

# SECOND SUPPLEMENT TO THE FEDERATED MALAY STATES GOVERNMENT GAZETTE

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SATURDAY, 14TH OCTOBER, 1916.

The following Notification is, by direction of the Chief Secretary to Government, published for general information.

M. S. H. McARTHUR,  
*Under Secretary, F.M.S.*

No. 3325.—The following Bill about to be introduced in the Federal Council by the Hon'ble Mr. A. N. Kenion is published for general information :

*DRAFT.*

An Enactment to provide for the Registration of Domestic Servants.

[ , 191 . ]

*President of the Federal Council.*

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. This Enactment may be cited as "The Domestic Servants Enactment, 191," and shall come into force on the publication thereof in the *Gazette*. Short title.

2. In this Enactment unless there is something repugnant in the subject or context— Interpretation.

"Master" means any person residing in a house, hotel or boarding house the monthly rental value of which is not less than forty dollars and having a servant in his employment therein and includes the manager of any hotel or boarding house whether or not such manager resides in such hotel or boarding house and whether or not the servants employed in the work of such hotel or boarding house are in the employment and includes as regards clubs or other like associations the committee or other body managing the same whether or not the building occupied is of the monthly rental value of forty dollars and whether or not such committee or managing body reside in such building. Master.

"Monthly rental value" means the gross amount at which any premises can reasonably be expected to let in average years to a tenant should the owner desire to let them. Monthly rental value.

"Servant" means a domestic or menial house servant and includes head and under servants, cooks and water-carriers, but shall not include coachmen, chauffeurs, grooms, gardeners and other out-door servants. Servant.

"Registrar" means a Registrar of Servants appointed under this Enactment. Registrar.

"Local area" means an area which is subject to the operation of this Enactment.

Chief Secretary  
may appoint  
Registrars.

3. (i) The Chief Secretary to Government may appoint for any Settlement or for any local area in which this Enactment may be brought into operation one or more persons either by name or by office to act as Registrars of Servants.

(ii) Every Registrar shall have a seal of office with the words "Registrar of Servants" thereon.

(iii) Every Registrar shall be deemed to be a public servant within the meaning of the Penal Code.

Masters to  
cause servants  
to be registered

4. (i) Except in the cases where the registration of a servant under this Enactment is declared by this section to be optional it shall be the duty of every master residing within a local area to furnish within one month from the day this Enactment comes into operation therein to the Registrar in writing a list in which shall be set forth the names, the capacity in which they are employed and the date of the engagement of each of his servants.

(ii) The registration of a servant under this Enactment shall be optional at the election of the master where the master and servant are both Asiatics or in the case of persons other than Asiatics where they are of the same nationality, and it is hereby declared that where the relationship of master and servant exists or is intended to be created between any such persons they shall not be subject to any of the provisions of this Enactment unless and until the master elects to register and registers such servant.

Servant to  
apply for regis-  
tration within  
three months.

5. It shall be the duty of every servant who at the commencement of the application of this Enactment to the local area in which he resides is employed by a master as herein defined to attend personally within three months after the day on which this Enactment comes into operation in such area before the Registrar and apply to be registered under this Enactment.

Servant may  
apply to  
Registrar to be  
registered.

6. Any person desiring employment as a servant of a master residing within any local area may apply in person to the Registrar for such area to be registered under this Enactment.

Servant  
applying for  
registration to  
furnish  
particulars.

7. Every such servant or person desiring employment applying to be registered under this Enactment shall furnish the Registrar with the following particulars :

(a) His name and (if a Muhammadan or Hindu) the name of his father ;

(b) His nationality and if possible his place of birth ;

(c) Particulars of his previous engagements (if any) ;

(d) Such other particulars as the Registrar may require ;

and if he has been before registered in any local area he shall produce to the Registrar the book containing the copy of the record in such Register.

Registrar to  
register  
applicant.

8. (i) The Registrar if satisfied that there are reasonable grounds to believe that any such servant or person desiring employment is a fit and proper person to be employed in domestic service shall on payment by the applicant of the prescribed fee and on compliance by

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the applicant with the prescribed regulations register the applicant under this Enactment by recording the particulars mentioned in section 7 with such description of the applicant as the Registrar shall think fit in a book to be called the "Register of Servants" under a distinctive number and shall issue to the applicant a copy of such record written in a book and authenticated by the seal of office of the Registrar.

