

STATE OF SABAH

MINOR OFFENCES ORDINANCE (Sabah Cap. 80)

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LIST OF AMENDMENTS

<i>Ordinance/ Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
49/1953	22	01-07-1954
21/1961	3	28-12-1961
L.N. 114/1965	7, 8 (2), 11, 12, 13, 17	25-03-1965
Act 40/1967	6	29-08-1967
Act 160	Throughout the Ordinance the word "ringgit" substituted for "dollar".	29-08-1975
11/1976	22A	02-09-1976
3/1977	7 (1) (c), 7A	07-04-1977

To consolidate and amend the law relating to minor offences.

[12th May, 1953.]

Short title.

1. This Ordinance may be cited as the Minor Offences Ordinance.

Interpretation.

2. (1) In this Ordinance-

“public road” includes every road, street, passage, footway or square over which the public have a right of way;

“in or near any public road” includes all places in the public road, and all places within ten yards of it not being effectually separated from and hidden from the road by a wall or otherwise;

“public place” means any public park, tamu ground, garden, sea beach and any unenclosed ground to which the public, for the time being, have unrestricted access;

“place of public resort” means any place licensed under the Public Entertainment Ordinance, 1958* [Ord. 23/1958.], and includes an amusement park.

- (2) For the purposes of this Ordinance the open verandahs of houses abutting on public roads are public roads for foot-passengers subject to all rights of property of the owners of such houses.

3. (Repealed).

* See corrigenda at p. LXXIV of 1962 Annual Volume.

Restriction on letting off of fireworks.

4. (1) The officer in charge of police district may issue orders, authorising the letting off of fireworks on certain fixed days, and at or between certain fixed hours, and within certain defined areas, and may in particular cases or at particular times issue to any person or body of persons licences for the letting off of fireworks.

(2) Every licence issued under subsection (1) shall state the place where and the hours between which the fireworks may be let off and the description of fireworks which may be used, and may contain such conditions as the officer in charge of police district may think fit to impose.

(3) No order or licence so issued shall be held to relieve any person from liability in the event of any damage, loss or injury to person or property being caused by the letting off of such fireworks.

(4) Any person who lets off any firework, except in accordance with the terms of an order or a licence issued under subsection (1), shall be liable to a fine of fifty ringgit and to imprisonment for one month.

(5) The occupier of any house from or in which, or from or in the verandah of which, any contravention of subsection (4) takes place shall be liable to the punishment prescribed as well as the person, if another person, who committed the offence.

(6) In this section the expression "fireworks" includes fire crackers and sand crackers.

Burning material or discharging fire-arm in public road.

5. 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 fire-arm or air-gun, or sends up any fire-balloon or rocket in or near any public road shall be liable to a fine of one hundred ringgit:

Provided that it shall be no offence under this section for any person to discharge a fire-arm or air-gun in or near a public road in the exercise of his duty under any written law relating to the destruction of dogs.

Nuisances.

6. (1) Any person who commits any of the following offences shall be liable to a fine of twenty-five ringgit-

- (a) *(Repealed).*
- (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, stand-pipe, water-course or stream, the use of which for bathing has been forbidden by the officer in charge of police district;
- (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 such place, or in any other way;
- (d) eases himself in or near any public road, or in any public place or place of public resort except in any part thereof intended to be used for that purpose;
- (e) being the owner or person in charge of any animal does not, if such animal dies, dispose of its carcass in such way as not to be a common nuisance;
- (f) places in or near any public road any dead animal;
- (g) spits in any coffee shop, market, eating house, school house or public building, or in any omnibus, railway carriage or other public conveyance, or on any wharf or jetty, or in any public road, public place or place of public resort.

(1A) Any person who without authority in the case of public property or without the consent of the owner or occupier in the case of private property-

- (i) affixes or causes to be affixed any advertisement, bill or notice, or any paper or banner against or upon any property;

- (ii) writes upon, marks, defaces, or tampers with chalk or paint or in any other way any property;
- (iii) damages, alters or removes any property,

shall be liable to a term of imprisonment not exceeding one year or a fine not exceeding one thousand ringgit or to both such imprisonment and fine.

