

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**EMERGENCY (ESSENTIAL POWERS) ACT
(CHAPTER 90)**

**1970 Ed. Cap. 114
M Ordinance
30 of 1964**

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Emergency (Essential Powers) Act

ARRANGEMENT OF SECTIONS

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An Act to confer certain powers on the President which it is expedient that he should be enabled to exercise in the emergency proclaimed on 3rd September 1964 under Article 150 of the Constitution of Malaysia.

[18th September 1964]

WHEREAS by reason of the existence of a grave emergency threatening the security of the Federation, a Proclamation of Emergency has been issued by the Yang di-Pertuan Agong under Article 150 of the Constitution: L.N. 271/64.

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

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

Note: This is a Malaysian Act which was extended to Singapore when Singapore was a constituent part of Malaysia. It should be read together with the provisions of the Republic of Singapore Independence Act — see Vol. 1.

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

Short title.

1. This Act may be cited as the Emergency (Essential Powers) Act.

Essential regulations.

2.—(1) Subject to this section, the President may make any regulations (referred to in this Act as essential regulations) which he considers desirable or expedient for securing the public safety, the defence of Singapore, the maintenance of public order and of supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by subsection (1), essential regulations may, so far as appear to the President to be necessary or expedient for any of the purposes mentioned in that subsection —

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

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

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

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

3.—(1) Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any essential regulation shall —

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

Extra-territorial operation of essential regulations.

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

Proof of instruments.

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

Powers to be additional to those under other laws.

5. The powers conferred by this Act and by any regulations made thereunder shall be in addition to and not in substitution for any powers conferred by or under any other written law from time to time in force.

Penalties.

6. Every person who contravenes any regulations made under this Act shall be guilty of an offence and shall, where no other penalty is provided by the regulations, be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.