

THE STATUTES OF THE REPUBLIC OF SINGAPORE

MINOR OFFENCES ACT (CHAPTER 184)

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Ordinance
13 of 1906

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Minor Offences Act

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An Act relating to minor offences.

[6th July 1906]

PART I

PRELIMINARY

1. This Act may be cited as the Minor Offences Act. Short title.
2. In this Act, unless the context otherwise requires — Inter-pretation.
 - “horse” includes mules and asses;
 - “cattle” includes bulls, cows, bullocks and buffaloes;
 - “in or near any public road” includes all places in the public road, and all places within 9 metres of it not being effectually separated from and hidden from the road by a wall or otherwise;
 - “public road” includes every road, street, passage, footway or square over which the public has a right of way.
3. The open verandahs of houses abutting on the public roads are public roads for foot-passengers subject to all rights of property of the owners of those houses. Verandahs public roads.
4. All offences under this Act shall be tried by a Magistrate’s Court or a District Court. Offences how punishable.

PART II

OFFENCES

- 5.—(1) The Commissioner of Police may, subject to the approval of the Minister, make general rules for — General rules for assemblies and processions.
 - (a) the conduct of all assemblies and processions in public roads, public places or places of public resort, and issuing permits for the same;
 - (b) requiring previous notice to be given of the intention to hold such assemblies and processions;
 - (c) keeping order and preventing obstruction or inconvenience in the public roads, bridges, landing places, and all public places and places of public resort, whether such public places or places of public resort are on public or private land.
- (2) The Deputy Commissioner of Police may, with the sanction of the Minister, prohibit any assembly or procession in any public road or in any public place or place of public resort. Prohibition of assemblies or processions.

Publication
of rules.

(3) All general rules made under this section shall be published in the *Gazette*.

Penalty for
breach of the
rules.

(4) Any person who infringes any general rules made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50.

(5) Any person who holds or is present assisting at any assembly or procession in any public road or in any public place or place of public resort held in defiance of a prohibition by the Deputy Commissioner of Police under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding 6 months or to both.

(6) For the purposes of this section —

“public place” means any building, park, garden, sea beach or other place to which the public for the time being has access;

“place of public resort” means an approved place as defined in the Public Entertainments Act.

Cap. 257.

(7) Nothing in this section shall be deemed to prevent any athletic contest in any public place, or to prevent any assembly in any place of public resort for the purpose for which the place of public resort is licensed.

Burning
material or
discharging
firearm in
public road.

6. Any person who sets fire to or burns any material to the annoyance, inconvenience or danger of the public, or negligently or wilfully discharges any firearm or air-gun, or throws or discharges any stone or other missile, or sends up any fire-balloon or rocket in or near any public road shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50:

Provided that it shall be no offence under this section for any person authorised in writing by the Deputy Commissioner of Police to discharge a firearm or air-gun in or near a public road in the exercise of his duty under any written law, by-law or regulation relating to the destruction of dogs.

[7*

Duty of
police
officers as to
dangerous
animals.

7.—(1) Every police officer shall secure any animal reasonably suspected to be mad or dangerous, and any wild animal found at large in or near any public road under circumstances of danger to the public.

*Section 6 in the 1970 Ed. was repealed by Act 24 of 1972.

(2) If there is reasonable ground to believe that any such mad, dangerous or wild animal cannot be secured without risk of injury to the person of the police officer attempting to secure the animal, the police officer may shoot or otherwise destroy the animal. [8]

8. If it is proved to the satisfaction of a Magistrate's Court that any dog is in the habit of running at persons or at vehicles or bicycles passing along a public road, the owner of the dog shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50. [9]

Dog running at persons, etc.

9. Any person who negligently suffers to be at large any ferocious dog without a muzzle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50, and if the dog has bitten, or attempted to bite any person, the dog may be killed by order of a Magistrate's Court. [10]

Ferocious dog at large.

10.—(1) Any owner of a dog which causes injury to any person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50.

Liability of dog owner.

(2) In addition to any fine imposed under subsection (1), compensation not exceeding \$100 shall be payable to the person injured in respect of any such injury. Such compensation shall be assessed by the Magistrate's Court and shall be recoverable from the owner of the dog in the manner provided by law for the recovery of fines before Magistrates' Courts.

