

THE LOCAL GOVERNMENT ORDINANCE, 1961 (Ordinance No. 11 Of 1961)

THE LAHAD DATU DISTRICT COUNCIL (ELECTION ADVERTISEMENT) BY-LAWS 1991

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Lahad Datu District Council has made the following By-laws:

1. Citation application and commencement.

- (1) These By-laws may be cited as the Lahad Datu District Council (Election Advertisements) By-laws 1991 and shall come into force on the 1st day of September, 1990.
- (2) These By-laws shall apply only to the area within the Council's jurisdiction.

2. Interpretation.

In these By-laws, unless the context otherwise requires –

“Chairman” means the District Officer of the particular district and appointed by virtue of section 13 of the Local Government Ordinance 1961[No. 11 of 1961.];

“Council” means the Lahad Datu District Council;

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

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

“Officer” means Executive Officer of the Council appointed under Section 69 (1) of the Local Government Ordinance 1961[No. 11 of 1961.];

“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;

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

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

“vegetation” means any plants, decorative trees, hedges and shall include any other vegetal growth in the area within the jurisdiction of the Council.

3. Prohibition on exhibition of election Advertisement.

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

4. Application for permit.

- (1) An application for a permit to exhibit any election advertisement shall be made to the Chairman or any officer of the Council –
 - (a) by the political party which is desirous of fielding the candidate in the relevant constituency; 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 Chairman or any officer of the Council may determine.
- (3) On receipt of the application, the Chairman or any officer or the Council shall upon payment of a sum of fifty ringgit as deposit for the observance of the conditions stipulated in the permit and the provisions of these By-laws, issue to the applicant a permit to exhibit election advertisements in the areas specified in the permit.
- (4) The Chairman or any officer of the Council, 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 stipulated in the permit.

5. Form and duration of permit.

A permit issued under By-law 4, shall be in such form as the Chairman or any officer of the Council may determine and shall expire on the day next following the polling day.

6. Register of permit.

The Chairman or any officer of the Council shall cause to be kept and maintained in such form and manner as he may determine, a register of all permits issued under By-law 4.

7. Removal of election advertisement after polling day.

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

8. Removal of election advertisement by the Council.

- (1) The Council may remove any election advertisement or any bill board 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 Council is satisfied that such election advertisement is exhibited without a permit.
- (2) All expenses incurred by the Council in carrying out the powers conferred by paragraph (1) shall be deemed to be a debt due to the Council 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 of law.

9. Forfeiture of deposit.

- (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 Council shall forfeit the deposit paid under By-law 4 if, after giving the permit holder an opportunity of being heard, he fails to satisfy the Council 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 from the expiry of the permit.

10. Manner of exhibiting election advertisement.

An election advertisement shall only be exhibited in any of the following manner:

- (a) by affixing it on a bill board or other structures 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; or
- (d) by such other manner as the Chairman or any officer of the Council specify in the permit.

11. Prohibition against exhibiting an election advertisement in certain areas.

Notwithstanding any provision in these By-laws, no person shall –

- (a) exhibit any election advertisement or construct or erect any bill board 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 adhesives, or by any other means that will damage or disfigure the surface of such building or structure.

12. Offences and general penalty.

- (1) Any person who contravenes or fails to comply with any provision 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 Lahad Datu this 30th day of August, 1990.

MICHEAL EMBAN,
Chairman,
Lahad Datu District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu, this 2nd day of April, 1993.

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

April 2008