



LAWS OF MALAYSIA

REPRINT

Act 377

RESTRICTED RESIDENCE ACT 1933

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

RESTRICTED RESIDENCE 1933

First enacted 1933 (F.M.S. Cap. 39)
Revised 1989 (Act 377 w.e.f.
7 September 1989)

PREVIOUS REPRINT

First Reprint 2001

LAWS OF MALAYSIA**Act 377****RESTRICTED RESIDENCE ACT 1933**

ARRANGEMENT OF SECTIONS

Section

1. Short title and application
 - 1A. Interpretation
2. Order for residence in particular place or exclusion from particular place or places
 - 2A. Police supervision
3. Person affected to be informed of order
4. Effect of order for residence
5. Authority of Minister to enter prohibited area
6. Penalty
7. Harboursing
8. Arrest
9. Sanction for prosecution

SCHEDULE

LAWS OF MALAYSIA

Act 377

RESTRICTED RESIDENCE ACT 1933

An Act relating to the making and enforcement of orders regarding residence in and exclusion from certain areas.

[*Peninsular Malaysia—16 June 1933;*
Sabah and Sarawak—19 September 1980,
P.U. (A) 264/1980]

Short title and application

1. (1) This Act may be cited as the Restricted Residence Act 1933.
- (2) This Act shall apply throughout Malaysia.

Interpretation

- 1A. (1) In this Act, unless the context otherwise requires—

“area” shall, in the application of this Act to *Peninsular Malaysia, means a district, subdistrict or *mukim* duly notified under section 11 or deemed to have been notified under section 442 of the National Land Code [*Act 56 of 1965*];

“Chief Police Officer” includes a Commissioner of Police vested with the control of the Royal Malaysia Police in respect of any area or State;

“Peninsular Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 [*Act 388*], and includes the Federal Territory.

- (2) In Sabah and Sarawak all or any of the powers exercisable by a Commissioner of Police under this Act may be exercised by a Deputy Commissioner of Police authorized in writing by the Commissioner of Police to exercise the same.

*NOTE—All reference to “West Malaysia” shall be construed as reference to “Peninsular Malaysia” —see the Interpretation (Amendment) Act 1997 [*Act A996*], subsection 5(2).

Order for residence in particular place or exclusion from particular place or places

2. (1) Whenever it shall appear to the Minister on such written information and after such enquiry as he may deem necessary that there are reasonable grounds for believing that any person should be required to reside in any particular area or should be prohibited from entering into any particular area or areas the Minister may issue an order in one of the Forms in the Schedule for the arrest and detention or, if he is already in prison, for the detention of that person.

(2) The Minister thereafter after such further enquiry as he may deem necessary may make an order in the Form in the Schedule that from a date to be stated in the order, the person do reside in such area as may be specified in the order or do not enter into such area or areas as may be so specified.

(3) An order made under subsection (ii) may be for the life of the person to whom it relates or for a term to be stated in the order, and may at any time be revoked, cancelled, or varied by the Minister.

(4) *(Deleted by P.U. (A) 264 of 1980).*

Police supervision

2A. (1) Without prejudice to section 2, the Minister may by order direct that any person named in the order shall be placed under police supervision for any period not exceeding five years and may renew any such order for a further period or periods not exceeding one year at any one time.

(2) Any person placed under police supervision by order made under this section shall be subject to all or any of the following restrictions as the Minister may direct:

- (a) he shall be required to reside within the limits of any area, town or village specified in the order;
- (b) he shall not be permitted to transfer his residence to any other area, town or village, as the case may be, without the written authority of the Chief Police Officer of the State concerned;

- (c) he shall not leave the area, town or village within which he resides without the written authority of the Chief Police Officer of the State concerned;
- (d) he shall at all times keep the Officer in Charge of the Police District in which he resides notified of the house or place in which he resides;
- (e) he shall be liable at such time or times as may be specified in the order to present himself at the nearest police station;
- (f) he shall not, without the permission of the Chief Police Officer of the State concerned, make any public speech or address any meeting, or publish in any manner any manifesto, article or other document which, in the opinion of the Chief Police Officer, has a seditious tendency or contains any incitement to violence or is likely to lead to a breach of the peace.

(3) For the purpose of this section the phrase “seditious tendency” has the same meaning as in the Sedition Act 1948 [Act 15].

Person affected to be informed of order

3. (1) When any such order as is referred to in subsection 2(2) or section 2A has been made with reference to any person, he shall be taken before the Officer in Charge of the prison in which he is detained and the Officer in Charge shall inform him of the terms of the order and shall deliver to him a copy thereof and shall require him to state the place in which, consistently with the terms of the order, he desires in the immediate future to reside.

