

SECOND SUPPLEMENT
TO THE
FEDERATED MALAY STATES
GOVERNMENT GAZETTE

OF FRIDAY, THE 14TH OF JULY, 1922.

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FRIDAY, 21ST JULY, 1922.

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

C. W. H. COCHRANE,
Acting Under Secretary, F.M.S.

No. 4373.—The following Enactment, passed at a meeting of the Federal Council held on the 19th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 6 OF 1922.

An Enactment to regulate the entrance of persons into the Federated Malay States and the departure of persons from the Federated Malay States and to confer various powers in connection therewith.

F. S. JAMES,
President of the Federal Council.

[8th July, 1922.]

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

1. (i) This Enactment may be cited as "The Passengers Restriction Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and repeal.

(ii) Upon the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed to the extent specified in the said schedule.

2. In this Enactment—

Interpretation.

"Master" means any person (except a pilot) having command or charge of any ship.

"Passenger" means any person carried in a ship other than the master, pilot and crew.

"Health Officer" means any officer appointed to be a health officer under the Quarantine and Prevention of Disease Enactments, 1903, and includes any person authorized by a health officer in writing to act as his deputy.

"Boarding Officer" means any person holding the appointment of boarding officer in the Marine Department of any State.

"Police Officer" means any member of the Police Force not below the rank of Sub-Inspector.

3. When any ship carrying passengers arrives at any port in the Federated Malay States—

No passengers or goods to be landed or embarked until ship has been examined.

(i) Except with the permission of a police officer or boarding officer no person other than the pilot shall leave or board such ship and no article or thing shall be removed or taken from or put on board such ship until such ship has been examined by a police officer or boarding officer ;

(ii) The master shall detain on such ship every person on board until such ship has been examined and may use any means reasonably necessary for the purpose.

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Examination of
ship from
infected port.

4. (i) Whenever such ship is an infected ship or arrives from an infected or suspected port, such examination, which shall be in addition to the examination to which such ship is subject under the provisions of the Quarantine and Prevention of Disease Enactments, 1903, and the rules made thereunder, shall be conducted by the health officer, who shall exercise for that purpose the powers conferred upon police officers and boarding officers by the preceding section, or if the health officer so permits by a police officer or boarding officer.

(ii) If it is found in the course of such examination by the health officer that any passenger on board such ship, not being a person born in the Colony or the Federated Malay States, belongs to any of the classes of persons mentioned in sub-section (i) of section 8, or if any such passenger refuses to answer any questions put to him with the object of determining whether he belongs to any of such classes of persons, or if his answers are unsatisfactory, the health officer shall exercise the powers conferred on police officers and boarding officers by sub-sections (i) and (ii) of section 8, and the provisions of sub-sections (iv), (v) and (vi) of that section shall apply to such passengers and to the master, owner, agent and consignee of such ship with the substitution of the health officer for the police officer and boarding officer.

Certain duties
of masters of
ships.

5. The master of every ship carrying passengers which arrives in the Federated Malay States or which is about to leave the Federated Malay States shall whenever required to do so by any police officer or boarding officer

- (a) exhibit to such officer a complete list of the crew;
- (b) furnish the said officer with a complete list of the passengers arranged alphabetically specifying their nationality, place of birth, calling or occupation, the ports or places at which they embarked and the ports or places of their disembarkation or intended disembarkation;
- (c) produce to such officer for inspection and interrogation all the passengers and all the members of the crew.

Persons
arriving or
leaving to
answer all
enquiries.

6. (i) Any person who arrives in the Federated Malay States or who is about to leave the Federated Malay States, shall truthfully and fully answer all questions and enquiries put to him, by any police officer or boarding officer, notwithstanding that the answer to any such question may tend to render such person liable to any restriction whatsoever or may tend to incriminate him, and shall disclose and produce to any such officer on demand all documents in the possession of such person tending directly or indirectly to establish his identity, nationality or occupation, or any absolute or conditional liability on his part to any military or naval service under any State whatsoever.

(ii) Any answer to any question or enquiry shall be admissible in evidence in any proceedings under this Enactment against the person making such answer; provided that nothing in this section shall be construed as rendering any such answer inadmissible in any other proceedings in which it would otherwise be admissible.

Persons
arriving or
leaving to
proceed for
further enquiry
to place
directed.

7. Any person who arrives in the Federated Malay States or who is about to leave the Federated Malay States, shall, if so directed by any police officer or boarding officer proceed, at or before such time as may be directed by such officer, to such place or places as such officer may direct for further enquiry into his case.

PASSENGERS RESTRICTION.

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8. (i) If, after such enquiry or further enquiry, it is found that any person, not being a person born in the Colony or the Federated Malay States,

Persons prohibited from landing.

