

LAWS OF MALAYSIA

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Act 171

LOCAL GOVERNMENT ACT 1976

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LOCAL GOVERNMENT ACT 1976

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LAWS OF MALAYSIA

Act 171

LOCAL GOVERNMENT ACT 1976

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LAWS OF MALAYSIA

Act 171

LOCAL GOVERNMENT ACT 1976

An Act to revise and consolidate the laws relating to local government.

[*See Appendix*]

WHEREAS it is expedient for the purpose only of ensuring uniformity of law and policy to make a law with respect to local government:

NOW, THEREFORE, pursuant to the provisions of Clause (4) of Article 76 of the Constitution **BE IT ENACTED**, by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title, application and commencement

1. (1) This Act may be cited as the Local Government Act 1976, and shall apply only to Peninsular Malaysia.

(2) This Act shall come into force in a State on such date as the State Authority may, after consultation with the Minister, appoint in relation to that State by a notification in the *Gazette* and the State Authority may, after consultation with the Minister, appoint different dates for the coming into force of different provision of this Act and may bring all or any of the provisions thereof into force either in the whole State or in such part or parts of the State as may be specified in the notification.

(3) Notwithstanding subsection (2), in relation to the Federal Territory, this Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(4) The State Authority may, notwithstanding subsection (2), by notification in the *Gazette* exempt any area within any local authority area from all or any of the provisions of the Act or from any by-laws.

(5) Where in any notification made under subsection (2) it is specified that part or parts of this Act shall come into operation, the State Authority may specify in the same notification the provisions of any of those laws referred to in section 166 which shall be repealed.

Interpretation

2. In this Act, unless the context otherwise requires—

"annual value" means the estimated gross annual rent at which the holding might reasonably be expected to let from year to year the landlord paying the expenses of repair, insurance, maintenance or upkeep and all public rates and taxes:

Provided that—

(a) in estimating the annual value no account shall be taken of any restrictions or control on rent in so far as it limits the rent which may be required by a landlord or recovered from a tenant of a holding;

(b) in estimating the annual value of any holding in or upon which there is any machinery used for any or all of the following purposes:

(i) the making of any article or part of an article;

(ii) the altering, repairing, ornamenting or finishing of any article;

(iii) the adapting for sale of any article,

the enhanced value given to the holding from the presence of such machinery shall not be taken into consideration, and for the purposes of this paragraph "machinery" includes steam engines, boilers or other motive power belonging to such machinery;

(c) in the case of any land—

(i) which is partially occupied or partially built upon;

(ii) which is vacant, unoccupied or not built upon;

(iii) with an incomplete building; or

(iv) with a building which has been certified by the local authority to be abandoned or dilapidated or unfit for human habitation,

the annual value shall be, in the case of subparagraph (i), either the annual value as hereinbefore defined or ten per centum of the open market value thereof at the absolute discretion of the Valuation Officer, and in the case of subparagraphs (ii), (iii) and (iv) the annual value shall be ten per centum of the open market value thereof as if, in relation to subparagraphs (iii) and (iv), it were vacant land with no buildings thereon and in all cases the local authority may, with the approval of the State Authority, reduce such percentages to a minimum of five per centum;

(d) where in respect of any particular holding, in the opinion of the Valuation Officer, there is insufficient evidence to base a valuation of annual value upon, the Valuation Officer may apply such methods of valuation as in his opinion appears appropriate to arrive at the annual value;

"building" includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, underground tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage, swimming pool, bridge, railway lines, transmission lines,

cables, redifussion lines, overhead or underground pipelines, or any other structure, support or foundation;

"by-laws" in relation to any local authority means any by-laws made by the local authority under any power in that behalf conferred upon such local authority by any of the provisions of this Act or in force by virtue of the provisions of this Act;

"City Council" means the Council of any Municipality which has been conferred the status of a City;

"Councillor" in relation to any local authority means any person appointed under this Act to serve on the local authority and includes the Mayor or President thereof;

"documents of title" means grants, leases of State land, certificates of title, qualified titles, entries in the Mukim register, mining leases or mining certificates and other documents evidencing title or registration of land kept by a Register of Titles or a Collector of Land Revenue;

"Health Officer" means the officer for the time being perfoming the duties of a Health Officer to a local authority and includes an Assistant Health Officer;

"holding" means any land, with or without buildings thereon, which is held under a separate document of title and in the case of subdivided buildings, the common property and any parcel thereof and, in the case of Penang and Malacca, "holding" includes messuages, buildings easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

"improved value" of holding means the price that an owner willing, and not obliged to sell might reasonably expect to obtain from a willing purchaser with whom he was bargaining, for sale and purchase of the holding;

"improvements" in relation to a holding means all work done or material used at any time on or for the benefit of the holding by the expenditure of capital or labour by the owner or occupier thereof in

so far as the effect of the work done or material used is to increase the value of the holding;

"land" includes things attached to the earth or permanently fastened to anything attached to the earth;

