

PUBLIC ENTERTAINMENTS RULES 2009

In exercise of the power conferred by section 12 of the Public Entertainments Ordinance 1958, the Minister makes the following rules:

PART I PRELIMINARY

Citation and commencement

1. (1) These rules may be cited as the Public Entertainments Rules 2009.
- (2) These Rules come into operation on the date of its publication in the *Gazette*. 23.07.2009

Interpretation

2. In these Rules, unless the context otherwise requires –

“Exhibition of cinematographic film” means an exhibition of moving picture produced on screen by means of a cinematographic or other similar apparatus, and includes the production of any music, speech, noise or other sound whatsoever, which accompanies the projection;

“licensing authority” shall have the same meaning assigned to it under the Ordinance;

“Local Authority” means any District Council, Town Board or Municipal Council established under section 3 of the Local Government Ordinance 1961 [No. 11 of 1961];

“Ordinance” means the Public Entertainments Ordinance 1958 [No. 23 of 1958].

PART II
LICENSING

Application for licence

3. (1) Every application for a licence to open a theatre or a place of public amusement or to carry on a theatrical performance under these Rules shall be made in Form A of the First Schedule and shall be accompanied with –

- (a) particulars of persons concerned in the promotion of the public amusement or theatrical performance and the interests represented by such persons;
- (b) particulars of persons who have been invited to, or have agreed to, participate in the public amusement or theatrical performance and the interest represented by such persons;
- (c) the purposes to which any profits from the public amusement or theatrical performance are intended to be applied;
- (d) the script of the play; and
- (e) where any temporary structure is required for the purpose of the public amusement or theatrical performance, the plan of such structure, the approval from the relevant authority approving such structure and the certificate of a civil engineer or structural engineer certifying that the structure will be sound for the period during which the public amusement or theatrical performance is to be held.

(2) An applicant for a licence under subrule 3 (1) shall be a citizen of Malaysia one at least whose parents originated from Sabah.

Grant of licence

4. (1) Where an application for a licence to open a theatre or a place of public amusement or to carry on a theatrical performance or for renewal of such licence is granted a licence in Form B of the First Schedule shall be issued upon payment of –

- (a) the prescribed fee for such licences; and

- (b) such sum of money as the licensing authority may determine as security for the due observance of the conditions or restrictions of the licences and the provisions of the Ordinance or rules made thereunder.

(2) The licensing authority may grant or refuse to grant a licence to the applicant.

Duration of licence

5. A licence issued under these Rules shall be valid for a period not exceeding one year.

Renewal of licence

6. An application for renewal of a licence shall be made in Form C of the First Schedule.

Fees for licence

7. (1) The fees payable for a licence to open a theatre or a place of public amusement or to carry on a theatrical performance shall be set out in the Second Schedule.

(2) The amount of fees payable under subrule (1) are classified in accordance with groups of Local Authority as set out in the Third Schedule.

Separate theatrical performance licence

8. A person providing a theatrical performance in a place that has been licensed by a licensing authority under any other written laws need not apply for a licence to open a theatre or a place of public amusement but he shall be required to obtain a theatrical performance licence.

Exemption

9. (1) The theatrical performance specified in the Fourth Schedule shall be exempted from payment of licence fee and from payment of security in respect of such licence.

(2) Any person may apply to the licensing authority for an exemption from payment of the licence fee to open a theatre or a place of public amusement and from payment of security in respect of such licence where the public amusement or theatrical performance is one specified in the Fourth Schedule.

(3) After considering an application made under subrule (2), the licensing authority may, at its discretion, grant an exemption from payment of the licence fee or from payment of security or from payment of such licence fee and security.

Revocation of licence

10. (1) The licensing authority may, at any time, revoke a licence to open a theatre or a place of public amusement or to carry on theatrical performance if there is a breach of any of the conditions, or restrictions of the licence, or a contravention of, or non-compliance with, any of the provisions of the Ordinance or any rules made thereunder.

(2) Where the licensing authority decides to revoke a licence, the notice of revocation shall be served on the licensee as provided under the Ordinance.