Registrar.  
To furnish copy  
of record.

(ii) Such book shall be issued in the form of a pocket book and shall be called "The Engagement Book".

9. If the applicant can produce no sufficient evidence as to his fitness for domestic service the Registrar may grant provisional registration to the thereafter converted into confirmed registration according to the result of subsequent service.

Provisional  
registration.

10. If the Registrar is satisfied that the applicant is not a fit and proper person he may withhold registration altogether.

Registrar's  
power to  
withhold  
registration.

11. The Registrar shall not grant registration to any convicted thief or associate of thieves or to any person known to the police to be leading a disorderly or disreputable life or who shall have been convicted of an infamous crime :

Registrar not  
to grant  
registration to  
convicted  
person.

Provided that the Registrar may grant registration to any person from whom it may have been so withheld on the application of any householder who may be willing to give such person a trial if the Registrar is satisfied of the respectability of such householder and that the intention to engage such person as a domestic servant is a *bona fide* one.

12. No master shall continue in his employment in any local area any servant who was in his employment in such local area at the coming into operation therein of this Enactment after the expiration of the period mentioned in section 5 unless such servant has been registered within such period in such local area.

Masters not to  
continue in  
employment  
unregistered  
servants.

13. No master residing within any local area shall engage any person to serve him as a servant within such local area and no person shall apply to any master to be employed as a servant within such local area unless such person has been registered therein and produces to the master his Engagement Book, authenticated as required by section 8, and unless such book contains a record of the termination of his last engagement (if any) within the local area or elsewhere.

Masters not  
to engage  
unregistered  
servant.

14. On engaging a servant the master shall forthwith fill up a form of notice thereof in accordance with schedule A, bearing a twenty-cent stamp, and within three days forward the same by post or otherwise addressed to the Registrar for the local area and shall also forthwith make in the servant's Engagement Book an entry of the following particulars :

Master  
engaging  
servant  
to forward  
form A.

- (a) The master's name and address ;
- (b) The date of the engagement ;
- (c) The capacity in which the servant is engaged ;

and shall cause the servant to attend personally at the Registrar's office to have the entry inscribed in the Register of Servants.

Master discharging servant to forward form B.

15. Every master residing within any local area who discharges a servant or whose service a servant leaves shall thereupon forthwith fill up a form of notice thereof in accordance with schedule B bearing a twenty-cent stamp and within three clear days forward the same by post or otherwise addressed to the Registrar and shall also insert in the servant's Engagement Book if produced to him the date and cause of discharge and the character of the servant:

Proviso.

Provided that if for any reason he is unwilling to give the servant a character or to state the cause of discharge he may decline to do so, but in that case he shall furnish to the Registrar in writing his reasons for so refusing: provided further that if the master is unable to enter the cessation of the engagement through failure of the servant to produce the Engagement Book he shall report the fact to the Registrar.

Servant to have entry in Engagement Book recorded in Register of Servants.

16. Every servant shall within one week after the date of any entry in his Engagement Book attend personally at the office of the Registrar for the purpose of having such entry recorded in the Register of Servants.

Registrar to issue duplicate copy of record on proof of loss.

17. The Registrar shall, on payment by the applicant of the prescribed fee, issue a duplicate copy of the record in the Register of Servants to any servant if he is satisfied that the Engagement Book containing the copy originally issued has been lost or destroyed or in substitution for a copy which is given up to him.

Registered servants entering service in places not brought under Enactment.

18. Every servant registered under the provisions of this Enactment shall, if he subsequently enter service in any place not under its operation, attend personally at the nearest police station on his entering or leaving such service, and produce his Engagement Book to the principal officer of police at such station: and the said officer of police shall record such commencement the same to the Registrar of Servants for the town or district in which such servant was originally registered.

Masters in places not under Enactment.

19. It shall be the duty of any employer of domestic servants not resident in any town or district under the operation of this Enactment, who shall engage or discharge a registered servant, forthwith to enter the engagement or discharge of such servant in the Engagement Book in the manner prescribed in the 14 and 15 sections of this Enactment relating to the engagement or discharge of servants in places brought within the operation of this Enactment.