"local authority" means any City Council, Municipal Council or District Council, as the case may be, and in relation to the Federal Territory means the Commissioner of the City of Kuala Lumpur appointed under section 4 of the Federal Capital Act 1960 [*Act 190*];

"market" means any public place ordinarily used for sale of animals or of meat, fish, fruit, vegetables or other perishable articles of food for human consumption and for sale of any clothing or other merchandise and includes all land and premises in any way used in conjunction or in connection therewith or appurtenant thereto;

"Mayor" means the person for the time being lawfully performing the duties of the office of Mayor of a City Council and includes the Deputy Mayor;

"nuisance" means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing or which is or is likely to be injurious or dangerous to health or property or which affects the safety or the rights of the inhabitants at large;

"occupier" means the person in occupation of the premises in respect of which the word is used or having the charge, management or control thereof either on his own account or as agent of another person but does not include a lodger;

"owner"—

(a) in relation to any land or building, means the registered proprietor of the land and, if in the opinion of the local authority the registered proprietor of the land cannot be traced, the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other

person or as receiver or who would receive the same if such premises were let to a tenant; and

(b) in the case of subdivided buildings, includes the management corporation and any subsidiary proprietor;

"President" means the person for the time being lawfully performing the duties of the office of President of a Municipal Council or District Council and includes the Deputy President;

"public place" means any open space, parking place, garden, recreation and pleasure ground or square, whether enclosed or not, set apart or appropriated for the use of the public or to which the public shall at any time have access;

"rateable holding" means a holding which is subject to the payment of a rate made and levied under this Act;

"Secretary" means the Chief Administrative Officer appointed by the State Authority or any officer for the time being lawfully performing the duties of Chief Administrative Officer;

"sewage" has the same meaning assigned to it under the *Sewerage Services Act 1993 [*Act 508*];

"sky-sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or other flexible attachment, displayed for the purposes of trade or professional advertisement, in such a position as to be conspicuously visible against the sky from any street or public place;

"State Authority" means,—

(a) in relation to the States of Peninsular Malaysia, the Ruler-in-Council or Governor-in-Council of a State and includes in Negeri Sembilan the Yang di-Pertuan Besar acting on behalf of himself and the Ruling Chiefs; and

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**NOTE*—This Act has been repealed by Water Services Industry Act 2006 [*Act 655*].

(b) in relation to the Federal Territory, the Minister charged with the responsibility for local government;

"street" includes any road, square, footway, passage or service road, whether a thoroughfare or not, over which the public have a right of way, and also the way over any bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings whether the public have a right of way over it or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

"temporary building" means a building classified as a temporary building under the building by-laws;

"Valuation Officer" means any Valuation Officer appointed by the local authority;

"Valuation List" means a valuation list prepared under this Act.

PART II

ADMINISTRATION OF LOCAL AUTHORITIES

Declaration and determination of status of local authority areas

3. For the administration of local government under this Act, the State Authority, in consultation with the Minister and the Secretary of the Election Commission, may by notification in the *Gazette*—

(a) declare any area in such State to be a local authority area;

(b) assign a name to such local authority area;

(c) define the boundaries of such local authority area; and

(d) determine the status of the local authority for such local authority area and such status shall be that of a Municipal Council or a District Council.

Change of name and status, and alteration of boundaries

4. (1) The State Authority, in consultation with the local authority, may by notification in the *Gazette* change the name of any local authority area.

(2) The State Authority, in consultation with the Minister and the local authority, may by notification in the *Gazette* change the status of a local authority area.

(3) The State Authority, in consultation with the Minister and the Secretary of the Election Commission, may by notification in the *Gazette* alter the boundaries of any local authority area.

Merger of two or more local authorities

5. (1) The State Authority may by order published in the *Gazette* declare that with effect from such date as may be specified in the order two or more local authorities mentioned in the order shall be merged and the local authorities so merged shall thenceforth be referred to as one local authority to be known by such name as may be designated, and shall be administered by a local authority as may be specified, in the said order.

(2) Before making an order under subsection (1) the State Authority shall consult the Minister and the Secretary of the Election Commission.

Succession of rights, liabilities and obligations

6. All rights, liabilities and obligations relating to any matter which immediately before the establishment of the local authority under section 3 or merger of the local authorities under section 5 were the responsibility of the Local Council, Town Board, Town Council, District Council, Rural Board, Municipal Council, City Council or Board of Management, as the case may be, shall upon such establishment or merger devolve upon the local authority and in any legal proceedings pending on the date of the establishment or merger

there shall be made such substitution of one party for another as may be necessary to take account of any transfer of the rights, liabilities or obligations as aforesaid; and for the removal of any doubt it is hereby declared that all officers and servants of the Local Council, Town Board, Town Council, District Council, Rural Board, Municipal Council, City Council or Board of Management, as the case may be, shall upon such establishment or merger become officers and servants of the local authority.