(3) A licensee who has been served with a notice of revocation of a licence to open a theatre or a place of public amusement or to carry on theatrical performance shall immediately upon receipt of such notice, close the theatre or place of public amusement and stop the public amusement or theatrical performance carried on therein.

PART III

MANAGEMENT OF THEATRE OR PLACE OF PUBLIC AMUSEMENT

Cleanliness of premises

11. A licensee of a theatre or a place of public amusement shall at all times, keep his theatre or place of public amusement clean.

Nuisance caused by sound

12. A licensee shall monitor the sound level caused by the public amusement or theatrical performance in his theatre or place of public amusement and ensure that such sound does not create a nuisance.

Toilet facilities

13. (1) A licensee shall ensure that –
- (a) there are separate toilet facilities for males and females and that such toilet facilities are maintained in good conditions and in a state of cleanliness at all times;
 - (b) every toilet is equipped with a tap, a pail and a hose to facilitate cleansing;
 - (c) every toilet shall, at all times, be equipped with toilet papers, soap or detergent, refuse bin, electric dryer, clean towels or tissue paper;
 - (d) where natural lighting is insufficient, artificial lighting shall be provided in every toilet at all times;
 - (e) there shall be water supply at all times; and
 - (f) handicapped people friendly toilet shall be provided.
- (2) Where the public amusement or theatrical performance is held outdoor the licensee shall provide such toilet facilities as may be specified in the licence.
- (3) Subrule (1) shall not apply to a licensee whose theatre or place of public amusement is situated in a building where toilet facilities have been provided.

First aid equipment

14. A licensee shall provide at the theatre or place of public amusement a proper first aid box containing the first aid dressings and appliances specified hereunder which shall, at all times, be maintained in good condition:
- (a) six sterilized dressings, each measuring not less than 7.6 cm x 7.6 cm for wounds and burns;
 - (b) one roll of sterilized cotton wool of not less than 300 grams;
 - (c) two roller bandages, each measuring not less than 7.6 cm x 5.5 cm;
 - (d) three triangular bandages;

- (e) one roll of surgical strapping measuring 2.54 cm x 2.74 cm;
- (f) one pair of stainless steel scissors;
- (g) one box of safety pins; and
- (h) one tube of antiseptic cream.

Safety of public

15. A licensee shall ensure that –

- (a) the construction of the premises, seating arrangements, fire service requirements, lighting, electrical, ventilation and mechanical installations are in accordance with existing laws relating thereto;
- (b) all fire fighting equipment are properly maintained and are in good working conditions; and
- (c) all staircases, passages, landings and exits are clear of obstruction, and all exits shall be kept unfastened or unlocked at all times during operation hours.

Ventilation

16. A licensee shall take steps to ensure that there is adequate ventilation at the theatre or place of public amusement and that the means of ventilation is kept in good working conditions at all times.

PART IV
CONDUCT AND ACTIVITIES

Erection of booth or stall

17. No booth, stall or other structure shall be erected in a theatre or place of public amusement unless permitted and approved in writing by the licensing authority.

Licensing of other trade, business, etc.

18. No booth, stall or structure situated in a theatre or place of public amusement shall be used for any trade, business or as a food establishment, without a valid licence issued under the laws relating to such trade, business or food establishment.

Public amusement or theatrical performance permitted under the licence

19. No public amusement or theatrical performance other than specified in the licence shall be permitted in a theatre or a place of public amusement.

Number of machines permitted

20. Not more than the number of machine for any game as specified in the licence shall be allowed in a theatre or a place of public amusement.

Number of persons permitted

21. A licensee shall not allow more than the number of persons specified in the licence to be admitted into or to remain in a theatre or a place of public amusement.

Obscene public amusement or theatrical performance

22. No obscene public amusement or theatrical performance shall be allowed in any theatre or place of public amusement.

Dressing

23. A licensee shall ensure that the performers in a public amusement or theatrical performance shall be decently dressed.