- (a) is diseased, maimed, blind, idiot, lunatic or decrepit not having the means of subsistence and may be hindered by his diseased, blind or disabled state from earning a livelihood; or
- (b) cannot show that he has in his possession or that he is physically able to earn the means of decently supporting himself and his dependants, if any; or
- (c) is a professional beggar or vagrant or a person likely to become a charge upon the public or upon any public or charitable institution; or
- (d) is a person suffering from a contagious disease which is loathsome or dangerous; or
- (e) is not in possession of a valid passport or is in possession of a forged or altered passport or of a passport which does not comply with any regulations in force regarding passports; or
- (f) has been banished from any country or has been shipped from any country by the authorities of the Government of such country with a view to his being repatriated; or
- (g) is suspected of being likely to promote sedition or to cause a disturbance of public tranquility,

the police officer or boarding officer may prevent such person from landing or may detain him until an opportunity arises of returning him to his port of embarkation or to the country of his birth or citizenship.

(ii) If any such person refuses to answer any questions put to him with the object of determining whether he belongs to any of the classes of persons hereinbefore mentioned, or if his answers are unsatisfactory, the police officer or boarding officer may prevent him from landing or may detain him until an opportunity arises of returning him to his port of embarkation or to the country of his birth or citizenship.

(iii) If the master of the ship is dissatisfied with the action taken by the police officer or boarding officer the matter may be referred by the master to, and shall be decided by, the Chief Police Officer or in the case of the persons mentioned in paragraphs (a) and (d) in sub-section (i), the health officer.

(iv) In cases where any passenger is prevented from landing, the master shall afford such passenger a passage from the Federated Malay States, and in cases where any passenger has landed and is detained in the Federated Malay States after the ship has left the Federated Malay States, the master, owner, agent and consignee of the ship shall be liable to pay to the Government all costs incurred by the Government for the maintenance of and removal from the Federated Malay States of such passenger.

(v) The master shall give to the police officer or boarding officer such information relating to any person on board his ship suspected of belonging to any of the classes of persons mentioned in sub-section (i) as may reasonably be required for the purposes of this Enactment, and shall answer to the best of his knowledge all such questions touching such person as shall be put to him.

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(vi) If any passenger lands without the permission of the police officer or boarding officer or the Chief Police Officer or the health officer—

- (a) he may be taken into custody without warrant by any police officer and shall be liable on conviction to a fine not exceeding two thousand dollars;
- (b) the master, owner or agent of the ship by which he was brought to the Federated Malay States shall be liable to the like penalty; and
- (c) the Court imposing the fine may make an order directing that such person shall be removed as soon as possible from the Federated Malay States by or at the expense of the agents of the ship by which he was brought to the Federated Malay States.

Power of Police
Officer making
enquiry.

9. A police officer making an enquiry or further enquiry under sections 6, 7 or 8, shall have with respect to such enquiry or further enquiry the same powers as have been conferred on a police officer making a police investigation under the Criminal Procedure Codes, 1902.

Examination of
ships about to
leave the
Federated
Malay States.

10. (i) No ship shall leave the Federated Malay States until it has been examined by a police officer or boarding officer.

(ii) Except with the permission of a police officer or a boarding officer no person other than the health officer shall, after the police examination has been begun, board any ship which is about to leave the Federated Malay States.

(iii) Except with the permission of a police officer or a boarding officer or the health officer no article or thing shall, after the police examination has been begun, be put on board any ship which is about to leave the Federated Malay States.

Masters of ships
to report
contraventions.

11. The master of every ship which arrives in the Federated Malay States or which is about to leave the Federated Malay States shall report forthwith to a police officer or boarding officer every case in which he has any reason to believe that an offence against this Enactment has been or is about to be committed.

Powers of
detention,
arrest, search,
seizure and
removal.

12. (i) Any police officer authorized by the Chief Police Officer in writing in that behalf, either generally or for a particular occasion, may

- (a) detain for further enquiries during a period not exceeding four days any person in whose case such police officer may have reason to believe that further enquiry is necessary;
- (b) arrest and bring before a Magistrate any person whom such police officer may have reason to suspect of having contravened or attempted to contravene any of the provisions of this Enactment;
- (c) search the person and property and effects of any person whom it may be lawful for such police officer to detain or arrest, or who may arrive in or be about to leave the Federated Malay States provided that no female person shall be searched except by a female, and provided that no person shall be searched in a public place if he objects to be so searched;