Extension of this Act to non-local authority areas

7. (1) The State Authority may from time to time by notification in the *Gazette* apply, with such modifications as shall seem fit, any of the provisions of the this Act or any by-laws to any area situate in the State which is not comprised in whole or in part within any local authority area and thereupon all such provisions and by-laws as are specified in such notification shall, subject to such modifications as aforesaid, come into force within the area to which the same have been applied.

(2) Where under subsection (1) any of the provisions of this Act or any by-laws have been applied to any area, the State Authority may by notification in the *Gazette* appoint any person or persons, either by name or office, to exercise and perform within such area all or any of the powers and duties which are by this Act or by any by-laws conferred or imposed on the local authority or on any of its officers.

Administration of local authority areas

8. The affairs of every local authority area shall be administered by a local authority established by and in accordance with this Act:

Provided that where in the application of this Act to the Federal Territory there is any conflict between the provisions of this Act and the Federal Capital Act 1960, or the regulations made thereunder, the provisions of the Federal Capital Act 1960, shall prevail.

Power of State Authority to issue directions

9. (1) The State Authority may from time to time give the local authority directions of a general character, and not inconsistent with the provisions of this Act, on the policy to be followed in the exercise of the powers conferred and the duties imposed on the local authority by or under this Act in relation to matters which appear to the State Authority to affect the interests of the local authority area, and the local authority shall as soon as possible give effect to all such directions.

(2) The local authority shall furnish the State Authority with such returns, accounts and other information with respect to the property and activities of the local authority as the State Authority may from time to time require.

Councillors

10. (1) The local authority shall consist of—

(a) the Mayor or President; and

(b) not less than eight and not more than twenty-four other Councillors,

to be appointed by the State Authority.

(2) Councillors of the local authority shall be appointed from amongst persons the majority of whom shall be persons ordinarily resident in the local authority area who in the opinion of the State Authority have wide experience in local government affairs or who have achieved distinction in any profession, commerce or industry, or are otherwise capable of representing the interests of their communities in the local authority area.

(3) The term of office of each Councillor shall not exceed three years.

(4) The seat of a Councillor shall become vacant in the event of his resignation being accepted, if he is disqualified under subsection 34(7) or if his appointment is revoked by the State Authority.

(5) On a vacancy occurring in the seat of a Councillor, the Mayor or President shall immediately notify the State Authority.

(6) A Councillor shall be eligible for reappointment upon the expiry of his term of office.

(7) If the Mayor or President does not agree with the other Councillors as to the exercise of any of his powers or of the powers of the local authority, he shall refer the matter to the Menteri Besar or Chief Minister of the State whose decision hereon shall be final and binding on the local authority.

(8) The Mayor or President may grant leave of absence to the Councillors for such period and upon such terms as the State Authority may determine.

(9) Each Councillor and any person appointed to any committee under section 28 shall be paid such salaries or may be paid such allowances as the State Authority may determine.

Declaration by Councillor before assuming office

11. A Councillor shall not act in the office of Councillor unless he has made and subscribed before a local authority a declaration of acceptance of office in Form A of the First Schedule hereto and such declaration shall be free from stamp duty.

Councillors exempt from service as assessors or jurors

12. No Councillor shall be liable to serve as assessor or as juror.

Local authorities to be corporations

13. Every local authority shall be a body corporate and shall have perpetual succession and a common seal, which may be altered from time to time, and may sue and be sued, acquire, hold and sell property

and generally do and perform such acts and things as bodies corporate may by law do and perform.

Common seal

14. (1) The common seal of a local authority shall be in the custody of the Secretary and shall be authenticated by the signature of the Mayor or President, one Councillor and the Secretary.

(2) Such seal shall be officially and judicially noticed.

Provisions relating to local government elections ceasing to have effect

15. (1) Notwithstanding anything to the contrary contained in any written law, all provisions relating to local government elections shall cease to have force or effect.

(2) All Councillors holding office immediately before the coming into force of this Act shall forthwith cease to hold office.

(3) For the purpose of this section, "Councillors" means—

(a) Members of Boards of Management appointed under subsection 4(1) of the *Local Government (Temporary Provisions) Act 1973 [*Act 124*];

(b) Councillors or Commissioners of Municipal Councils;

(c) Councillors of Town Councils, District Councils or Rural District Councils; and

(d) Members of Town Boards or Local Councils.

**NOTE*—The Local Government (Temporary Provisions) Act 1973 is repealed by the Local Government Act 1976 [*Act 171*]–*see* section 166.

PART III

OFFICERS AND EMPLOYEES OF LOCAL AUTHORITIES

List of offices

16. (1) The local authority shall, once in every year before or at the time of submission to the State Authority of the Local Authority Budget under section 55, submit to the State Authority for its approval a list of the offices which the local authority thinks necessary for the purpose of this Act with the salaries and allowances, if any, proposed to be attached to such offices respectively.

(2) Such list shall, when approved by the State Authority, continue in force until a new list is approved in like manner.