(2) As soon as may be after action has been taken under subsection (1), the Officer in Charge shall hand over the person to whom the order relates together with a warrant of release in the Form in the Schedule to any Police Officer appointed by the Chief Police Officer to receive him, and the person shall thereupon be conveyed under police escort to the place wherein he states he wishes to reside and shall there be released.

(3) In this section and in the Schedule “Officer in Charge” has the meaning assigned in the *Prisons Ordinance 1952 of West

*NOTE—The Prisons Ordinance 1952 of West Malaysia [*Ord. 81 of 1952*], the Prisons Ordinance 1956 of Sabah [*Sabah Ord. 7 of 1956*] except subsection 70(4) to (14) and subsection 81(1) and the Prisons Ordinance of Sarawak [*Sarawak. Cap. 24*] except subsection 34(4) to (14) have since been repealed by the Prison Act 1995 [Act 537]—see subsection 68(1) of Act 537.

Malaysia [*Ord. 81 of 1952*] or the Prisons Ordinance 1956 of Sabah [*Sabah Ord. 7 of 1956*] or the Prisons Ordinance of Sarawak [*Sarawak. Cap. 24*].

Effect of order for residence

4. Except as provided by or under subsection 2A(2) any person ordered to reside in any area, town or village is hereby prohibited from entering into any other area, town or village, as the case may be.

Authority of Minister to enter prohibited area

5. The Minister may by writing under his hand authorize any person—

- (a) who has been ordered under section 2 to reside in any area to enter any other area; or
- (b) who has been ordered under section 2 not to enter any area or areas to enter any of such areas,

for such purpose and for such period and in accordance with such conditions as may be stated in the writing.

Penalty

6. (1) Any person found within any area, town or village in contravention of the prohibition contained in section 4 or of any order made under subsection 2(2) or under section 2A or of the terms of any written authorization under subsection 2A(2) or section 5 shall be liable to imprisonment for a term not exceeding three years.

(2) Any person subject to any restriction referred to in paragraph 2A(2)(d), (e) or (f) who contravenes or fails to comply with the terms of the restriction or who contravenes or fails to comply with the terms of any permission given under the said paragraph (f) shall be liable to imprisonment for a term not exceeding three years.

Harbouring

7. (1) Any person who knowingly conceals or harbours any person who unlawfully enters any area, town or village shall be liable to a fine of five hundred ringgit or to imprisonment for six months; provided that this section shall not apply to the case of a wife harbouring or concealing her husband or a husband harbouring or concealing his wife.

(2) Any person aware of the presence in any area, town or village of any person, not being the husband or wife of such first mentioned person, who has been ordered not to enter the area, *mukim*, town or village or has been ordered to reside in any other area, town or village, and being aware also of the making of the order, shall in the absence of reasonable excuse, proof whereof shall lie on him, forthwith give information to the nearest Magistrate or police officer, and in default of his doing so shall be liable to a fine of two hundred and fifty ringgit or to imprisonment for three months.

Arrest

8. Any police officer may arrest without warrant any person reasonably suspected of being in any area, town or village in contravention of the prohibition contained in section 4 or of any order made under subsection 2A(2) or 2A(1) or of the terms of any written authorization under subsection 2A(2) or section 5.

Sanction for prosecution

9. No prosecution shall be instituted under this Act without the sanction in writing of the Public Prosecutor.

SCHEDULE

FORM A

STATE OF.....

WARRANT OF ARREST AND DETENTION

RESTRICTED RESIDENCE ACT 1933

[Subsection 2(1)]

To the Chief Police Officer and all other Police Officers and to the Officer in Charge.....Prison.

Whereas it appears to me in accordance with section 2 of the Restricted Residence Act 1933, that there are reasonable grounds for believing that an order should be made under subsection 2(2) of the said Act against.....

Now you the said Police Officer are hereby directed to arrest the said..... wherever he may be found and convey him to the..... Prison.

And you the said Officer in Charge..... Prison are hereby directed to detain the said.....in safe custody in the civil prison until you shall receive further orders through me.

Given under my hand this..... day of..... 20.....

.....
Minister

FORM B

State of.....

WARRANT OF DETENTION

RESTRICTED RESIDENCE ACT 1933

[Subsection 2(1)]

To the Officer in Charge..... Prison.

Whereas it appears to me in accordance with section 2 of the Restricted Residence Act 1933, that there are reasonable grounds for believing that an order under section 2 of the said Act should be made against.....who is now detained in the prison at.....

Now you the said Officer in Charge are hereby directed to detain the said..... in safe custody in the civil prison until you shall receive further orders through me.

Given under my hand this..... day of..... 20.....