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- (d) search any place or vessel (not being a ship of war) in which such police officer may have reason to suspect that there may be anything, which may be evidence of any contravention or intended contravention of any of the provisions of this Enactment or which may belong to or be in the possession or under the sole or partial control of any person whom it may be lawful for such police officer to detain or arrest;
- (e) seize, remove and detain anything which may appear to be evidence of any contravention of the law, or which it may be desirable to detain for further examination, or which may appear to belong to or to be in the possession of or to be under the sole or partial control of any person whom it may be lawful for such police officer to detain or arrest.
- (ii) Such police officer may—
 - (a) break open any outer or inner door of or in any such place;
 - (b) forcibly enter any such vessel and every part thereof;
 - (c) remove by force any personal or material obstruction to any arrest, detention, search, seizure, or removal which he is empowered to make;
 - (d) detain every person found in such place or on board such vessel until such place or vessel has been searched.
- (iii) No person shall obstruct any detention, arrest, search, seizure, or removal, which is authorized by this Enactment.

13. (i) Ships whose original port of departure is a port in the Colony or in any of the British Protected States in the Malay Peninsula are exempted from the provisions of this Enactment. Ships, etc.,
exempted from
Enactment.

(ii) The Chief Secretary to Government may by order exempt from any of the provisions of this Enactment any special class of passengers or voyages or any special ships.

14. Nothing contained in this Enactment shall apply to Customs officers, officers of the Labour or Postal Departments or any postal article landed or embarked by an officer of the Postal Department. Officers
exempted from
Enactment.

15. (i) Any person who acts in contravention of or fails to comply with any of the provisions of this Enactment and any person who permits or knowingly is a party to any such contravention or failure, for which no penalty is herein expressly provided, shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment of either description for a term which may extend to six months, and the Court before which he is convicted may, either in addition to or in lieu of any such punishment, require such person to enter into recognizances with or without sureties to comply with the provisions of this Enactment or such provisions thereof as the Court directs. Penalties.

(ii) If any person fails to comply with an order of the Court requiring him to enter into recognizances, the Court or any Court of summary jurisdiction sitting for the same place may order him to be imprisoned with or without hard labour for any term which may extend to six months.

16. All prosecutions under this Enactment may be had before the Court of a Magistrate of the First Class and such Court shall have power to impose any penalty provided by this Enactment. Trial of
offences.

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THE SCHEDULE.
STATE ENACTMENTS.

State.	No. and year.	Short title.	Extent of repeal.
Perak ...	6 of 1902	Pauper Aliens Exclusion Enactment, 1902	The whole
Selangor ...	9 "	" "	"
Negri Sembilan	5 "	" "	"
Pahang ...	6 "	" "	"

FEDERAL ENACTMENT.

No. and year.	Short title.	Extent of repeal.
4 of 1917	Registration of Aliens Enactment, 1917	Sections 3, 4 and 12

Passed this 19th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

"THE QUARANTINE AND PREVENTION OF DISEASE ENACTMENT, 1903."

No. 4374.—Rinderpest having ceased to exist at Batu Arang, Rawang, the Resident of Selangor hereby rescinds Notification No. 2568, published in the *Gazette* of the 3rd May, 1922, prohibiting the movement of cattle into, out of or within a radius of $1\frac{1}{2}$ miles of Batu Arang Railway Station. [Sel. 188/22.]

"THE WILD ANIMALS AND BIRDS PROTECTION ENACTMENT, 1921."

ORDER UNDER SECTION 4 (i).

No. 4375.—In exercise of the powers vested in him by section 4 (i) of "The Wild Animals and Birds Protection Enactment, 1921," the Chief Secretary to Government hereby prescribes the following standards for determining when the kinds of the big game and deer hereunder specified shall be deemed immature for the purposes of the said Enactment:

- (a) Elephant (*Elephas maximus*) or gajah shall be deemed to be immature, if the two tusks together shall weigh less than thirty pounds.
- (b) Gaur (*Bos gaurus*) or seladang shall be deemed to be immature, when the circumference of the horn, measured at the base, is less than fifteen inches.
- (c) Sumatran Rhinoceros (*Rhinoceros sumatrensis*) badak kerbau, or badak himpit, shall be deemed to be immature if the length of the anterior horn, measured on the outer curve, is less than four inches.
- (d) Sambar deer (*Cervus unicolor*) or rusa shall be deemed immature in the case of stags, if the horns do not show the second tine and if the length of horn, measured from the burr along the outer curve, is less than fourteen inches. If, however, the circumference of the horn, measured one and a half inches above the burr, is more than five and a half inches the animal shall be deemed mature.

In the case of does any animal of a less height than forty inches at the shoulder shall be deemed immature.

This rule shall come into force one month after the date of publication thereof in the *Gazette*.