(3) The local authority may at any time submit to the State Authority for its approval any alterations and additions in and to such list, and such alterations and additions when approved shall have the same force as if they had been included in such list.

(4) The Commissioner of the City of Kuala Lumpur in the case of the Federal Territory, or the Mayor or President or his representative who shall be a Councillor, the Secretary and one other Councillor in the case of other local authorities, may appoint such persons to the offices shown on the list so approved and may reduce in rank or dismiss such persons from office and may appoint others in their stead:

Provided that the reduction in rank or dismissal from office of any Head of Department or his Deputy shall not take effect until such reduction in rank or dismissal has been confirmed by the State Authority:

Provided further that no officer or employee shall be reduced in rank or dismissed without being given a reasonable opportunity of being heard.

Power of local authority to provide for discipline, *etc.*, of its officers

17. (1) A local authority may, with the approval of the State Authority, from time to time make rules for the purpose of

maintaining good conduct and discipline among officers and employees and may impose any punishment upon any such officer or employee who is guilty of misconduct or breach of duty in the exercise of his official functions:

Provided that no punishment shall be imposed on any Head of Department or his Deputy without the prior approval of the State Authority.

(2) The local authority may suspend from duty any officer or employee who is accused of misconduct or breach of duty in the exercise of his official functions, and if such officer or employee while so suspended is removed from office there shall be paid to him in respect of the period of his suspension such portion only of the salary of his office not being less than one-half as the local authority may think fit.

(3) A local authority may, with the approval of the State Authority, from time to time make rules regulating the qualifications, tenure of office, duties and terms and conditions of service, including matters relating to maternity benefits, rest days, hours of work, overtime, holidays, leave, retrenchment and retirement benefits, of its officers and employees.

(4) This section shall have effect notwithstanding the provisions of the Employment Act 1955 [*Act 265*].

Superannuation or Provident Fund

18. (1) A local authority, with the approval of the State Authority, may make rules—

(a) for the establishment of a Superannuation or Provident Fund;

(b) for payments or other allowances on death, superannuation, resignation, retirement or discharge to persons who have been in the employment of the local authority; and

(c) for the contribution of moneys by the local authority for such Superannuation or Provident Fund.

(2) No payments or other allowances on death, superannuation, resignation, retirement or discharge made or granted to persons out of a Superannuation or Provident Fund nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever.

(3) Any person may by a memorandum under his hand appoint a nominee or nominees of the moneys payable on his death out of a Superannuation or Provident Fund and may make provision for the appointment of a new nominee or new nominees of such moneys and for the investment thereof.

(4) The receipt of a nominee or nominees duly appointed or, in default of any such appointment, the receipt of the legal personal representative of a deceased person shall be a discharge to the local authority for any moneys payable on his death out of a Superannuation or Provident Fund.

(5) All Superannuation or Provident Funds duly established under the provisions of any written law repealed by this Act shall continue in full force and effect as if they had been established by rules made under this section but without prejudice to any rights accrued or liabilities incurred or to any act or thing done prior to such repeal.

PART IV

CONDUCT OF BUSINESS

Local authority office

19. Every local authority shall provide an office within the local authority area for the transaction of business.

Ordinary meetings

20. Every local authority shall hold an ordinary meeting for the despatch of business on such days and at such hours as it may from time to time appoint but not less than once in every month.

Special meetings

21. (1) The Mayor or President may at any time and shall, at the request in writing of not less than one-third of the Councillors, call a special meeting of the local authority, and the day fixed for such meeting shall be within fourteen days of the presentation of such request.

(2) The notice of any special meetings shall specify the object of the meeting, and no other subjects than those specified in the notice shall be discussed at the meeting.

Notice of meetings

22. Notice of the time and place of every meeting of the local authority shall be served on every Councillor either personally or by leaving the same at his usual place of residence or at his business address not less than twenty-four hours before the meeting:

Provided that the accidental omission to serve a notice on any Councillor shall not affect the validity of any meeting.

Meetings of local authority to be public

23. All meetings of the local authority shall be open to the public and to representatives of the Press unless the local authority by resolution at the meeting otherwise decides:

Provided that this section shall not apply to any Committee of the local authority unless such Committee by resolution otherwise decides.

Quorum

24. (1) The quorum necessary for the transaction of business at a special meeting of the local authority shall be one-half of the full number of its Councillors excluding any vacant seat and where the number of Councillors shall not be divisible by two then one-half of the next lower number.

(2) The quorum necessary for the transaction of business at an ordinary meeting of the local authority shall be one-third of the full number of its Councillors excluding any vacant seat and where the number of Councillors shall not be divisible by three then one-third of the next lower number divisible by three.

(3) If at any special or ordinary meeting of the local authority a quorum is not present, the meeting shall stand adjourned to such other day as the Mayor or President fixes, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum thereat or not.

Chairman of meetings

25. (1) At every meeting of the local authority the Mayor or President or in his absence the Deputy Mayor or Deputy President if present shall preside as Chairman.