In this subsection the expression 'property' includes any building, wall, road, fence, tree, lamp standard, lamp or telephone post, traffic sign and notice board.

(2) Any person who commits an offence under paragraph (g) of subsection (1) after having been previously convicted for an offence under that paragraph shall be liable to a fine of fifty ringgit.

Offences relating to animals.

7. (1) Any person who commits any of the following offences shall be liable to a fine of fifty ringgit-

- (a) being the owner or person in charge of any animal allows the same 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 land, or land in the possession of any public institution;
- (b) allows any horse, mule, ass, cattle (which term in this paragraph includes buffalo), goat, sheep or pig to stray upon any public road or the ground or property of any person or of the Government of the Federation or of Sabah, or without reasonable cause tethers or pickets any such animal upon any public road;
- (c) *(Deleted)*.
- (d) keeps in any Muslim kampung any pig except with the authority in writing of a District Officer and in accordance with any conditions imposed by the District Officer upon the grant of the authority.

- (2) (a) All damage done by any animal owned or in the charge of any person convicted under paragraph (a) of subsection (1) shall be assessed by the Court, and shall be recoverable in the manner provided by law for the recovery of fines before Courts from the owner of the animal, together with any amounts to be levied as fines;
- (b) the officer in charge of police district may, whenever he finds it necessary, order the killing of any pig found rooting on any public road or State land, or land in the possession of any public institution, and the carcass of any pig so killed, if not removed within twelve hours, shall be buried by the police:

Provided that the officer in charge of police district shall not issue any such order until notice in writing of the intention to issue such order has been posted up in such road or State land, or land in the possession of any public institution, at least twenty-four hours beforehand, and until proclamation of such intention has been publicly made throughout such road or State land, or land in the possession of any public institution.

Slaughter of female cattle, goat or sheep.

7A. Any person who slaughters any female cattle (which term in this paragraph includes buffalo), goat or sheep without the written permission of the Director of Veterinary Services and Animal Industries or such other public officer duly authorised by him in writing shall be liable to a fine of five hundred ringgit and to imprisonment for six months.

Obstructing public road, abusive language and unnecessary noise, etc.

- 8.** (1) Any person who commits any of the following offences shall be liable to a fine of twenty-five ringgit-
- (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;
- (b) allows to remain on any public road any article which has fallen from any vehicle of which he is in charge;

- (c) causes or allows goods or other articles to rest on any public footway or other part of a public road, or otherwise causes or allows such goods or other articles to create obstruction or inconvenience to the passage of the public for a longer time than is absolutely necessary for loading or unloading such goods or other articles:

Provided that if it is proved that any goods or other articles have been deposited on any public footway or other part of a public road from any building or land in contravention of this paragraph, it shall be presumed, until the contrary is proved, that they have been so deposited by or by the permission of the occupier of such building or land;

- (d) 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 or any electric power line;
- (e) 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;
- (f) without the permission in writing of the officer in charge of police district beats within the limits of any urban area or the Labuan Town Board area 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 or other wind instrument, or beats or sounds any metal or musical instrument or utensil:

Provided that notwithstanding that such permission in writing has been given, any police officer not under the rank of Inspector, on the complaint of a householder that the noise of any such instrument or utensil is dangerous to any sick person living near the place where such 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 same, either by removal of any instrument or utensil or the dispersal of those assembled there;

- (g) operates or causes or suffers to be operated in any public road or public

place or in any shop, business premises, building or place which adjoins any public road or public place any gramophone or wireless loud speaker or any other instrument whatsoever for producing sound 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 such public road or public place.

- (2) Nothing in paragraph (f) shall be held to apply to-
- (a) any band of any of the armed forces of the Federation, or of any visiting forces lawfully present in Malaysia, or of the Royal Malaysian Police or of any component thereof; or
 - (b) police whistles blown by any person for the purpose of calling assistance or 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 necessary to prevent the risk of collision; or
 - (c) any church bell or drum beaten in any mosque or temple.