No betting and gambling allowed

24. A licensee shall ensure that no betting, lottery or gaming as defined under the Common Gaming Houses Act 1953 or Betting Act 1953 is carried out in a theatre or a place of public amusement.

No beer or intoxicating drink to be served

25. A licensee shall ensure that no beer or intoxicating drink is served or consumed in a theatre or a place of public amusement unless he has been issued with a liquor licence by the Licensing Board established under the Excise Act 1976.

Intoxicated person prohibited

26. No intoxicated person shall be allowed to enter or to remain in any theatre or place of public amusement.

Manipulation prohibited

27. No apparatus which is capable of adjustment shall be used in any game so as to vary the chances of a player attaining his object.

PART V
GENERAL PROVISIONS

Time for operating a theatre or a place of public amusement

28. A licensee shall only operate a theatre or a place of public amusement within the hours specified by the licensing authority in the licence.

Licensing authority may specify age limit of patrons

29. (1) The licensing authority may, in its discretion, specify the minimum age of persons who may patronize a theatre or a place of public amusement.

(2) No persons below the age specified by the licensing authority shall be permitted to enter or to remain at a theatre or a place of public amusement.

(3) A licensee shall exhibit a notice containing the information specified in subrule (2) at the entrance of a theatre or a place of public amusement.

Children under sixteen to be accompanied by adult

30. Where children under the age of 16 years are allowed to be admitted into a theatre or a place of public amusement, the licensee shall ensure that such children are accompanied by an adult.

Repeal

31. The Theatres and Places of Public Amusement Rules 1949 is hereby repealed.

FIRST SCHEDULE

FORM A

[Subrule 3 (1)]

PUBLIC ENTERTAINMENTS ORDINANCE 1958

PUBLIC ENTERTAINMENTS RULES 2009

APPLICATION FOR LICENCE

PART I: PARTICULARS OF APPLICATION

1. Name of Applicant:
2. Identity Card No.:
3. Passport No.: Colour:
4. Citizenship: 5. Nationality:
6. Address:
7. Telephone No.:
8. Designation in the Company/Organization:
9. Name of Company/Organization:
10. Total Capital (if applicable): RM.....
11. Address of Company/Organization (if different from No. 6):

12. Registration No. Of Business/Company (if applicable):
-
13. Date of Registration:
14. Date of Expiry:

PART II: DETAILS OF APPLICATION

A. APPLICATION FOR LICENCE TO OPEN A THEATRE OR PLACE OF PUBLIC AMUSEMENT

1. Address:
-
2. Type of Premises:
- (i) Shop House Floor No.
- (ii) Shopping Complex Floor No.
- (iii) Others (state)
3. Position of Premises: Intermediate Corner Detached
4. Floor Area: sq. metres
5. Ownership: Owner Tenant
6. Type of Theatrical Performance or Public Amusement:
7. Time of Operation: From to
8. Duration of Licence:

B APPLICATION FOR THEATRICAL PERFORMANCE LICENCE

No.	Name/Place of Theatrical Performance	Types of Theatrical Performance				
		Music	Singing	Dancing	Exhibition of Cinematographic Film	Others (state)

1. Is any foreign artiste engaged? Yes No

If yes, attach copy of visa/work permit in respect of each artiste.

2. Total number of rooms (if any):

Seating capacity:

3. Number of karaoke machines/kiddy rides/video machines:

4. Period of Theatrical Performance (Date): From to

5. (i) Times of theatrical performance: to
 to
 to

(ii) Number of theatrical performance or public amusement per day/per night/per month:

(iii) State number of tickets for sale/complimentary tickets:
 tickets for sale
 complimentary tickets

6. Purpose of theatrical performance:

(i) Commercial Yes No

(ii) Non-commercial Yes No

(as in Fourth Schedule)

If for non-commercial purpose, state full name and address of proposed recipient and letter of certification of proposed recipient.

Name:

Address:

.....

PART III: DECLARATION*

I/We

Identity Card No.: hereby declare that all

the information given above is correct and true.

.....

