messages or other communications whatsoever.

36. (1) The Government shall have the exclusive privilege of establishing any radiocommunication station and of installing and working any radiocommunication apparatus for the purpose of—

Exclusive privilege.

(a) transmitting messages or other communications whatsoever by radiocommunication in Malaysia and receiving messages or other communications whatsoever so transmitted;

(b) transmitting messages or other communications whatsoever by radiocommunication from Malaysia to any place, ship or aircraft outside Malaysia; or

(c) receiving in Malaysia messages or other communications whatsoever transmitted by radiocommunication from any place, ship or aircraft outside Malaysia.

(2) The Minister may fix the rates at which, and the conditions and restrictions subject to which, messages or other communications may be transmitted or received by radiocommunication or delivered after receipt to the person to whom they are addressed.

Grant of licences.

37. (1) The Minister may, whenever he deems it expedient to do so, licence the establishment of any radiocommunication station or the installation or working of any radiocommunication apparatus in any place in Malaysia or on board any local vessel or local aircraft or in any vehicle.

(2) The Minister may, whenever he deems it expedient to do so, issue to any person who holds a licence under subsection (1) a licence to work any radiocommunication apparatus for all or any of the purposes mentioned in section 36.

A4846 →

(3) The Minister may delegate his power of issuing licences to the telecommunication authority, or to such officer or officers as he thinks fit and may appoint officers for the purpose of carrying into effect the provisions of this Part:

Provided that no delegation of the power of issuing licences shall affect the exercise of that power by the Minister.

(4) All such officers shall be deemed to be public servants within the meaning of the Penal Code.

F.M.S. Cap. 45; Sabah 3/59; Swk. Cap. 57.

37A ----

Prohibitions.

38. (1) No person shall—

(a) establish any radiocommunication station or instal or work any radiocommunication apparatus in any place in Malaysia or on board any local vessel or local aircraft or in any vehicle; or

(b) offer for sale, sell, or have in his possession with a view to sale radiocommunication apparatus or material,

except under and in accordance with a licence granted under this Part;

A4797 → Provided---

(2) Every such licence shall be in such form and for such period as the Minister determines and shall contain such terms, conditions and restrictions, on and subject to which the licence is granted, as the Minister considers desirable in the public interest.

(3) Any person who is in possession of any radiocommunication apparatus intended for transmitting or receiving messages by radiocommunication shall be deemed until the contrary is proved to have worked the same.

(4) The occupier of any dwelling-house or premises in which is installed any radiocommunication apparatus for receiving any messages by radiocommunication in respect of which a licence is not in force shall be guilty of an offence against this Part.

(5) It shall be a defence to a prosecution for an offence against subsection (4) that the occupier was not aware and could not with reasonable diligence have become aware of the existence in the dwelling-house or premises of the radiocommunication apparatus in question.

38A---
39. (1) Any person who establishes a radiocommunication station or instals or works any radiocommunication apparatus without a licence shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~one thousand dollars~~ ^{three} or to imprisonment for a term which may extend to ~~twelve months~~, and in either case shall be liable to forfeit any radiocommunication apparatus installed or worked without a licence.

← AA846
← AA797
Penalty for unlicensed station.
AA628
One hundred
AA797
three years
AA797

(2) If a Magistrate is satisfied by information on oath that there is reasonable ground for believing that a radiocommunication station has been established or that any radiocommunication apparatus has been installed or worked without a licence in any place in Malaysia or on board any local vessel or local aircraft, he may grant a search warrant to any police officer to enter and inspect the station, place, local vessel or local aircraft and to seize any apparatus which appears to him to be used or intended to be used for radiocommunication therein. ~~In this subsection "Magistrate" means a Magistrate of any class,~~

AA797
AA628

(3) A police officer may seize any apparatus which is found by him in any vehicle and which appears to him to be used or intended to be used without a licence for radiocommunication therein.

39A---

← AA797

Power to make regulations.