Obstruction in canals, etc.

9. (1) Any person who in any river or canal in which the public have a right of navigation, without the written permission of the officer in charge of police district –
- (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 such 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 liable to a fine of one hundred ringgit.

(2) Such boat, vessel, timber, raft 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 person and of such boat, vessel, timber or raft.

Penalty for depositing corpse or dying person.

10. 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 liable to a fine of two hundred and fifty ringgit and to imprisonment for six months.

Penalty for taking spirit into barracks or on board Government ship.

11. Any person who, not being amenable to the Articles of War for the Federation army, navy or air force or of any visiting forces lawfully present in Malaysia, takes or attempts to take into any military barrack, guardroom, or encampment, or on board or alongside 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 liable to a fine of one hundred ringgit and to imprisonment for three months and such liquor, drug or preparation and the vessels containing the same shall be forfeited.

Power to arrest.

12. (1) Any officer or non-commissioned officer of the Federation army and any officer or warrant or petty officer of the Federation navy, or non-commissioned officer of the Federation marines or any officer or non-commissioned officer of the Federation air force or any officer of corresponding rank of any visiting forces lawfully present in Malaysia, may without warrant arrest any person-

(a) loitering in the vicinity of any military barrack, guardroom or encampment;
or

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

and suspected of committing or attempting to commit an offence against section 11, and such person may be brought before a Magistrate to be dealt with according to law.

(2) Any officer or warrant or petty officer of the Federation navy or non-commissioned officer of the Federation marines or any officer of corresponding rank of any visiting forces lawfully present in Malaysia, may 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 against section 11.

(3) In section 11 and this section, 'Government ship' means any ship belonging to or in the service of the Government of the Federation or any State thereof or the Government of any country which has visiting forces lawfully present in Malaysia.

Penalty for harbouring or concealing deserter from vessels.

13. 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 Malaysian, British or any foreign flag, knowing or having reason to believe such person to be a deserter, shall be liable to a fine of one hundred ringgit.

Supplying drink, etc., to constables on duty.

14. Any keeper or person in charge of any place licensed 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 such place, or upon any premises belonging thereto, shall be liable to a fine of one hundred ringgit.

Drunkennes and disorderly behaviour in public places.

15. Any person who is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour, or of persistently soliciting or importuning for immoral purposes in any public road or in any public place or place of public resort, or in the immediate vicinity of any court or of any public office or police station or place of worship, or in any coffee shop, eating house or other place to which the public has or may have access shall be liable to a fine of twenty-five ringgit, and to imprisonment for fourteen days, and on a

second or subsequent conviction to a fine of fifty ringgit and to imprisonment for three months.

Disorderly behaviour in hotels, etc.

16. Any person who being the keeper of any hotel, boarding house, coffee house or place of public resort knowingly permits drunkenness or other disorderly behaviour in such hotel, house or place or who knowingly permits prostitutes or persons of notoriously bad character to meet or remain therein shall be liable to a fine of one hundred ringgit and the court may in addition order the forfeiture of any licence held by such person in respect of such hotel, house or place.

Wilful trespass on property.

17. (1) Any person who without satisfactory excuse wilfully trespasses on any ground belonging to the Government of the Federation or of Sabah or appropriated to public purposes, or in or any dwelling house or premises or any land or ground attached thereto, or on any boat or vessel, not thereby in any such case causing any actual damage, or not causing in the opinion of the court by which he is being tried more than nominal damage, shall be liable to a fine of one hundred ringgit.

(2) Any officer or non-commissioned officer of the Federation army and any officer or warrant or petty officer of the Federation navy, or non-commissioned officer of the Federation marines or any officer or non-commissioned officer of the Federation air force or any officer of corresponding rank of any visiting forces lawfully present in Malaysia, may without warrant arrest any person offending in his view against the provisions of this section, and such person may be brought before a Magistrate to be dealt with according to law.

