

**PRESERVATION OF PUBLIC SECURITY
ORDINANCE, 1962
(No. 6 of 1962)**

An Ordinance to confer upon the Yang di-Pertuan Agong power to take measures for the preservation of public security; and to provide for matters incidental thereto and connected therewith.

Date of Commencement.

[11th May, 1962]

ENACTED by the Legislature of North Borneo as follows:-

Short title.

1. This Ordinance may be cited as the Preservation of Public Security Ordinance, 1962.

Interpretation.

- *2. In this Ordinance unless the context otherwise requires –

“public security” includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority, and the maintenance of the administration of justice;

“written law” means, in relation to federal laws, any written law as defined in subsection (1) of section 2 of the Interpretation and General Clauses Ordinance, 1948, of the Federation of Malaya and, in relation to State laws, any written law as defined in the Interpretation Ordinance of Sabah.

* Definition of “law” deleted by F.L.N. 54 of 1964.

Public security regulations.

‡3. (1) If at any time the Yang di-Pertuan Agong is satisfied that it is necessary for the preservation of public security so to do he may, by notice in the *Gazette*, declare that the provisions of subsections (2) and (3) of this section shall come into operation, and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Yang di-Pertuan Agong, by further notice in the *Gazette*, direct that they shall cease to have effect, whereupon they shall cease to have effect, except as respects things previously done or omitted to be done.

* (2) Subject to the provisions of subsection (3) of this section the Minister may for the preservation of public security by regulations –

- (a) make provision for the prohibition of the publication and dissemination of matter prejudicial to public security, and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;
- (b) make provision for the prohibition, restriction and control of assemblies;
- (c) make provision for the prohibition, restriction and control of residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
- (d) make provision for the regulation, control and maintenance of supplies and services;

‡ See Proclamation bringing sections 3 (2) and (3) and 4 (2) into operation – G.N.S. 152/62.

* See Preservation of Public Security Regulations, 1962 (G.N.S. 153/62 as amended by G.N.S. 41/63, S.149/63, S.11/64, and S.129/65.)

Preservation of Public Security Regulations, 1963 (S.12/64 as amended by S.116/64)

Preservation of Public Security –

(Amendment of Police Force Ordinance) Regulations, 1964 (S.106/64)

(Appropriation of Aircraft and Vessels and Use Thereof) Regulations, 1962 (G.N.S. 162/62)

(Protected Places and Areas) Regulations, 1963 (G.N.S. 63/63)

The power of the Minister to make regulations under this section may, subject to any general or special directions of the Minister, be exercised by the local federal authority – see F.L.N, 328/63.

- (e) make provision for, and authorize the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in Sabah.

(3) Regulations made under this section shall not make provision for any of the matters set out in subsection (2) of section 4 of this Ordinance.

(4) The coming into operation of subsection (2) of section 4 of this Ordinance shall not cause the provisions of subsections (2) and (3) of this section to cease to have effect.

Special public security regulation.

[‡]4. (1) If at any time the Yang di-Pertuan Agong is satisfied that the situation in Sabah is so grave that the exercise of the powers conferred by section 3 of this Ordinance is inadequate to ensure the preservation of public security he may by Proclamation declare that the provisions of subsection (2) of this section shall come into operation, and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Yang di-Pertuan Agong by a further Proclamation directs that they shall cease to have effect, whereupon they shall cease to have effect except as respect things previously done or omitted to be done.

(2) The Minister may, for the preservation of public security, make regulations to provide, so far as appears to him to be strictly required by the exigencies of the situation in Sabah, for –

- (a) the detention of persons;
- (b) requiring persons to do work and render services;
- (c) the deportation and exclusion of persons from Sabah.

Incidental and supplementary provisions in regulations.

*5. Regulations made under section 3 or section 4 of this Ordinance may –

[‡] See Proclamation bringing sections 3 (2) and (3) and 4 (2) into operation – G.N.S. 152/62.

* The power of the Minister to make regulations under this section may, subject to any general or special directions of the Minister, be exercised by the local federal authority – see F.L.N, 328/63.

- (a) make provision for the payment of compensation and remuneration to persons affected by the regulations;
- (b) make provision for the apprehension and trial of persons offending against the regulations, and, notwithstanding the provisions of paragraph (d) of section 23 of the Interpretation Ordinance [Cap. 63.], for such penalties as the Minister may think fit for offences thereunder;
- (c) make provision for suspending the operation of, or for amending, any written law in force in Sabah and any Act of Parliament of the United Kingdom which applies to Sabah by virtue of the Application of Laws Ordinance [Cap. 6.]:

Provided that no such regulation shall without the concurrence of the Yang di-Pertua Negara suspend the operation of or amend any written law having effect as State law;

- (d) make provision for empowering such authorities and persons as may be specified in the regulations; to make orders and rules for any of the purposes for which such regulations may be made;
- (e) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;
- (f) contain such other incidental and supplementary provisions as appear to the Minister to be necessary or desirable for the purpose of such regulations:

Provided that nothing in the foregoing provisions of this section or in the provisions of section 3 or 4 of this Ordinance shall authorize the making of any regulations providing for the trial of persons by military courts.

Application and effect of regulations.

6. (1) Any regulations made under this Ordinance may be made to apply to Sabah as a whole or to any part thereof, and to any person or class of persons or to the public generally.

(2) Any regulations made under this Ordinance, and any order or rule made under any such regulation, shall have effect notwithstanding anything inconsistent

therewith contained in any law and to the extent of any such inconsistency any such law shall have no effect so long as such regulation, order or rule shall remain in force.

Proof of documents.

7. Any document purporting to be an order, licence, permit, certificate, direction, authority or other document made, granted or issued by the Yang di-Pertuan Agong or any other authority or persons in pursuance of this Ordinance or any regulation made under this Ordinance, or any order or rule made under such regulation, and purporting to be signed by or on behalf of the Yang di-Pertuan Agong or such other authority or person, shall be received in evidence and shall until the contrary is proved be deemed to have been made, granted or issued by the Yang di-Pertuan Agong or that authority or person.

Repeal of Cap. 41.

8. The Emergency Powers Ordinance is hereby repealed.