(2) If the Mayor or President and Deputy Mayor or Deputy President are absent from the meeting, the Councillors present shall elect one of their number to be Chairman of the meeting.

Vote of majority decisive

26. (1) Except as otherwise prescribed all questions coming before any meeting of the local authority shall be decided by a majority of the votes of the Councillors present.

(2) In case of an equality of votes the Chairman at the meeting shall have a second or casting vote.

Minutes to be kept of all proceedings

27. (1) Every local authority shall cause to be duly made from time to time minutes of all proceedings of the local authority and of every Committee appointed by it, including the names of the Councillors

present, and the names of all Councillors voting on any question for the decision of which a division is called.

(2) All minutes shall be confirmed and signed by the Chairman of the meeting.

(3) The minutes of all proceedings of the local authority shall be kept at the office of the local authority and shall at all reasonable times be open to the inspection of any Councillor or rate-payer of the local authority area and of any officer of the Government of the Federation or of the State in which such local authority area is situate, any of whom may at all reasonable times make a copy of any part thereof without fee:

Provided that the minutes of the proceedings of any Committee shall not be open to inspection by a rate-payer unless the local authority otherwise directs.

(4) The minutes of proceedings at a meeting of the local authority or of a Committee duly signed by the Chairman of the meeting at which the minutes are signed shall be received in evidence without further proof and, subject to all just exceptions, shall be evidence of the matters stated therein.

Appointment of Committees

28. Every local authority may from time to time appoint Committees, either of a general or special nature, consisting of a Chairman and such number of Councillors and such other persons as the local authority may think fit, for the purpose of examining and reporting upon any matter or performing any act which in the opinion of the local authority would be more conveniently performed by means of a Committee, and may delegate to any Committee such powers, other than the power to raise money by rates or loans, as it may think fit, and may fix the quorum of any such Committee.

Standing orders for regulating proceedings of local authorities

29. Every local authority may, subject to the provisions of this Act, from time to time make standing orders for regulating its proceedings and those of any Committee thereof, for preserving order at its meetings or at the meetings of any Committee thereof and for regulating the duties of Councillors and the transaction of its affairs.

Extraordinary powers in case of emergency

30. The Commissioner of the City of Kuala Lumpur, Mayor or President, as the case may be, may direct the immediate execution of any work or the doing of any act for safety of life or property and may direct that the expenses thereof be paid out of the Local Authority Fund and shall report the same at the next meeting of the local authority.

Validity of acts of local authority officers

31. (1) All acts of the local authority or of any person acting as Mayor or President, Councillor, Secretary or any other officer of the local authority shall, notwithstanding that it be discovered that there was some defect in the appointment of any such person or that he was disqualified, be valid and effectual as if such person had been duly appointed and qualified.

(2) Nothing done under this Act shall be invalid by reason only that the number of Councillors in a local authority is less than the number prescribed.

Authentication and execution of documents

32. Every notice, order, warrant, licence, receipt or other similar document issued or requiring authentication by a local authority shall be deemed to be sufficiently authenticated without the common seal of the local authority if signed by the Commissioner of the City of Kuala Lumpur, Mayor or President, Secretary or by any other officer

of the local authority duly authorized thereto by the Commissioner of the City of Kuala Lumpur, Mayor or President, as the case may be, or by any standing order or by-law of the local authority.

Exemption of Councillors, *etc.*, from personal liability

33. No matter or thing done or omitted and no contract entered into by the local authority, and no matter or thing done or omitted by the Mayor or President, Councillor, officer or employee of the local authority or other person acting under the direction of the local authority, shall, if the matter or thing was done or omitted or the contract was entered into in good faith for the purposes of this Act or of any by-law in force in the local authority area, subject any such person or persons personally or jointly to action, liability, claim or demand whatsoever; and any expenses incurred by the local authority or any such person shall be paid by the local authority out of the Local Authority Fund.

Disability of Councillors for voting on account of interests in contracts, *etc.*

34. (1) If a Councillor has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the local authority or of any Committee thereof at which the contract or other matter is the subject of consideration, he shall, as soon as possible after the commencement thereof, disclose the fact, and shall withdraw from the meeting while the contract or matter is under consideration:

Provided that this section shall not apply to an interest in a contract or other matter which a Councillor may have as a ratepayer or inhabitant of the local authority area, or as an ordinary consumer of water, gas, electricity or other local authority services or to an interest in any matter relating to the terms on which the right to participate in any local authority service, including the supply of goods, is offered to the public.

(2) For the purposes of this section a Councillor shall be treated as having indirectly a pecuniary interest in a contract or other matter, if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that this subsection shall not apply to membership of, or employment under, any public body.

(3) In the case of married persons the interest of one spouse shall, if known to the other, be deemed for the purpose of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the Secretary by a Councillor to the effect that he or his spouse is a member or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The Secretary shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall be open at all reasonable hours to the inspection of any Councillor.

(6) If any Councillor fails to comply with subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding one year or to both and in addition the Court shall make an order of forfeiture in respect of any profit which have accrued or may accrue to him as a result of such interest.

