

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**MISCELLANEOUS OFFENCES  
(PUBLIC ORDER AND NUISANCE) ACT**

**(CHAPTER 184)**

**1970 Ed. Cap. 102**

**1985 Ed. Cap. 184**

**Ordinance**

**13 of 1906**

**Amended by**

33 of 1907	37 of 1939	58 of 1960
14 of 1908	7 of 1940	10 of 1962
24 of 1926	26 of 1949	33 of 1966
2 of 1931	31 of 1950	34 of 1967
12 of 1933	32 of 1950	14 of 1969
19 of 1933	37 of 1952	18 of 1970
6 of 1934	20 of 1954	24 of 1972
40 of 1935	8 of 1955	21 of 1973
63 of 1935	23 of 1956	10 of 1989
41 of 1936	24 of 1959	LN 231/63
26 of 1937	69 of 1959	LN 114/65
32 of 1937	71 of 1959	
27 of 1938	72 of 1959	

**REVISED EDITION 1990**

# Miscellaneous Offences (Public Order and Nuisance) Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Verandahs public roads.
4. Offences how punishable.

### PART II

#### OFFENCES

5. Assemblies and processions.
6. Burning material or discharging firearm in public road.
7. Duty of police officers as to dangerous animals.
8. Dog running at persons, etc.
9. Ferocious dog at large.
10. Liability of dog owner.
11. Nuisances.
12. Offences relating to animals.
13. Other offences.
14. Excessive noise.
15. Relief for occupier of premises from nuisance.
16. Obstruction in canals, etc.
17. Penalty for depositing corpse or dying person.

### PART III

#### OTHER OFFENCES

18. Drunkenness in public places.
19. Soliciting in public place.
20. Riotous, disorderly or indecent behaviour in, or in the immediate vicinity of, certain places.
21. Wilful trespass on property.

## Section

22. Possession of housebreaking implements or offensive weapons.
23. Penalty for taking intoxicant, etc., into public hospital.
24. Improper management of house of public resort.

## PART IV

## VAGRANCY

25. Interpretation.
26. Disorderly or indecent behaviour by prostitutes.
27. Rogues and vagabonds.
28. Any person may arrest offender.
29. Search of conveyance or goods of person arrested.
30. Search of premises for idle and disorderly person and rogue and vagabond.
31. Magistrate may take recognizances for good behaviour in certain cases.

## PART V

## TOUTING

32. Touting for business.
33. Touting in public offices.
34. Seizable offence.

## PART VI

## FRAUDULENT POSSESSION OF PROPERTY

35. Fraudulent possession of property.
36. Secondhand dealers and money changers to report property stolen or fraudulently obtained.
37. Melting or defacing metals, etc., within 3 days of receipt.
38. Register of workers and dealers in metals.
39. Employees not affected.

## PART VII

## MISCELLANEOUS

40. Power of arrest.
-

An Act relating to offences against public order, nuisance and property.

[6th July 1906]

PART I  
PRELIMINARY

1. This Act may be cited as the *Miscellaneous Offences (Public Order and Nuisance) Act*.<sup>\*</sup> 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 place” means any place or premises to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;
  - “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; and notwithstanding the provisions of any other written law, a Magistrate’s Court shall have the power to impose the maximum penalty prescribed for any such offence. Offences how punishable.

PART II  
OFFENCES

- 5.—(1) The Minister may make rules — Assemblies and processions.
  - (a) regulating assemblies and processions in public roads, public places and places of public resort;

---

<sup>\*</sup>Cited as the Minor Offences Act in the 1985 Edition.

- (b) providing for the grant of permits for holding assemblies and processions in public roads, public places and places of public resort, and the fees to be charged therefor;
- (c) for keeping order and preventing obstruction or inconvenience in public roads, bridges, landing places, and all public places and places of public resort; and
- (d) prescribing the punishment by a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both for any act or omission in contravention of the provisions of any such rules.

(2) The Minister may by order prohibit or restrict, subject to such conditions as may be specified in the order, the holding of any assembly or procession in any public road, public place or place of public resort specified in the order.

(3) A Deputy Commissioner of Police may, with the concurrence of the Minister, prohibit or restrict the holding of any assembly or procession in any specified public road, public place or place of public resort in any particular case where the Deputy Commissioner is satisfied that the holding of such assembly or procession may result in public disorder, damage to property or disruption to the life of the community.