(3) In any prosecution relating to any dog under subsection (1), it shall not be necessary to show a previous vicious propensity in the dog or the owner's knowledge of such previous propensity or that the injury was attributable to neglect on the part of the owner.

(4) The occupier of any house or premises where any dog was kept or permitted to live or remain at the time of causing any such injury as is referred to in subsection (1) shall be deemed to be the owner of the dog and shall be liable as such unless the occupier can prove that he was not the owner of the dog at the time the injury complained of was committed and that the dog was kept or permitted to

live or remain in the house or premises without his sanction or knowledge:

Provided that where there are more occupiers than one in any house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular part of the premises in which the dog was kept or permitted to live or remain at the time of the injury shall be deemed to be the owner of the dog.

(5) No compensation shall be payable to any person under this section in respect of injury sustained in any house or premises except upon proof that he entered the house or premises in the ordinary course of his duties or with the express or implied permission of the occupier.

(6) No criminal liability shall arise under this section in respect of any injury sustained by any person in any house or premises unless the person entered the house or premises in the ordinary course of his duties or with the express or implied permission of the occupier.

(7) The owner shall not be liable under this section for any injury sustained by any person where the injury was attributable to any wrongful act of that person. [11

Nuisances.

11.—(1) Any person who commits any of the following offences shall be liable on conviction to a fine not exceeding \$50:

Affixing bills or otherwise defacing houses, etc.

(a) without authority in the case of public property, or without the consent of the owner or occupier in the case of private property, affixes or causes to be affixed any advertisement, bill or notice, or any paper against or upon any building, wall or fence, or writes upon, defaces or marks any such building, wall or fence with chalk or paint, or in any other way;

Bathing in public.

(b) bathes or washes himself, or any other person, animal or thing on any public road, or in, upon or by the side of any public tank, reservoir, watercourse or stream, the use of which for bathing has been forbidden by the Deputy Commissioner of Police;

Obstructing person bathing.

(c) obstructs or incommodes a person bathing at any place set apart as a bathing place by wilful intrusion, or by washing any animal at or near that place, or in any other way;

- (d) being the owner or person in charge of any animal does not, if the animal dies, dispose of its carcass in such a way as not to be a common nuisance; Not burying dead animal.
- (e) places any dead animal on or near any public road; Placing dead animal on road.
- (f) spits in any coffee shop, market, eating house, school house, theatre or public building, or in any omnibus, railway carriage or other public conveyance, or on any wharf or jetty, or in any public road, or on any five-foot way or sidewalk of any public road, or in any other place to which the public has or may have access; Spitting.
- (g) suffers to be at large any unmuzzled ferocious dog or other animal; or sets on or urges any dog or other animal to attack, worry or put in fear any person or animal.

(2) Any person who commits an offence under subsection (1) (f) after having been previously convicted for an offence under that subsection shall be liable on conviction to a fine not exceeding \$100. [12]

12. Any person who commits any of the following offences shall be liable on conviction to a fine not exceeding \$50: Offences relating to animals.

- (a) being the owner or person in charge of any animal allows the animal to injure any tree or plant, or fence round any tree or plant, in or at the side of any public road, or to graze on the side of any public road, or allows any pig to root in any public road, or on the side thereof, or in any State lands, or lands in the possession of any public institution; Animals destroying trees, etc.
- (i) all damage done by such animal shall be assessed by the Magistrate's Court, and shall be recoverable in the manner provided by law for the recovery of fines before Magistrates' Courts from the owner of the animal, together with any amounts to be levied as fines; Damage recoverable as fine.
- (ii) the Deputy Commissioner of Police may, whenever he finds it necessary, give Pigs rooting may be killed.

orders for the killing of pigs found rooting on the public roads or State lands, or lands in the possession of any public institution, and the carcase of any pig so killed, if not removed within 12 hours, shall be buried by the police;

- (iii) the Deputy Commissioner of Police shall not issue orders for the killing of pigs found rooting on any public road or State lands, or lands in the possession of any public institution, until notice in writing of the intention to issue the order has been posted up in such road or State lands, or lands in the possession of any public institution, at least 24 hours beforehand, and until proclamation of the intention has been publicly made throughout that road or State lands, or lands in the possession of any public institution;

Allowing horses, cattle, etc., to stray.