Applicant's signature

PART IV: INSTRUCTIONS

1. Please complete this Form in block letters.
2. Tick in the relevant boxes.
3. Delete whichever is not applicable.
4. Return this Form together with the following documents (where applicable):
 - (i) (a) Memorandum and Articles of Association, Form 49 (return giving details in Register of Directors, Managers and Change of Particulars) in accordance with the Companies Act 1965.
 - (b) A valid trading licence issued under the Trades Licensing Ordinance [Cap. 144].
 - (ii) 5 copies of the floor and location plans of the premises.
 - (iii) Letter of consent/confirmation from the owner of the land or building.

- (iv) 1 copy of identity card.
- (v) 2 envelopes measuring 9" x 4" and 2 thirty sen stamps.
- (vi) 2 photographs of the premises (1 copy of a photograph taken from the outside and 1 copy of a photograph taken from the inside).

FORM B
[Subrule 4 (1)]

PUBLIC ENTERTAINMENTS ORDINANCE 1958
PUBLIC ENTERTAINMENTS RULES 2009

LICENCE TO OPEN A THEATRE OR A PLACE OF PUBLIC
AMUSEMENT/THEATRICAL PERFORMANCE

A licence is hereby issued to living
at

.....

* to open a theatre or a place of public amusement of holding a

.....

(state the type of public amusement/to carry on a (state the type
of theatrical performance) at

for * days/year with effect from

to

This licence is subject to the following conditions:

- (i) That no performance shall commence before
- (ii) That no performance shall continue after

- (iii) That no more than person shall be admitted at any time into the theatre or the place of public amusement.
- (iv) That door and exits be provided.
- (v) That the following precautions be observed:
 - (a)
 - (b)
- (vi) +

The fee for *the licence to open a theatre or a place of public amusement/theatrical performance licence is RM.....

.....

Licensing Officer

Dated this day of

* *Delete whichever is not applicable.*

+ *Insert further conditions, if any.*

FORM C

[Rule 6]

PUBLIC ENTERTAINMENTS ORDINANCE 1958

PUBLIC ENTERTAINMENTS RULES 2009

APPLICATION FOR RENEWAL OF LICENCE

PART I: PARTICULARS OF APPLICANT

1. Name of Applicant:
2. Identity Card No.:
3. Passport No.: Colour:

4. Citizenship: 5. Nationality:
6. Address:
.....
7. Telephone No.:
8. Designation in the Company/Organization:
9. Name of Company/Organization:
10. Total Capital (if applicable): RM.....
11. Address of Company/Organization (if different from No. 6):
.....
12. Registration No. of Business/Company (if applicable):
.....
13. Date of Registration:
14. Date of Expiry:

PART II: DETAILS OF APPLICATION

A. APPLICATION FOR RENEWAL OF LICENCE TO OPEN A THEATRE OR A PLACE OF PUBLIC AMUSEMENT

1. Address:
.....
2. Floor Area: sq. metres
3. Ownership: Owner Tenant
4. Type of Public Amusement:
5. Time of Operating: From to
6. Duration of Licence:

B. APPLICATION FOR RENEWAL OF THE THEATRICAL PERFORMANCE LICENCE

No.	Name/Place of Theatrical Performance	Type of Theatrical Performance				
		Music	Singing	Dancing	Exhibition of Cinematographic Film	Others (state)

1. Is any foreign artiste engaged? Yes No

If yes, attach copy of visa/work permit in respect of each artiste.

2. Total number of rooms (if any):

Seating capacity:

3. Number of karaoke machines/kiddy rides/video machines:

4. Period of Theatrical Performance (Date): From to

5. (i) Times of theatrical performance: to
 to
 to

(ii) Number of theatrical performance per day/per night/per month:

.....

(iii) State number of tickets for sale/complimentary tickets:

tickets for sale

complimentary tickets

6. Purpose of theatrical performance:

- (i) Commercial Yes No
- (ii) Non-commercial Yes No
- (as in Fourth Schedule)

If for non-commercial purpose, state full name and address of proposed recipient and letter of certification of proposed recipient.