(7) Any Councillor convicted of an offence under this section shall thereupon become disqualified from continuing to be a Councillor.

(8) Any Councillor disqualified under the provisions of subsection (7) shall not be capable of being appointed a Councillor for any local authority.

(9) A prosecution for an offence under this section shall not be instituted except with the sanction of the Public Prosecutor.

(10) For the purpose of this section "Councillor" includes a person appointed to any Committee of the local authority.

Restriction

35. No Councillor shall by himself or his partner or agent act in any professional capacity for or against the local authority of which he is a Councillor.

Contracts

36. (1) A local authority may enter into contracts necessary for the discharge of any of its functions provided that such contracts do not involve any expenditure in that year in excess of the sums provided in the approved annual estimates for the discharge of such functions unless such expenditure in that year authorized under section 56.

(2) All contracts made by the local authority or by a Committee thereof on behalf of the local authority shall be made in accordance with the standing orders of the local authority and in the case of contracts for the supply of goods or materials or the execution of works the standing orders shall require that—

(a) except as otherwise provided therein tenders shall be called for in such manner as may in such orders be prescribed; and

(b) no contract enduring for a longer period than the time elapsing between the making of such contract and the end of the financial year shall be made without the previous consent of the local authority.

Mode of executing contracts exceeding ten thousand ringgit

37. Every contract which involves the expenditure by the local authority of more than ten thousand ringgit shall specify—

(a) the work or duty to be done;

(b) the materials to be used;

(c) the price to be paid for such work, duty or materials;

(d) the time or times within which the work or duty is to be done or the materials are to be furnished; and

(e) the damages for breaches of the contract by the contractor,

and shall be sealed by the common seal of the local authority.

Employees not to be interested in contracts

38. No officer or employee of a local authority shall in any way be concerned or interested in any contract or work made with or executed for the local authority without the prior knowledge and consent of the local authority.

PART V

GENERAL FINANCIAL PROVISIONS

Revenue of the local authority

39. The revenue of a local authority shall consist of—

(a) all taxes, rates, rents, licence fees, dues and other sums or charges payable to the local authority by virtue of the provisions of this Act or any other written law;

(b) all charges or profits arising from any trade, service or undertaking carried on by the local authority under the powers vested in it;

(c) all interest on any money invested by the local authority and all income arising from or out of the property of the local authority, movable and immovable; and

(d) all other revenue accruing to the local authority from the Government of the Federation or of any State or from any statutory body, other local authority or from any other sources as grants, contributions, endowments or otherwise.

Local Authority Fund

40. (1) All moneys received by the local authority by virtue of this Act or any other written law shall constitute a fund to be called the Local Authority Fund and shall, together with all property which becomes vested in the local authority, be under the direction and control of the local authority.

(2) All moneys received by the local authority in respect of the Local Authority Fund shall be lodged on current or deposit account with one or more banks licensed under the Banking and Financial Institutions Act 1989 [*Act 372*].

(3) All orders or cheques against the said Fund shall be signed by two officers authorized in writing by the local authority.

(4) Any such moneys may be invested in any securities in which trustees are empowered to invest or in such other manner as authorized by the Minister of Finance.

Power of local authority to raise loans

41. (1) Subject to any other written law, a local authority may, by resolution and with the consent of the State Authority, from time to time raise by way of loans such amounts of money upon such

conditions as the State Authority shall approve for any of the following purposes:

(a) to defray the expenses incurred or to be incurred for any of the following:

(i) the acquisition of land which the local authority is empowered to acquire;

(ii) the erection of any building which the local authority has authority to erect;

(iii) the execution of any permanent work, the provision or renewal of any plant or the provision or replacement of vehicles; and

(b) to pay off existing loans:

Provided that the loan shall not make the total indebtedness of the local authority to exceed five times the annual value as contained in the current Valuation List of the local authority and provided that the period for repayment of such loan shall not exceed sixty years.

(2) Before any such resolution is submitted to the local authority a detailed estimate shall be made of the cost of the proposed project on which the money loaned is to be expended, the annual cost of upkeep of such project, the annual revenue to be derived therefrom, the duration thereof, and the proposed manner of repayment.

Power of local authority to issue mortgages or debenture stock and to make regulations in respect thereof

42. (1) The local authority may secure all or any moneys which it is authorized to borrow under section 41 by mortgage or charge or by the creation and issue of debenture stock.

(2) The conditions of issue of mortgages, charges and debenture stock shall be—

(a) subject to the approval of the State Authority;

(b) declared at the time of such issue;

(c) entered in the register of such security,

and a printed copy of such conditions shall be supplied to every owner of such security requiring the same.