- (b) allows any horse, cattle, goat, sheep or pig to stray upon, or tethers or pickets any such animal upon, any public road or State land or land in the possession of any local authority or public institution or land in the possession of any private person, without the permission of the owner or lawful occupier thereof;
- (c) leads or drives any horse, cattle, goat, sheep or pig in or near any public road without having them under proper control. [13

Other offences. 21/73.

13. Any person who commits any of the following offences shall be liable on conviction to a fine not exceeding \$50:

Placing article on public road.

- (a) lays any stone, brick or other article on any public road so as to cause an obstruction thereto, or so as to make the use of the road less convenient;

Not removing article fallen from vehicle.

- (b) allows to remain on any public road any article which has fallen from any vehicle of which he is in charge;

Obstructing road with articles or things.

- (c) deposits or causes or allows any article or thing to be deposited on any public road or otherwise causes or allows that article or thing to create

obstruction or inconvenience to the passage of the public for a longer period than is absolutely necessary for loading or unloading the article or thing:

Provided that if it is proved that any article or thing has been deposited on any public road from any building or land in contravention of this paragraph, it shall be presumed, until the contrary is proved, that the occupier of the building or land has caused or allowed it to be so deposited;

- (d) causes or permits any cart, wheel-barrow, bicycle, tricycle or other vehicle to stand on any public road so as to create or to be likely to create obstruction or inconvenience to the passage of the public in that public road;
- (e) flies any kite, or plays at any game, or does any act which obstructs or interferes with the traffic in any public road, or the use of the wires of any telephone; Flying kite near public road.
- (f) uses any indecent, threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up, or affixes, or exhibits any indecent, threatening, abusive or insulting written paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; Abusive language.
- (g) without the permission in writing of the Deputy Commissioner of Police or of a superintendent or assistant superintendent of police, beats within the limits of any town or village between the hours of 12 midnight and 6 a.m. of the next day, or in any public road or public place at any hour, any drum, gong, tambour or tom tom, or blows any whistle, horn, trumpet, flute, pipe, bagpipes or other wind instrument, or beats or sounds any metal or musical instrument or utensil; Beating drums, etc., and blowing horns, etc.
 - (i) notwithstanding that the permission in writing has been given, any police officer, on the complaint of a householder that the noise of any such

instrument is dangerous to any sick person living near the place where the noise is going on, or for other good and sufficient reason, may enter upon the premises where the noise is, and after warning stop the noise, either by removal of the instruments or the dispersal of those assembled there;

(ii) paragraph (g) shall not be held to apply to military or police music;

(iii) paragraph (g) shall not apply to police whistles blown by any person for the purpose of calling assistance nor shall it apply to any horn, bell, whistle or similar appliance on any motor car, bicycle or other vehicle, provided such horn, bell, whistle or appliance is not sounded for a period longer than is absolutely necessary to prevent the risk of collision;

(iv) for the purposes of paragraph (g) "public place" shall have the same meaning as in section 5;

(h) without the permission in writing of the Deputy Commissioner of Police or of a superintendent or assistant superintendent of police within the limits of any town or village between the hours of 12 midnight and 6 a.m. of the next day operates or causes or suffers to be operated any gramophone or wireless loud speaker or pianola or other form of music mechanically or electrically produced; notwithstanding that such permission in writing has been given, any police officer, on the complaint of a householder that the noise of any such instrument is dangerous to any sick person living near the place where such instrument is being operated, or for any other good and sufficient reason, may enter upon the premises where the instrument is being operated, and after warning stop the noise, either by the removal of the instrument or in some other appropriate way;

Gramophones, loud speakers, etc., at night prohibited.

- (i) operates or causes or suffers to be operated in any street or public place or in any shop, business premises, building or place which adjoins any street or public place any gramophone or wireless loud speaker or any other instrument whatsoever for the production of noise or music save as exempted by paragraph (g) (ii) and (iii) in such a manner as to cause annoyance, inconvenience or offence to occupants or inmates of any premises or to passengers or other persons lawfully using the street or public place; Gramophones and loud speakers in public places prohibited.
- (j) places any blind, shade, covering, awning or other projection over or along any public road if any part thereof is less than $2\frac{1}{2}$ metres above the surface of that public road. [14

14.—(1) Any person who in any river or canal in which the public has a right of navigation, without the written permission of the Deputy Commissioner of Police or of the Director of Marine or Deputy Director of Marine — Obstruction in canals, etc.