Name:

Address:

.....

PART III: DECLARATION

I/We

Identity Card No.: hereby declare that all

the information given above is correct and true.

.....

Applicant's signature

PART IV: INSTRUCTIONS

1. Please complete this Form in block letters.
2. Tick in the relevant boxes.
3. Delete whichever is not applicable.
4. Return this Form together with the following documents (where applicable):
 - (i) A valid trading licence issued under the Trades Licensing Ordinance [Cap. 144].
 - (ii) 5 copies of the floor and location plans of the premises.

- (iii) Letter of consent/confirmation from the owner of the land or building.
- (iv) 1 copy of identity card.
- (v) 2 envelopes measuring 9" x 4" and 2 thirty sen stamps.
- (vi) 2 photographs of the premises (1 copy of a photograph taken from the outside and 1 copy of a photograph taken from the inside).
- (vii) Copy of previous licence to open a theatre or place of public amusement/theatrical performance.

SECOND SCHEDULE

[Subrule 7 (1)]

FEEES FOR LICENCE TO OPEN A THEATRE OR A PLACE OF PUBLIC AMUSEMENT/THEATRICAL PERFORMANCE

No.	Subject	Fees For	Fees For	Fees For
		Group A	Group B	Group C
		RM	RM	RM
1.	Cinema/Theatre			
(i)	Not exceeding 100 seats	1,000.00 per month	1,000.00 per month	100.00 per month
(ii)	Exceeding 100 seats	1,500.00 per month	1,500.00 per month	1,500.00 per month
(iii)	Exceeding 200 seats but not exceeding 300 seats	2,000.00 per month	250.00 per month	250.00 per month
(iv)	Exceeding 300 seats but not exceeding 400 seats	2,500.00 per month	350.00 per month	350.00 per month
(v)	Exceeding 400 seats but not exceeding 500 seats	3,000.00 per month	450.00 per month	450.00 per month
(vi)	Exceeding 500 seats	4,000.00 per month	600.00 per month	600.00 per month

FOR REFERENCE ONLY (December 2010)

2.	Amusement Centre	10.00 per month per machine	10.00 per month per machine	10.00 per month per machine
3.	Amusement Park/Recreation Theme Park	10.00 per game per day	10.00 per game per day	10.00 per game per day
4.	Bowling Alley	30.00 per lane per month	30.00 per lane per month	30.00 per lane per month
5.	Skating Rink	100.00 per rink per month	100.00 per rink per month	100.00 per rink per month
6.	Billiard/Pool/Snooker Saloon	55.00 per table per month	45.00 per table per month	45.00 per table per month
7.	Internet Service Centre/ Cyber Cafe	5.00 per month per unit computer	5.00 per month per unit computer	5.00 per month per unit computer
8.	Play Station/Video Game/ Simulator Game	10.00 per month per machine	10.00 per month per machine	10.00 per month per machine
9.	Gift Machine	30.00 per month per machine	20.00 per month per machine	20.00 per month per machine
10.	Slot Machine			
	(i) Society Club	200.00 per machine per month	200.00 per machine per month	200.00 per machine per month
	(ii) Corporate Club	800.00 per machine per month	800.00 per machine per month	800.00 per machine per month
	(iii) Other Club and Place	800.00 per machine per month	800.00 per machine per month	800.00 per machine per month
11.	Karaoke Box	20.00 per box per month	20.00 per box per month	20 per box per month
12.	Karaoke Outlet (Lounge)			
	(i) Open Karaoke Lounge	180.00 per place per month	180.00 per place per month	180.00 per place per month
	(ii) Karaoke Lounge with singing companions and cubicles provided but	1.00 per every square foot of floor space	1.00 per every square foot of floor space	1.00 per every square foot of floor space