(4) Any person who —

- (a) organises or assists in organising any assembly or procession in any public road, public place or place of public resort in contravention of any order under subsection (2) or any prohibition or restriction under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) participates in any assembly or procession in any public road, public place or place of public resort where he knows or ought reasonably to have known that the assembly or procession is held in contravention of an order under subsection (2) or any prohibition or restriction under

subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

**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 \$1,000:

Burning material or discharging firearm in public road.

Provided that it shall be no offence under this section for any person 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.—(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.

Duty of police officers as to dangerous animals.

(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.** 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 \$1,000.

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 \$1,000, and if the dog has bitten, or attempted to bite any person, the dog may be killed by order of a Magistrate's Court.

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 \$1,000.

Liability of dog owner.

(2) In addition to any fine imposed under subsection (1), compensation not exceeding \$2,000 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.—(1)** Any person who commits any of the following offences shall be liable on conviction to a fine not exceeding \$1,000:

- |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| (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; | Nuisances.<br><br>Affixing bills or otherwise defacing houses, etc. |
| (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;                                                                                                                                                                                                         | Bathing in public.                                                  |
| (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;                                                                                                                                                                                                | Obstructing person bathing.                                         |
| (d) being the owner or person in charge of any animal does not, if the animal dies, dispose of its carcase 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 \$2,000.

Offences relating to animals.

**12.** Any person who commits any of the following offences shall be liable on conviction to a fine not exceeding \$1,000:

Animals destroying trees, etc.

(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; and 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.

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.

Other offences.

**13.** Any person who commits any of the following offences shall be liable on conviction to a fine not exceeding \$1,000:

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) places any blind, shade, covering, awning or other projection over or along any public road if any part thereof is less than 2½ metres above the surface of that public road.

**14.—(1)** Any person who makes any noise by any instrument or other means in such a manner as to cause or be likely to cause annoyance or inconvenience to the occupier of any premises in the vicinity or to any person lawfully using any public road or in any public place shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. Excessive noise.

(2) Any police officer, on any complaint that any person in any premises is making such noise as to cause annoyance or inconvenience to the complainant, may enter upon the premises and, after warning the person reasonably suspected of making the noise, stop the making of such noise whether by the removal of any instrument or object or in some other appropriate manner. [13A

Relief for  
occupier of  
premises  
from  
nuisance.

**15.—(1)** A Magistrate's Court may act under this section on a complaint made by the occupier of any premises on the ground that as occupier of the premises he is aggrieved by noise amounting to a nuisance.

(2) If the Magistrate's Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the Court shall make an order for either or both of the following purposes:

- (a) requiring the defendant to abate the nuisance, within a time specified in the order and to execute any works necessary for that purpose;
- (b) prohibiting a recurrence of the nuisance, and requiring the defendant, within a time specified in the order, to execute any works necessary to prevent the recurrence.

(3) Proceedings under this section shall be brought against the person responsible for the nuisance or, if that person cannot be found, against the owner or occupier of the premises from which the noise is emitted or would be emitted.

(4) A person who without reasonable excuse contravenes any requirement of an order under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(5) In any proceedings for an offence under this section in respect of noise caused in the course of a trade or business, it shall be a defence to prove that the best practicable means have been used for preventing, or for counteracting the effect of, the noise.

(6) In this section —

“noise” includes vibration;

“person responsible”, in relation to the emission of noise, means the person to whose act, default or sufferance the noise is attributable; and where more than one person is responsible for the noise, this section shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance, or would result in a level of noise justifying any proceedings under this section;

“practicable” means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications.

[13B]

**16.**—(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.

[14]

**17.** 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 guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Penalty for  
depositing  
corpse or  
dying person.

[15]

### PART III

#### OTHER OFFENCES

**18.** Any person who is found drunk and incapable of taking care of himself, in any public road or in any public place\* or place of public amusement or resort, or in the

Drunkenness  
in public  
places.

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

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 \$1,000 or to imprisonment for a term not exceeding one month and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months. [21

Soliciting in public place.

**19.** 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 \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both. [22

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

**20.** 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 \$1,000 or to imprisonment for a term not exceeding one month and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months. [23

Wilful trespass on property.