Apprehension of suspected persons.

18. Any of the following, that is to say-

- (a) any person found between sunset and sunrise armed with any dangerous or offensive instrument with intent to commit any criminal offence;
- (b) any reputed thief found between sunset and sunrise 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 sunset and sunrise having his face covered or otherwise found disguised with intent to commit any criminal offence;
- (d) any person found between sunset and sunrise 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 to imprisonment for six months, and any such instruments or implements found in the possession of such person shall be forfeited.

Penalty for taking in toxicant etc., into public hospital.

19. Any person who takes or attempts to take without due permission into any public hospital any intoxicating liquor, drug or preparation, shall be liable to a fine of fifty ringgit, and to imprisonment for one month, and such liquor, drug or preparation and the vessels containing the same shall be forfeited.

Boat accidents.

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

(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 liable to a fine of twenty-five ringgit.

Vagrants.

21. Any person who commits any of the following offences shall be liable to a fine of fifty ringgit and to imprisonment for three months-

- (a) pretends or professes to tell fortunes, or uses any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose upon any person;
- (b) wanders abroad and lodges in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any vehicle, not having any visible means of subsistence, and not giving a good account of himself,
- (c) wilfully exposes to view, in any public road, public place or place of public resort any obscene print, picture or other indecent exhibition;
- (d) wilfully, openly, lewdly and obscenely exposes his person in or near any public road, public place or place of public resort, with intent to insult any person;
- (e) wanders abroad and endeavours by exposure of wounds, sores or deformities to obtain or gather alms;
- (f) places himself in any public road, public place or place of public resort, coffee shop, eating house or any other place to which the public has or may have access to beg or gather alms or causes or procures or encourages any child so to do;
- (g) goes about as a gatherer or collector of alms, or endeavours to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;
- (h) has in his possession or custody any picklock, key, crow, jack, bit or other implement, with intent to commit house-breaking or has in his possession any instrument or material with intent to commit an offence;
- (i) is 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;
- (j) being a suspected person or reputed thief, frequents or loiters in or about any river, canal or navigable stream, dock or basin, or any quay, wharf or warehouse near or adjoining thereto, or any public road, public place or place of public resort or any approach or place adjacent thereto, with intent to commit a

seizable and non-bailable offence:

Provided that in proving such intent it shall not be necessary to show that the accused person 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;

- (k) violently resists arrest for any offence against this Ordinance and is subsequently convicted of such offence.

22. (Repealed).

Fraudulent possession of property.

22A. (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 liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(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 Magistrate 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 such Magistrate, to be brought before him and examined, and may examine witnesses upon oath touching the same.

(3) If it appears to such Magistrate that any person so brought before him had possession of such thing and had reasonable cause to believe the same to have been stolen or fraudulently obtained such person shall be liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(4) The word "possession" in subsections (1), (2) and (3) of this section includes possession in a house, building, vehicle, ship, vessel, boat or other place as well as possession in or near a public road or in a public place.

(5) Any person who having been convicted of an offence punishable under this section or under Chapter XII or Chapter XVII of the Penal Code [F.M.S. Cap. 45] is subsequently convicted of an offence punishable under this section shall be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(6) If information is given on oath to a Magistrate 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, such Magistrate may, by warrant directed to any police officer, cause such house, building, ship vessel, boat or other place to be entered and searched at any hour of day or night.

(7) The information mentioned in subsection (6) of this section 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 such property is suspected to be.

(8) If upon the making of the search and 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 such property before the Magistrate or guard the same on the spot or otherwise dispose thereof in some place of safety.

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

(10) The provisions of sections 59, 64 and 65 of the Criminal Procedure Code [F.M.S. Cap.6] shall apply to searches made under this section.

Power of arrest.

23. Any police officer may arrest without warrant any person offending in his view against any of the provisions of this Ordinance, and take him before a Magistrate to be dealt with according to law.

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