FOR REFERENCE ONLY (December 2010)

	without dancing floor	per month	per month	per month
(iii)	Karaoke Lounge with singing companions and cubicles and dancing floor provided	2.00 per every square foot of floor space per month	2.00 per every square foot of floor space per month	2.00 per every square foot of floor space per month
(iv)	Karaoke Lounge concept family with cubicles and/ or with dancing floor provided	0.50 per every square foot of floor space per month	0.50 per every square foot of floor space per month	0.50 per every square foot of floor space per month
13.	Movie Television Outlet (MTV Lounge)	50.00 per room per month	30.00 per room per month	30.00 per room per month
14.	Jamming Studio/Recording Studio	100.00 per place per year	100.00 per place per year	100.00 per place per year
15.	Funfair	30.00 per stall per day	2.00 per stall per day	2.00 per stall per day
16.	Circus	150.00 per show	150.00 per show	150.00 per show
17.	Puppet Show/ Shadow Play	10.00 per show	10.00 per show	10.00 per show
18.	Fashion Show/ Beauty Contest	150.00 per show	150.00 per show	150.00 per show
19.	Opera	150.00 per show	150.00 per show	150.00 per show
20.	Concert			
(i)	By Local Artiste (Sabah/Sarawak)	300.00 per show	300.00 per show	300.00 per show
(ii)	By Local Artiste (West Malaysia)	2,000.00 per show	2,000.00 per show	2,000.00 per show
(iii)	By International Artiste	5,000.00 per show	5,000.00 per show	5,000.00 per show
21.	Live Theatrical Performance or Public Amusement in Pub/ Coffee House/Lounge/ Discotheque/Dance Hall/ Restaurant/Hotel/Resort	100.00 per day	70.00 per day	50.00 per day
22.	Juke Box	10.00 per machine per month	10.00 per machine per month	10.00 per machine per month

FOR REFERENCE ONLY (December 2010)

23.	Exhibition of Cinematography Film (In Open Space)	30.00 per day	30.00 per day	30.00 per day
24.	Lobby/Hall/Open Place held for Exhibition			
	(i) Indoor	70.00 per day	30.00 per day	30.00 per day
	(ii) Outdoor	30.00 per day	20.00 per day	20.00 per day
25.	Shooting Gallery	30.00 per month	30.00 per month	30.00 per month
26.	Dart Gallery	15.00 per month	15.00 per month	15.00 per month
27.	Paint Ball	200.00 per month	200.00 per month	200.00 per month
28.	Futsal	0.50 per sq. feet	0.25 per sq. feet	0.10 per sq. feet
		per year per court	per year per court	per year per court
29.	Any other public amusement or theatrical performance	(i) 100.00 per show/event; and		
		(ii) 5.00 per machine per month but not exceeding 50.00 per month		

THIRD SCHEDULE

[Subrule 7 (2)]

GROUPS OF LOCAL AUTHORITIES

GROUP A

1. Kota Kinabalu City Hall
2. Sandakan Municipal Council
3. Tawau Municipal Council
4. Penampang District Council

GROUP B

1. Kudat Town Board
2. Keningau District Council
3. Tuaran District Council
4. Lahad Datu District Council
5. Beaufort District Council
6. Papar District Council
7. Ranau District Council
8. Kota Belud District Council
9. Semporna District Council

GROUP C

1. Kuala Penyu District Council
2. Sipitang District Council
3. Kunak District Council
4. Nabawan District Council
5. Tambunan District Council
6. Tenom District Council
7. Beluran District Council
8. Kota Marudu District Council
9. Kota Kinabatangan District Council
10. Pitas District Council

FOURTH SCHEDULE

[Rule 9]

EXEMPTION

1. Any public amusement or theatrical performance for educational purpose provided by any school, college, university, Parents and Teachers Association, group of teachers or students or both.
2. Any amateur sport or game organized or provided by a society or body of persons.
3. Any public amusement or theatrical performance organized or provided by any government department, statutory body, society, body of persons, club, association, organization, committee or institution for religious affairs or welfare which is organized or provided for a non-profit and non-pecuniary purpose.

Made 19 March 2009.

DATUK HAJI HAJIJI HAJI MOHD. NOOR
Minister of Local Government and Housing.