**21.—(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 \$1,000.

**(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 provisions of this section, and that person may be brought before a Magistrate's Court to be dealt with according to law. [24

22.—(1) Any person who is found —

- (a) armed with any dangerous or offensive instrument with intent to commit any offence;
- (b) having his face covered or otherwise found disguised with intent to commit any offence; or
- (c) armed with any article or instrument for use in the course of or in connection with any house-breaking,

Possession of house-breaking implements or offensive weapons.

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years; and any instrument or article found in the possession of that person shall be forfeited.

(2) Any person who —

- (a) is a reputed thief, is found on board any vessel or boat, or loitering in any street, road, yard or other place and does not give a satisfactory account of himself; or
- (b) is found in any dwelling-house or other building without being able satisfactorily to account for his presence therein,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

(3) Every offence under this section shall be deemed to be a seizable offence within the meaning of the Criminal Procedure Code. [25

Cap. 68.

23. 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 \$1,000 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. [26

Penalty for taking intoxicant, etc., into public hospital.

24. 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;

Improper management of house of public resort.

- (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 \$2,000 or to imprisonment for a term not exceeding 3 months, and to the forfeiture of his licence, if any. [28

#### PART IV VAGRANCY

Inter-pretation.

**25.** 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. [29

Disorderly or indecent behaviour by prostitutes.

**26.** Every common prostitute wandering in any public road or 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 \$1,000 or to imprisonment for a term not exceeding one month. [30

Rogues and vagabonds. Persons previously convicted under section 26. Fortune tellers.

**27.—(a)** Any person committing any of the offences mentioned in section 26, after having been previously convicted as an idle and disorderly person;

(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;

Exposure of obscene or indecent prints, etc.

(c) every person wilfully exposing to view, in any street, road, highway or public place, any obscene print, picture or other indecent exhibition;

- (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 possession without lawful excuse any instrument or material with intent to commit any offence; Possession of instrument to commit offence.
- (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 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; Suspected persons, reputed thieves frequenting or loitering with intent.
- (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, Idle and disorderly person resisting arrest.

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 \$2,000 or to imprisonment for a term not exceeding 3 months or to both. [31]

Any person may arrest offender.

28. 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. [32]

Search of conveyance or goods of person arrested.

29. 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. [33]

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

30. 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 authorise 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. [34]

Magistrate may take recognizances for good behaviour in certain cases.

31. 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. [35]

## PART V

### TOUTING

Touting for business.

32. Any person in any public road, public place, place of public resort or vehicle on a public road who, in connection with any trade or business (whether or not carried on by that person), solicits any other person persistently or in any manner as to cause or be likely to cause annoyance to that other person shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$1,000 and not more than \$5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a

second or subsequent conviction, to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term not exceeding one year or to both. [36

33.—(1) Any person who in any public office, or in the vicinity thereof, solicits to offer or loiters for the purpose of offering in connection with the public office his services to any one or more persons having business at that public office or any other public office (whether or not the services so offered relate to the business) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both. Touting in public offices.

(2) Subsection (1) shall not apply to —

- (a) any officer specifically appointed to advise the public on the business carried on in a public office; and
- (b) any person who is licensed under any written law or is otherwise authorised to act as a petition writer.

(3) In this section, “public office” means any court and Government office or department. [36A

34. Every offence under this Part shall be deemed to be a seizable offence within the meaning of the Criminal Procedure Code. [36B Seizable offence. Cap. 68.

PART VI

FRAUDULENT POSSESSION OF PROPERTY

35.—(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 account satisfactorily how he came by the same, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding one year or to both. Fraudulent possession of property.

(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 \$2,000 or to imprisonment for a term not exceeding one year or to both.

(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 \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(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 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.

Cap. 224.

Search for  
property  
stolen or  
fraudulently  
obtained.

(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.  
[37]

**36.—(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 any police officer 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 \$1,000: 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. [38]

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

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 Director, Criminal Investigation Department, 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 \$5,000 or to imprisonment for a term not exceeding 6 months or to both. [39]

Register of  
workers and  
dealers in  
metals.

**38.** Every worker in platinum, gold or silver and every dealer in platinum, gold or silver articles shall be registered by the Director, Criminal Investigation Department 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 \$2,000 or to imprisonment for a term not exceeding 3 months or to both. [40]

Employees  
not affected.

**39.** Nothing in sections 37 and 38 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 38. [41]

## PART VII

### MISCELLANEOUS

Power of  
arrest.

**40.—(1)** Subject to the provisions of this Act, 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. [42]