40. (1) The Minister may make regulations for—

(a) prescribing the forms of licences and the manner in which applications for licences under this Part are to be made;

(b) prescribing the terms, conditions and restrictions on and subject to which licences are granted and the duties of licensees;

Sub. AA593

(c) prescribing the fees payable on the grant of any licence;

standards, AA797

(d) regulating the working and use of radiocommunication apparatus;

(e) regulating the licensing of dealers in and the sale or transfer of radiocommunication apparatus;

AA797

(f) prohibiting or regulating the working or using of any radiocommunication apparatus in any vehicle or on board any vessel, whether local, British or foreign, while in the territorial waters of Malaysia;

AA846 →

(g) prohibiting or regulating the working or using of any radiocommunication apparatus on any aircraft, whether local, British or foreign, while in or over Malaysia or the territorial waters thereof;

AA797

AA797 →

(h) examining and issuing certificates of proficiency to operators;

and the payment of fees therefor AA797

(i) ensuring the secrecy of radiocommunications;

(j) regulating electrical interference with the working or using of any radiocommunication apparatus and prescribing the requirements to be complied with in the case of any apparatus to prevent or reduce such interference;

AA797
AA846

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→

(k) prescribing all matters which by this Part are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) No regulations made in respect of the matters described in subsection (1) (f) and (g) shall apply to the use of radiocommunication for the purpose of making or answering signals of distress.

41. If on the occurrence of any public emergency or in the interest of public safety or tranquillity, the Prime Minister is of opinion that the Government should have control over the transmission or reception of messages by radiocommunication, then after publication of notice to that effect in the *Gazette* and until further notice, the use of radiocommunication at any radiocommunication station and by any installation or apparatus for radiocommunication in Malaysia or on board any vessel in the territorial waters of Malaysia or on any aircraft in or over Malaysia or its territorial waters or in any vehicle shall be subject to such orders, rules or regulations as the Prime Minister may make, either before or after the occurrence of the emergency, and the said orders, rules or regulations may—

Control of apparatus in an emergency.

- (a) prohibit or regulate such use in all cases or in such cases as may be deemed desirable; or
- (b) provide for—
 - (i) the taking possession of, the control of or the usage for official purposes of all radiocommunication stations and apparatus, and the payment of compensation for any damage caused thereby;
 - (ii) the stopping, delaying and censoring of all messages received, transmitted or submitted for transmission;
 - (iii) the carrying out of any other purpose which the Prime Minister thinks necessary:

Provided that nothing in the orders, rules or regulations shall apply to the use of radiocommunication for the purpose of making or answering signals of distress.

42. (1) When an applicant for a licence proves to the satisfaction of the Minister that the sole object of obtaining the licence is to enable him to conduct experiments in radiocommunication, a licence for that purpose may be granted in accordance with the regulations made under section 40 and may not be subject to any rent or royalty.

Licences for experimental purposes.

(2) The expression "rent or royalty" in subsection (1) does not include fees charged in respect of the grant or renewal of licences.

11/18/593

43. (1) Every omission or neglect to comply with, and every act done or attempted to be done contrary to this Part or any regulation made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence

← AAG28

General penalty.

has been issued, shall be deemed to be an offence against this Part, and for every such offence, not otherwise specially provided for, the offender shall, in addition to the forfeiture of any article seized, be liable to a fine not exceeding ~~five hundred~~ ^{five} hundred dollars.

One thousand
and
AAG 28
fifty thousand
ringgit
AA 846

(2) In the case of a conviction involving a fine the court inflicting the fine may, on the application of the officer conducting the prosecution, direct the payment of any part of the fine not exceeding one half to the person or persons who gave the information leading to the conviction in such proportions as the court deems fit.

PART VI

A-A-373(77)

4A. In this part -

4A846 →

44A ---

4A797 →

PART VI

LAWS OF MALAYSIA

Act 20

TELECOMMUNICATIONS ACT, 1950

(Revised—1970)

*Particulars under section 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. 332/1958 ...	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order, 1958	13-11-1958
L.N. 436/1964 ...	Modification of Laws (Telecommunications) (Extensions and Modification) Order, 1964	10-12-1964
L.N. 161/1965 ...	Modification of Laws (Telecommunications) Order, 1965	10-12-1964
P.U. 278/1968 ...	Modification of Laws (Telecommunications) Order, 1968	1-1-1968

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
28 of 1950 ...	Telecommunications Ordinance, 1950