- (a) leaves any boat or vessel at any place for a longer time than is necessary for loading and unloading;
- (b) refuses to move his boat or vessel away from that place when so directed by any police officer;
- (c) leaves any raft or log or piece of timber or plank in any such river or canal more than one day after its arrival therein; or
- (d) erects in any such river or canal any stage or scaffolding,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25.

(2) Such boat, vessel, raft, timber or plank may be removed by the police.

(3) The expense of such removal shall be recoverable as a fine from the owner or person in charge of the same, and if not paid by him may be recovered by distress and sale of the property of such owner or person and of such boat, vessel, raft, timber or plank. [15

15. Any person who deposits or causes to be deposited any corpse or any dying person in any public place or in any private place without the consent of the owner shall be Penalty for depositing corpse or dying person.

guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both. [16]

PART III

ARMY, NAVY, AIR FORCE, POLICE AND MARINE

Unlawful possession of naval, military, air force or police stores.

16. Any person who knowingly detains, buys, exchanges or receives from any person subject to military law for the army, navy or air force of Singapore or of any visiting forces lawfully present in Singapore or from any member of the Police Force of Singapore or of Malaysia lawfully present in Singapore, any arms, ammunition, accoutrements, clothing, regimental or other military, naval, air force or police necessities or other property belonging to the Government or to the government of Malaysia or to the government of any country which has visiting forces lawfully present in Singapore or any medal for good conduct, or for distinguished or other services, or who has in his possession or keeping any such arms, ammunition, accoutrements, clothing, regimental or other military, naval, air force or police necessities, or other property or medals as above, and does not give a satisfactory account as to how he came by the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding one month. [17]

Penalty for taking spirits into barracks or on board Government ships.

17. Any person who, not being amenable to military law for the army, navy or air force of Singapore or of any visiting forces lawfully present in Singapore, takes or attempts to take into any military barrack, guardroom, or encampment or on board or alongside of any Government ship or into any police barrack, police station or lock-up, any intoxicating liquor, drug or preparation, without the licence in writing of the commanding officer, unless such articles are intended for some person above the rank of non-commissioned officer, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 2 months, and such liquor, drug or preparation and the vessels containing the same shall be forfeited. [18]

Power to arrest and search boats.

18.—(1) Any officer or non-commissioned officer of the army, navy or air force of Singapore or of any visiting forces

lawfully present in Singapore, may with or without warrant arrest any person —

(a) loitering in the vicinity of any barracks or encampment; or

(b) found in a boat hovering about any Government ship,

and suspected of committing or attempting to commit an offence under section 17, and such person may be brought before a Magistrate's Court to be dealt with according to law.

(2) Any officer or non-commissioned officer of the army, navy or air force of Singapore or of any visiting forces lawfully present in Singapore may with or without warrant search any boat which is hovering about any Government ship, and which there is reason to suspect is being used for the commission of an offence under section 17.

(3) In section 17 and this section, "Government ship" means any ship belonging to or in the service of the Government or the government of Malaysia or the government of any country which has visiting forces lawfully present in Singapore. [19

19. Any person who wilfully harbours or conceals any person employed or engaged in any capacity on board any ship belonging to the navy of any foreign State, or on board any merchant vessel, whether under the Singapore, Malaysian, British or any foreign flag, knowing or having reason to believe such person to be a deserter, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200. [20

Penalty for harbouring or concealing deserter from vessels.

20. Any keeper or person in charge of any tavern or other place for the sale of any intoxicating liquor, drug or preparation who permits any police officer on duty to drink or use any intoxicating liquor, drug or preparation, or to remain, loiter or conceal himself in the tavern or place, or upon any premises belonging thereto, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100. [21

Supplying drink, etc., to constables on duty.

PART IV

OTHER OFFENCES

21. Any person who is found drunk and incapable of taking care of himself, in any public road or in any public

Drunkenness in public places.

place* or place of public amusement or resort, or in the immediate vicinity of any court or of any public office or police station or place of worship, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 or to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding 3 months. [22

Soliciting in public place.

22. Every person who in any public road or public place persistently loiters or solicits for the purpose of prostitution or for any other immoral purpose shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 and for a second or subsequent offence to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both. [23

Riotous, disorderly or indecent behaviour in, or in the immediate vicinity of, certain places.