.....
Minister

Form C

ORDER UNDER SUBSECTION 2(2)
RESTRICTED RESIDENCE ACT 1933

It is hereby ordered that.....now residing at..... shall—

- (a) for the term of his natural life;
- (b) for the term of..... years from this date;
- (c) reside in that part of Malaysia which is hereafter specified—to wit.....;
- (d) refrain from entering that part of Malaysia which is hereafter specified—to wit.....

Note—(a), (b), (c), (d): delete words not required.

Given under my hand this.....day of..... 20.....

.....
Minister

Form D

WARRANT OF RELEASE
RESTRICTED RESIDENCE ACT 1933
[Subsection 3(2)]

To the Chief Police Officer and all other Police Officers.

In pursuance of the powers vested in me by subsection 3(2) of the Restricted Residence Act 1933, you are hereby directed to convey.....under police escort to.....in the area of.....and there to release him.

Given under my hand this..... day of..... 20.....

.....
Officer in Charge
..... *Prison*

Form E

ORDER UNDER SUBSECTION 2A(1)

RESTRICTED RESIDENCE ACT 1933

It is hereby ordered that..... now residing at.....shall be placed under police supervision for the term of months from this date, and, while under such supervision, shall be subject to the restrictions hereunder specified, namely—

(a)

(b)

(c)

etc.

Dated this..... day of..... 20.....

.....
Minister



LAWS OF MALAYSIA

Act 377

RESTRICTED RESIDENCE ACT 1933

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|-------------------|---|---------------|
| F.M. Ord. 4/1948 | Restricted Residence (Extended Application) Ordinance 1948 | 06-03-1948 |
| F.M. Ord. 13/1948 | Restricted Residence (Amendment) Ordinance 1948 | 19-07-1948 |
| F.M. Ord. 70/1958 | Restricted Residence (Amendment) Ordinance 1958 | 27-12-1958 |
| L.N. 132/1958 | Federal Constitution (Modification of Laws) (Restricted Residence Enactment) Order 1958 | 15-05-1958 |
| L.N. 278/1959 | Federal Constitution (Modification of Laws) (Restricted Residence Enactment) Order 1959 | 20-08-1959 |
| F.M. 81/1952 | Prisons Ordinance 1952 | 01-07-1953 |
| Act 56/1965 | National Land Code | 01-01-1966 |
| Act 15 | Sedition Act 1948 | 14-04-1970 |
| P.U. (A) 264/1980 | Modification of Laws (Restricted Residence) (Extension) Order 1980 | 19-09-1980 |

LAWS OF MALAYSIA

Act 377

RESTRICTED RESIDENCE ACT 1933

LIST OF SECTIONS AMENDED

| Section | Amending authority | In force from |
|-----------------|--|--|
| 1A | Act 56/1965 P.U. (A) 264/1980 | 01-01-1966 19-09-1980 |
| 2 | Ord. 4/1948 L.N. 132/1958 L.N. 278/1959 P.U. (A) 264/1980 | 06-03-1948 15-05-1958 20-08-1959 19-09-1980 |
| 2A | Ord. 13/1948 L.N. 132/1958 Ord. 70/1958 L.N. 278/1959 Act 15 | 19-07-1948 15-05-1958 27-12-1958 20-08-1959 14-04-1970 |
| 3 | Ord. 13/1948 F.M. 81/1952 P.U. (A) 264/1980 | 19-07-1948 01-07-1953 19-09-1980 |
| 4 | Ord. 13/1948 | 19-07-1948 |
| 5 | Ord. 13/1948 L.N. 132/1958 Ord. 70/1958 L.N. 278/1959 | 19-07-1948 15-05-1958 27-12-1958 20-08-1959 |
| 6 | Ord. 13/1948 | 19-07-1948 |
| 7 | Ord. 13/1948 | 19-07-1948 |
| 8 | Ord. 13/1948 | 19-07-1948 |
| 9 | L.N. 132/1958 L.N. 278/1959 | 15-05-1958 20-08-1959 |
| Schedule Form A | L.N. 132/1958 L.N. 278/1959 | 15-05-1958 20-08-1959 |
| Form B | L.N. 132/1958 L.N. 278/1959 | 15-05-1958 20-08-1959 |

| Section | Amending authority | In force from |
|--------------------|--------------------|---------------|
| Form C | L.N. 132/1958 | 15-05-1958 |
| | L.N. 278/1959 | 20-08-1959 |
| | P.U. (A) 264/1980 | 19-09-1980 |
| Form D | L.N. 278/1959 | 20-08-1959 |
| | P.U. (A) 264/1980 | 19-09-1980 |
| Form E | L.N. 132/1958 | 15-05-1958 |
| | L.N. 278/1959 | 20-08-1959 |
| | Ord. 13/1948 | 19-07-1948 |
| Throughout the Act | P.U. (A) 264/1980 | 19-09-1980 |