(3) The local authority shall make in respect of debenture stock issued by it under the provisions of this Act regulations providing for—

(a) the form of the prospectus to be issued;

(b) the form of such debenture stock or any of them;

(c) the establishment and maintenance in such form as may be prescribed of a register or registers of such debenture stock and the owners for the time being thereof;

(d) the inspection of any such register by members of the public and the obtaining of certified copies thereof or extracts therefrom;

(e) the transfer of any such debenture stock;

(f) the transmission of the title to any such securities on death, bankruptcy or otherwise by operation of law;

(g) the rectification of any such register;

(h) the fees to be paid by any person in respect of the issue, registration, transfer or transmission of any such security or for the inspection of any such register or the obtaining of any copy thereof or extract therefrom; and

(i) the appointment of, and the fees payable to, the Registrars and underwriters.

(4) All such regulations shall be submitted to the State Authority for approval and shall when so approved be published in the *Gazette*.

(5) Any register maintained under the provisions of any such regulations shall be evidence of any matters thereby directed or authorized to be inserted therein and, as regards persons entered therein as owners of debenture stock, of the title of each person to such debenture stock.

Notice of trust, charge or other interest not receivable

43. The local authority shall not be affected by notice, whether express, implied or constructive, of any trust, charge or other interest, legal or equitable, whereby any person other than the registered owner or owners for the time being may claim to be interested in or entitled to any security issued by the local authority.

Securities to be trust investment

44. (1) A trustee, executor or administrator may, unless forbidden by the will or other instrument under which he acts, invest the trust funds in any security issued by a local authority under this Act or any other written law and may for that purpose call in any trust funds invested in any other securities.

(2) Where any local authority or statutory body is by law authorized or required to invest moneys in the securities of the Government of the Federation, it may invest such moneys in any securities issued by a local authority under this Act or any other written law.

Remedies for default

45. (1) If at any time any interest due on any loan other than stock borrowed by a local authority under this Act shall remain unpaid by the local authority for three months after demand therefor in writing has been lodged with the local authority by the person entitled thereto or by his duly authorized representative, application may be made by

such person or his representative to the High Court for the appointment of a receiver of the property and revenue on which the loan is secured.

(2) On the hearing of such application the Court may make such order and give such directions as under the circumstances shall seem expedient for the raising and payment of the moneys due, and, in particular, the Court may order that a rate or rates of such amount or amounts as it may fix be made and levied upon all rateable property within the local authority area, and such rate so ordered shall have the same incidence as any rate imposed by the local authority and may be enforced in like manner and the proceeds thereof shall be paid into Court or otherwise as the Court shall direct.

(3) If at any time there is default in the repayment of any such loan or of any instalment thereof after a period of thirty days from the date on which such loan or instalment shall have become repayable, the like proceedings may be instituted on the application of the person to whom such repayment shall be due or his duly authorized representative.

(4) The Court, on such application, in addition to any order which it is empowered to make under subsection (2), may order the sale of any property on which the loan may be secured, subject to the provisions of any written law as regards the alienation of any lands vested in the local authority.

Borrowing powers for special purposes

46. (1) In addition to the powers of borrowing conferred upon a local authority by section 41 and subject to any other written law, a local authority may, for the purpose of carrying out any development for residential, commercial and industrial undertakings, raise by way of loan from any person such amounts of money at such rates of interest and upon such conditions as may be agreed upon between the local authority and that person with the approval of the State Authority.

(2) Any loan made to a local authority under the provisions of this section may be secured by a first mortgage or a first charge or by

debentures upon the assets, and the revenues derived from the assets, in respect of which the money is borrowed but not upon any other assets or revenue of the local authority.

(3) Section 45 shall not apply to such loan or to any interest due thereon, but the mortgagee, chargee or debenture holder may exercise all such legal and equitable remedies in respect of his mortgage, charge or debentures as may, from time to time, be in force in the State in which the local authority area is situate.

Loans by Government

47. (1) Subject to any other written law, the Government of the Federation or of any State may, out of its revenue or other moneys as may from time to time be set aside or appropriated for the purpose, grant loans to any local authority at such rates of interest and on such terms and conditions to be observed by the local authority obtaining such loan, in addition to those prescribed by law, as it shall think fit to impose.

(2) Where a local authority is unable to pay any money due in respect of any loan granted under this section, the Government of the Federation or of any State may, at any time after the expiry of sixty days from the date on which such money becomes due and payable, order that a rate or rates of such amounts as it may fix be made and levied upon all rateable property within the local authority area and such rate so ordered shall have the same incidence as any rate imposed by the local authority and may be enforced in like manner and the proceeds thereof shall be paid into the general revenue of the Federation or of the State.

Loans to be first charge on revenue and assets

48. Every loan granted under sections 41 and 47 shall, subject to any prior charge, be a first charge upon the revenues and assets of the local authority obtaining such loan.

Advances by way of overdraft

49. Subject to any other written law, a local authority may from time to time obtain from any bank advances by way of overdraft and any such overdraft shall, unless covered by fixed deposits with the same bank, require the approval of the State Authority:

Provided that all moneys so advanced by the bank and any interest thereon shall constitute a debt due by the local authority and shall be a charge on the property and revenues, present and future, of the local authority, and the provisions of subsection 47(2) shall apply in all respects as if such advances were loans granted under section 47.