NOTICE UNDER SECTION 6 (i) (b).

No. 4376.—In exercise of the powers vested in him by sub-section (i) (a) 2 (b) of section 6 of "The Wild Animals and Birds Protection Enactment, 1921," the Chief Secretary to Government adds to the fifth schedule of the said Enactment the following class of birds:

All plovers and Waders (*Charadriiformes*), other than those included in the fourth schedule.

and removes from the third schedule of the said Enactment:

Serau (*Nemorhaedus sumatrensis*) kambing grun, kambing utan, kambing burun, kambing gunong, kambing gua or kambing bukit.

This order shall come into force one month after the date of publication thereof in the *Gazette*.

ORDERS UNDER SECTION 9.

No. 4377.—In exercise of the powers vested in them by section 9 of "The Wild Animals and Birds Protection Enactment, 1921," the Residents of Perak, Selangor, Negri Sembilan and Pahang, for their several States, with the approval of the Chief Secretary to Government, make the following orders to have effect throughout the several States:

The shooting of any bird of either of the following kinds is prohibited absolutely—viz.:

Little Malay ground-dove (<i>Geopelia striata</i>)	Tekukor or balam
Malay turtle-dove (<i>Turtur tigrinus</i>)	Merbok, ketitir or tekukor jerun

This order shall come into force one month after the date of publication thereof in the *Gazette*.

ORDER UNDER SECTION 14.

No. 4378.—In exercise of the powers vested in them by section 14 of "The Wild Animals and Birds Protection Enactment, 1921," the Residents of Perak, Selangor, Negri Sembilan and Pahang, for their several States, with the approval of the Chief Secretary to Government, declare a close season as follows:

The close season for Sambar deer (*Cervus unicolor*) rusa and for Barking deer (*Cervulus muntjac*) Kijang or menjangan shall be from 1st February to the 31st July in each year.

This order shall come into force one month after the date of publication thereof in the *Gazette*.

"THE WILD ANIMALS AND BIRDS PROTECTION
ENACTMENT, 1921"—(cont.).

ORDERS UNDER SECTIONS 17 AND 24.

No. 4379.—In exercise of the powers vested in them by sections 17 and 24 of "The Wild Animals and Birds Protection Enactment, 1921," the Residents of Perak, Selangor, Negri Sembilan and Pahang, for their several States, with the approval of the Chief Secretary to Government, declare close seasons as follows:

The close season for whistling teal (*Dendrocygna javanica*) belibis, for cotton teal (*Nettopus coromandelianus*) itek ayer, and for the white-winged wood duck (*Asarcornis scutulatus*) itek angsa shall be from December 1st in each year to the 31st May in the following year.

The close season for birds of any of the other kinds included for the time being in the fourth schedule to the Enactment and for birds of any of the kinds included for the time being in the fifth schedule to the Enactment shall be from the 1st May to the 31st July in each year.

This order shall come into force one month after the date of publication thereof in the *Gazette*.

RULE UNDER SECTION 42 (i) (c).

No. 4380.—In exercise of the powers vested in him by section 42 (i) (c) of "The Wild Animals and Birds Protection Enactment, 1921," and after consultation with the Residents of Perak, Selangor, Negri Sembilan and Pahang, the Chief Secretary to Government makes the following rule:

The Game Warden by notice under his hand shall have power to require the production of any trophies obtained under a licence issued under this Enactment for purposes of identification and record.

This rule shall come into force one month after the date of publication thereof in the *Gazette*.

NOTICE UNDER SECTION 43.

No. 4381.—In exercise of the powers vested in him by section 43 of "The Wild Animals and Birds Protection Enactment, 1921," the Chief Secretary to Government varies the form of licences contained in the eighth schedule of the Enactment as follows:

BIG GAME LICENCE.

Condition (viii) of the licence is altered by the insertion of "Game Warden" before "Magistrate".

Condition (ix) is cancelled and the following substituted:

"The licensee shall not wait in any salt lick or within a quarter of a mile thereof for the purpose of killing game under this licence."

DEER LICENCE.

Condition (vii) is cancelled and the following substituted:

"The licensee shall not wait in any salt lick or within a quarter of a mile thereof for the purpose of killing deer under this licence."

This order shall come into force one month after the date of publication thereof in the *Gazette*.

No. 4382.—PRICE OF RUBBER.—

With reference to Notification No. 5778, published in the *Federated Malay States Government Gazette* of the 24th November, 1921, it is hereby notified that the price of rubber for the assessment of duty for the period 21st July to 27th July, 1922, inclusive, is twenty-three and a half cents per pound, this being two cents below the highest price obtained for first grade rubber at the Singapore auction during the week ending 13th July, 1922.