23. Any person who is found guilty of any riotous, disorderly or indecent behaviour in any public road or in any public place or place of public amusement or resort, or in the immediate vicinity of, or in, any court, public office, police station or place of worship, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$250 or to imprisonment for a term not exceeding one month, and on a second or subsequent conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months. [24

Wilful trespass on property.

24.—(1) Any person who without satisfactory excuse wilfully trespasses on any ground belonging to the Government or appropriated to public purposes, or in or on any dwelling-house or premises or any land or ground attached thereto, or on any boat or vessel, not thereby in any of the above cases causing any actual damage, or not causing in the opinion of the Magistrate's Court more than nominal damage, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(2) Any officer or non-commissioned officer of the army, navy or air force of Singapore or of any visiting forces lawfully present in Singapore may, with or without warrant, arrest any person offending in his view against the

*See section 128 of the Employment Act (Cap. 91).

provisions of this section, and that person may be brought before a Magistrate's Court to be dealt with according to law.

[25

- 25.—(a) Any person found between 7 p.m. and 7 a.m. armed with any dangerous or offensive instrument with intent to commit any criminal offence; Apprehension of suspected persons.
- (b) any reputed thief found between 7 p.m. and 7 a.m. on board any vessel or boat, or lying or loitering in any bazaar, street, road, yard or other place who does not give a satisfactory account of himself;
- (c) any person found between 7 p.m. and 7 a.m. having his face covered or otherwise found disguised with intent to commit any criminal offence;
- (d) any person found between 7 p.m. and 7 a.m. in any dwelling-house or other building without being able satisfactorily to account for his presence therein;
- (e) any person having in his possession without lawful excuse, the proof of which excuse shall be on such person, any implement of house-breaking,

may be taken into custody by any police officer without a warrant, and shall be liable on conviction to imprisonment for a term not exceeding 6 months, and any such instruments or implements found in the possession of that person shall be forfeited. [26

26. Any person who takes or attempts to take without due permission into any public hospital any intoxicating liquor, drug or preparation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding 2 months, and such liquor, drug or preparation and the vessels containing the same shall be forfeited. Penalty for taking intoxicant, etc., into public hospital. [27

27.—(1) Whenever any accident occurs to a boat attended with loss of life the owner or person in charge of the boat shall forthwith report the circumstances at a police station. Boat accidents.

(2) Any owner or person in charge, as the case may be, who without lawful excuse neglects or delays to make such report shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50. [28

Improper
management
of house of
public resort.

28. Any person who being the keeper of any house licensed under any written law as a public house or as a retail liquor shop or which is used as a place of public entertainment or public resort —

- (a) knowingly suffers any unlawful games or gaming therein;
- (b) knowingly suffers prostitutes or persons of notoriously bad character or drunken and disorderly persons to assemble or continue in or upon his premises;
- (c) knowingly allows the deposit therein of goods having reasonable cause to believe them to be stolen; or
- (d) does, suffers or permits any act in contravention of his licence,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months, and to the forfeiture of his licence, if any. [29

PART V

VAGRANCY

Inter-
pretation.

29. For the purposes of this Part, “place of public resort”, “public place” and expressions of similar meaning shall be deemed to include every estate, factory or place in which 10 or more workmen are employed. [30

Idle and
disorderly
persons.
Unlicensed
hawkers.

Riotous or
indecent
behaviour by
prostitutes.

30.—(a) Every hawker wandering abroad and trading without being duly licensed or otherwise authorised by law; and

(b) every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a disorderly or indecent manner,

shall be deemed to be an idle and disorderly person within the meaning of this Part and shall be guilty of an offence and

shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding one month. [31

- 31.—(a) Any person committing any of the offences mentioned in section 30, after having been previously convicted as an idle and disorderly person; Rogues and vagabonds. Persons previously convicted under section 30.
- (b) every person pretending or professing to tell fortunes, or using any subtle craft, means or device, by palmistry or otherwise, to deceive and impose upon any person; Fortune tellers.
- (c) every person wilfully exposing to view, in any street, road, highway or public place, any obscene print, picture or other indecent exhibition; Exposure of obscene or indecent prints, etc.
- (d) every person wilfully, openly, lewdly and obscenely exposing his person in any street, road or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female; Exposure of person with intent.
- (e) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; Fraudulent charitable collections.
- (f) every person having in his or her possession or custody any picklock, key, crow, jack, bit or other implement, with intent to commit housebreaking, or being armed with any firearm, cutting or stabbing instrument, bludgeon or other offensive weapon or material, or having in his or her possession any instrument or material with intent to commit an offence; Possession of house-breaking implements or offensive weapons.
- (g) every person being found in or upon any dwelling-house, or premises for the custody of property, or in any enclosed yard, garden or area, for any unlawful purpose; Being found on premises for unlawful purpose.
- (h) every suspected person or reputed thief, frequenting or loitering in or about any river, canal or navigable stream, dock or basin, or any quay, wharf or warehouse near or adjoining thereto, or any street, highway or Suspected persons, reputed thieves frequenting or loitering with intent.

avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway or place adjacent thereto, or in any highway or any place adjacent to a street or highway, with intent to commit a seizable and non-bailable offence, and in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case, and from his known character as proved to the court, it appears that his intent was to commit a seizable and non-bailable offence;

Idle and disorderly person resisting arrest.

- (i) every person arrested as an idle and disorderly person who violently resists arrest and being subsequently convicted of the offence for which he was arrested,

shall be deemed to be a rogue and vagabond within the meaning of this Part and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months. [32]

Any person may arrest offender.

32. It shall be lawful for any person whatsoever to arrest any person found offending against this Part and to deliver him to any police officer. [33]

Search of conveyance or goods of person arrested. 21/73.

33. Any police officer or other person arresting any person charged with being an idle and disorderly person, or a rogue and vagabond, may take any vehicle or goods in the possession of that person as well as that person before a police officer to be searched in the presence of the police officer. [34]

Search of premises for idle and disorderly person and rogue and vagabond.

34. A Magistrate before whom information has been duly sworn that any person described to be an idle and disorderly person, or a rogue and vagabond, is or is reasonably suspected to be harboured or concealed in any hotel, boarding-house, lodging-house or eating-house, may authorised any police officer to enter at any time into any such hotel, boarding-house, lodging-house or eating-house and to arrest every such idle and disorderly person, rogue and vagabond as shall be found therein. [35]

35. It shall be lawful for any Magistrate before whom any person is convicted under this Part to call upon the person convicted to execute a bond with sureties for his good behaviour in lieu of being punished but he shall not so call upon any person who has been convicted for the second time of being a rogue and vagabond. [36

Magistrate may take recognizances for good behaviour in certain cases.

PART VI

POUNDS

36.—(1) Public pounds shall be provided and pound-keepers appointed at such places as the Minister directs. [Public pounds to be provided.]

(2) Any person may and any police officer shall seize all horses, cattle, goats, sheep and pigs found picketed, tethered, or straying upon any public street, footway or back lane or trespassing on the grounds or property of any person or of the Government, and confine such animals in a public pound.

(3) Any animal so impounded may be redeemed by the owner thereof within 10 days after being so impounded on payment to the pound-keeper of such fee as is fixed from time to time by the Minister and published in the *Gazette* and of the expenses of feeding the same while impounded according to the rate to be fixed from time to time by the Deputy Commissioner of Police.

(4) Any animal not so redeemed as aforesaid may be publicly sold by order of the Deputy Commissioner of Police, and the proceeds of the sale after deducting the fee and the expenses of feeding shall be paid to the owner of the animal, or if not claimed within a period of 3 months after the sale shall be retained by the Deputy Commissioner of Police and paid into the Consolidated Fund.

(5) Any person who takes any animal out of a public pound without the knowledge and consent of the pound-keeper shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50. [37

Penalty for pound breach.

PART VII

FRAUDULENT POSSESSION OF PROPERTY

37.—(1) Any person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or fraudulently obtained shall, if he fails to

Fraudulent possession of property.

account satisfactorily how he came by the same, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months.

(2) If any person charged with having or conveying anything stolen or fraudulently obtained declares that he received the same from some other person, or that he was employed as a carrier, agent or servant to convey the same for some other person, the court may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same has passed, provided that such other person is alleged to have had possession of the same within the jurisdiction of that court, to be brought before it and examined, and shall examine witnesses upon oath touching the same.

(3) If it appears to such court that any person so brought before it had possession of such thing and had reasonable cause to believe the same to have been stolen or fraudulently obtained, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding 3 months.

(4) The word “possession” in subsections (1), (2) and (3) includes possession in a house, building, ship, vessel, boat or other place as well as possession in a public road or place.