Servant to produce Engagement Book.

20. (i) Every registered servant shall (unless the same is in the custody of his master) produce his Engagement Book when called upon to do so by any police officer or by his master or by the Registrar and every master having the custody of such book shall produce the same whenever called upon to do so by any police officer or by the Registrar.

(ii) Every master shall be legally bound to answer all questions which may be put to him by the Registrar respecting his servants.

Penalties.

21. (i) Whoever commits any of the following offences shall be punishable with imprisonment for a term not exceeding two years or with fine or with both:

(a) Intentionally makes any false statement whether on oath or not to or before any Registrar or to any other person acting in the execution of this Enactment.

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Any master committing any of the following acts shall be held to be guilty of an offence and be liable to a fine not exceeding twenty-five dollars :

- (a) Failing to furnish to the Registrar within one month after this Enactment shall have come into operation in any town or district the list specified in section 4;
- (c) Engaging a servant after this Enactment shall have come into operation who shall fail to produce his Engagement Book or whose Engagement Book shall not record the termination of the last previous service, if any, as provided by section 13;
- (d) Failing to enter in the Engagement Book the date and the capacity in which a servant is engaged as required by section 14;
- (e) Failing to insert in such Engagement Book the date of a servant being discharged and the cause of such discharge as required by section 15;
- (f) Declining to give his servant a character and failing to furnish to the Registrar his reasons for so refusing;
- (g) Engaging or discharging a registered servant in any town or district not under the operation of this Enactment without entering such engagement or discharge in the Engagement Book as required by section 19.

Any servant committing any of the following acts shall be held to be guilty of an offence and be liable to a fine not exceeding twenty-five dollars :

- (a) Failing to attend the Registrar and furnish him with the information required by section 7;
- (b) Failing to produce his Engagement Book when requested to do so;
- (c) Having been once registered under the provisions of this Enactment and yet entering or leaving service thereafter in any place not under the operation of this Enactment without having attended at the nearest police station and producing his Engagement Book as required by section 18.

**22.** The fees specified in schedule C shall be paid by the master or servant as therein provided by adhesive stamps to be affixed to the servant's copy of the Register contained in his Engagement Book and every such stamp shall be cancelled by the person who affixes the same, writing on or across the stamp the servant's distinctive number and the date when such stamp is affixed. Fees.

**23.** The Chief Secretary to Government may make rules for all or any of the following matters : Rules.

- (1) The form of the Registers and Engagement Books and the mode in which the same are to be made and kept and the entries to be made therein;
- (2) The means to be adopted for preserving evidence of the identity of servants whether by causing them to be photographed or otherwise;

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(3) To vary the fees to be paid under this Enactment in substitution for or in addition to the fees mentioned in schedule C hereto;

(4) Generally in relation to any matters similar to those above mentioned as to which it may be expedient to make rules for carrying into effect the objects of this Enactment.

All rules made under this section shall be published in the *Gazette*.

SCHEDULE A.

NOTICE OF ENGAGEMENT OF SERVANT.

To the Registrar of Servants.

I, the undersigned master, hereby notify to you that I on the..... day of....., 191... engaged a servant named.....whose registered number is.....to serve me as.....

Signed A.B.

My address is No.....

Dated this.....day of....., 191....

SCHEDULE B.

NOTICE OF A SERVANT BEING DISCHARGED OR QUITTING THE SERVICE OF A MASTER.

To the Registrar of Servants.

I, the undersigned master, hereby notify to you that on the..... day of....., 191..., my servant named.....whose registered number is.....left my service.

Signed A.B.

My address is No.....

Dated this.....day of....., 191....

SCHEDULE C.

Fee payable by master on causing a servant to be registered in compliance with section 4	...	...	...	...	\$ 0.50
Fee payable by master on engaging a new servant	...	...	...	...	0.50
Fee payable on provisional registration of servant	...	...	...	...	0.25
Fee payable on confirmation of provisional registration of servant	...	...	...	...	0.25
Fee payable by master for the issue to the servant referred to in section 5 of an Engagement Book	...	...	...	...	0.50
Fee payable by servant other than servant referred to in section 5 for an Engagement Book	...	...	...	...	0.50
Fee payable by the servant for a duplicate Engagement Book	...	...	...	...	0.50

