

**LOCAL GOVERNMENT ORDINANCE 1961  
(No. 11 of 1961)**

**KUDAT TOWN BOARD  
(ELECTION ADVERTISEMENT) BY-LAWS 1990  
(G.N.L 5 of 1992)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Kudat Town Board has made the following by-laws:

**Citation and application.**

1. (1) These by-laws may be cited as the Kudat Town Board (Election Advertisement) By-laws 1990 and shall come into operation on the date of publication<sup>\*</sup>.

(2) These By-laws shall apply only within the Board's jurisdiction.

**Interpretation.**

2. In these By-laws, unless the context otherwise requires -

“Commissioner” means the District Officer of the Kudat District and appointed by virtue of section 13 of the Ordinance;

“Board” means the Kudat Town Board;

“election” means an election of a member to the Dewan Rakyat and/or of the Legislative Assembly;

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<sup>\*</sup> In Force on 9th April 1992.

“election advertisement” means any flag, ensign, banner, standard, slogan, poster or label exhibited as or for the purpose of political propaganda;

“officer” means the Executive Officer of the Board appointed under section 69(1) of the Ordinance;

“permit” means a permit to exhibit election advertisements issued under by-law 4;

“political party” has the same meaning as in the Societies Act 1966 [Act 335.];

“polling party” in relation to an election, means the day appointed in the writ for that election for the polling to take place;

“vegetation” means any plants, decorative trees, hedges and shall include any other vegetal growth within the Board's Township;

“writ” means a writ for an election issued under section 12 of the Election Act 1958 [Act 19.].

**Prohibition on exhibition of election advertisement.**

3. No person shall exhibit or cause to be exhibited any election advertisement in any street of place except under and in accordance with a permit issued by the Commissioner or any officer of the Board.

**Application of permit.**

4. (1) An application for a permit to exhibit any election advertisement shall be made to the Commissioner or any officer of the Board -

- (a) by the political party to which the person seeking to contest the election is affiliated; or
- (b) where the person seeking to contest the election has no political affiliation, by the person himself.

(2) An application under paragraph (1) shall be made in such form and shall be accompanied by such particulars, as the Commissioner or any officer of the Board may determine.

(3) On receipt of the application, the Commissioner or any officer of the Board shall, upon payment of a sum of fifty ringgit as deposit for the observance of the conditions of the permit and the provisions of these By-laws, issue to the application a permit to exhibit election advertisements in the areas specified in the permit.

(4) The Commissioner or any officer of the Board, may attach to any permit issued under paragraph (3) such conditions as he may think fit to impose.

(5) The permit holder shall comply with all the conditions attached to the permit.

**Form and duration of permit.**

5. A permit issued under by-law 4 shall be in such form as the Commissioner or any officer of the Board may determine and shall expire on the day next following the polling day.

**Register of permit.**

6. The Commissioner or any officer of the Board shall cause to be kept and maintained such form and manner as he may determine a register of all permits issued under by-law 4.

**Removal of election advertisements after polling day.**

7. Every permit holder shall, within seven days after the polling day, remove all election advertisements exhibited, and all billboards or other structures erected, by him.

**Removal of election advertisements by the Board.**

8. (1) The Board may remove any election advertisement or any billboard or other structure erected for the purpose of exhibiting such election advertisement if -

(a) the permit holder fails to comply with the requirements of by-law 7; or

- (b) the Board is satisfied that such election advertisement is exhibited within a permit.

(2) All expenses incurred by the Board in carrying out the powers conferred by paragraph (1) shall be deemed to be a debt due to the Board from the permit holder or, where the election advertisement is exhibited without a permit, from the person who caused the election advertisement to be so exhibited, and shall be recoverable accordingly in a court.

**Forfeiture of deposit.**

9. (1) Without prejudice to the other provisions of these By-laws, where-
- (a) there is a breach of any condition of the permit; or
  - (b) there is any contravention of or non-compliance with any of the provisions of these By-laws, the Board shall forfeit the deposit paid under by-law 4 if, after giving the permit holder an opportunity of being heard, he failed to satisfy the Board as to why the same should not be forfeited.

(2) Any deposit which is not forfeited under paragraph (1) shall be refunded to the permit holder without any interest after fourteen days of the expiry of the permit.

**Manner of exhibiting election advertisement.**

10. An election advertisement shall only be exhibited in any of the following manner-
- (a) by affixing it on a billboard or other structure erected or placed by the permit holder;
  - (b) by hanging it along any street, on poles erected by the permit holder;
  - (c) by planting the support of the election advertisement into any ground other than paved footway or pavement;
  - (d) by such other manner as the Commissioner or any officer of the Board specify in the permit.

**Prohibition against exhibiting an election advertisement in certain places.**

11. Notwithstanding any provision in this by-law, no person shall-
- (a) exhibit any election advertisement or construct or erect any billboard or other structure in such manner that it covers or conceals any traffic sign, directive sign or decorative light;
  - (b) exhibit any election advertisement on or across any street; or
  - (c) exhibit any election advertisement on any public building or other structure or on any vegetation by means of any nail, gum or other adhesive, or by any other means that will damage or disfigure the surface of such building or structure.

**Offences and general penalty.**

12. (1) Any person who contravenes or fails to comply with any provisions of these By-laws shall be guilty of an offence under these By-laws.
- (2) Any person guilty of an offence under these By-laws shall on conviction, be liable to a fine not exceeding two thousand ringgit.

Dated at Kudat this 21st day of September 1990.

CHIN WUI KEE,  
*Commissioner,*  
*Kudat Town Board.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 26th day of March 1992.

DATUK AHMAD BAHROM BIN DATUK  
HJ. ABU BAKAR TITINGAN,  
*Minister of Local Government*  
*and Housing.*