(5) Any person who —

(a) having been convicted of an offence punishable under this section or under Chapter XII or Chapter XVII of the Penal Code; or

(b) having been convicted in Malaysia or in Brunei Darussalam of an offence of a nature similar to any of those offences,

is subsequently convicted of an offence punishable under this section shall be liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years.

(6) If information is given on oath to a Magistrate’s Court that there is cause to suspect that any property which may be reasonably suspected of being stolen or fraudulently obtained is within any house, building, ship, vessel, boat or other place, that Court may, by warrant directed to any police officer, cause the house, building, ship, vessel, boat

Cap. 224.

Search for
property
stolen or
fraudulently
obtained.

or other place to be entered and searched at any hour of the day or night.

(7) The information mentioned in subsection (6) shall describe the property which it is reasonably suspected has been stolen or fraudulently obtained, and shall also describe the house, building, ship, vessel, boat or other place in which the property is suspected to be.

(8) If upon the making of the search any property, such as that described in the information, is found in the house, building, ship, vessel, boat or other place, the police officer making the search or some other police officer shall convey the property before a Magistrate's Court or guard the property on the spot or otherwise dispose thereof in some place of safety.

(9) The police officer making the search or some other police officer shall also take into custody and carry before a Magistrate's Court every person in such house, building, ship, vessel, boat or other place in whose possession or under whose control such property is found.

(10) Sections 65 and 66 of the Criminal Procedure Code shall apply to searches made under subsections (6), (7), (8) and (9). Cap. 68.
[38]

38.—(1) When any property has been stolen or fraudulently obtained, and a written description of the property has been given by any police officer to any dealer in secondhand goods or money-changer, and property answering the description of the property is in the possession of such dealer or money-changer or afterwards comes into his possession or is offered to him for sale or exchange, he shall without undue delay give information of the property to the Deputy Commissioner of Police or at a police station, and shall at the same time state the name and address given by the person from whom he received that property or by whom it was offered to him for sale or exchange. Secondhand dealers and money changers to report property stolen or fraudulently obtained.

(2) Any person who fails to give such information as he is required to give by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50: Penalty.

Provided that when, in the opinion of the court, the property is of such a nature as to be difficult to identify no fine shall be inflicted under this section unless the court is of

opinion that the property has been wilfully concealed by the accused. [39]

Melting or defacing metals, etc., within 3 days of receipt.

39. If any pawnbroker or any dealer in secondhand goods or any worker in platinum, gold or silver, or any dealer in platinum, gold or silver articles, within 3 days of receipt of any goods or any such metals or articles, or after receiving information from a police officer that any specified goods, metals or articles, have been stolen or fraudulently obtained, melts, alters, defaces, or puts away the same or causes the same to be melted, altered, defaced, or put away, without the previous permission of the Deputy Commissioner of Police, and it is found that such goods, metals or articles were stolen or fraudulently obtained, such pawnbroker, secondhand dealer, worker or dealer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both. [40]

Register of workers and dealers in metals.

40. Every worker in platinum, gold or silver and every dealer in platinum, gold or silver articles shall be registered by the Deputy Commissioner of Police in a register to be maintained by him for the purpose and any such worker or dealer who carries on business as such without being so registered shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$400 or to imprisonment for a term not exceeding 3 months or to both. [41]

Employees not affected.

41. Nothing in sections 39 and 40 shall apply to any person employed by any worker in platinum, gold or silver, or by any dealer in platinum, gold or silver articles, for the purposes of his business on the premises in respect of which the worker or dealer is registered under section 40. [42]

PART VIII

MISCELLANEOUS

Power of arrest.

42.—(1) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this Act, and take him before a Magistrate's Court to be dealt with according to law.

(2) Any animal, conveyance or article concerning by or for which an offence has been committed may be seized and taken to a pound or police station unless given up sooner by

order of a Magistrate's Court, until the charge is decided in due course of law. [43

43.—(1) Any person who touts for the purpose of obtaining any document from any court or any department of the Government or for any purpose connected with any such court or department, or acts as an unauthorised adviser to any person who has business in any such court or department, or loiters for any such purpose in or near any such court or department, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both. Touting.

(2) Every offence under subsection (1) shall be deemed to be a seizable offence within the meaning of the Criminal Procedure Code. Cap. 68. [44