Sinking fund

50. The local authority shall establish a sinking fund or funds in respect of any loan raised by or granted to it and shall cause to be paid into such fund or funds such sums in every year to provide for the redemption of the loan or such sums as the State Authority may direct and the local authority shall not appropriate any sum from the sinking fund for any other purpose without the consent of the State Authority.

State Authority may give directions as regards sinking fund

51. The State Authority may in its discretion from time to time give directions to the local authority as to the manner in which the moneys in any such sinking fund shall or may be applied, invested or transferred to any other fund or to the general assets of the local authority.

Renewal and insurance funds

52. A local authority may from time to time provide for the annual setting aside of amounts to create—

(a) adequate renewal funds to provide for the entire or partial replacement of assets of the local authority which owing to depreciation or other cause need to be replaced at some future date; and

(b) insurance funds to cover risks or to provide for contingencies, the liability for which would otherwise have to be met by the local authority as and when such risks or contingencies fall due.

PART VI

ACCOUNTS AND AUDIT

Accounts to be kept

53. The local authority shall cause proper books and accounts to be provided and true and regular records to be entered therein of all transactions of the local authority and such books and accounts shall be open at all reasonable times and for reasonable periods to the inspection of any Councillor with the prior consent of the Mayor or President.

Financial year

54. (1) For the purposes of this Act the financial year shall be the twelve months ending on and including the thirty-first day of December of each year.

(2) The accounts of the local authority shall, as soon as may be, be balanced for the preceding financial year and an annual statement of account of the Local Authority Fund shall be prepared.

(3) Copies of such annual statement signed by the Commissioner of the City of Kuala Lumpur, Mayor or President, as the case may be, shall be laid before the local authority not later than its first ordinary meeting in the month of May following or at any time thereafter as allowed by the local authority.

(4) Such annual statement shall be prepared in such form and shall contain such information as may be required by the State Authority.

Annual estimates to be passed and approved

55. (1) The local authority shall not later than the tenth day of November of each year pass detailed estimates of the revenue and expenditure of the local authority for the next financial year.

(2) Such estimates shall be in such form as may be required by the State Authority and shall be passed at a special meeting of the local authority.

(3) A copy of the draft estimates shall be delivered to each Councillor not less than seven days before the date fixed for such meeting.

(4) Subject to the provisions of this Act, the local authority may in its discretion pass, modify, reject or add any item in such draft estimates.

(5) After the Budget has been passed by the local authority it shall be forwarded to the State Authority not later than the twentieth day of November and shall be considered by the State Authority not later than the thirty-first day of December of that year and the State Authority may reduce or reject any item of expenditure appearing therein.

(6) The summary of the Budget as approved by the State Authority shall be published in the *Gazette* and the local authority shall be bound thereby.

Supplementary estimates

56. (1) Where additional financial provision is required in any year the local authority may from time to time pass supplementary estimates showing the sources out of which any additional expenditure incurred by it may be met.

(2) Subject to the provisions of this section, the provisions of section 55 shall apply to any supplementary estimates in like manner as they apply to the annual estimates:

Provided that the supplementary estimates shall be considered by the State Authority not later than six weeks after the date of receipt thereof.

No expenditure to be incurred unless included in the estimates

57. No local authority shall incur any expenditure which has not been included in the approved estimates except with the sanction of the State Authority.

Virement

58. The local authority may transfer all or any part of the moneys assigned to one item of annually recurrent expenditure to another item of annually recurrent expenditure appearing under the same head of expenditure in the summary of the Budget as approved and published in the *Gazette* under subsection 55(6).

Form of estimates

59. The annual and supplementary estimates and the summaries thereof shall be prepared in such form and shall contain such detailed information as the State Authority may require.

Audit of accounts

60. (1) The Auditor General or other auditor appointed by the State Authority on the recommendation of the Auditor General shall, throughout the financial year, inspect and examine the accounts of the local authority, and the local authority shall, by the Treasurer or other officer authorized by the local authority, produce and lay before the

auditor all books and accounts of the local authority together with all vouchers, papers, contracts and documents relating thereto.

(2) It shall be the duty of the auditor on or before the thirty-first day of October in each year to submit to the local authority in respect of the preceding financial year annual observations on the accounts of the local authority for such year and to certify therein whether or not—

(a) the accounts of the local authority were in order;

(b) separate accounts of all commercial undertakings had been kept;

(c) the accounts issued presented a true and fair view of the financial position of the local authority and of the commercial undertakings;

(d) due provision had been made for redemption and repayment of all moneys borrowed by the local authority;

(e) the amount set aside for depreciation and renewal of the assets of the local authority were adequate; and

(f) all the requirements of the auditor had been complied with.

(3) The auditor in his annual observations may state his opinions upon all questions arising out of the certificate given by him under subsection (2), and may in such observations draw attention to all cases in which it may appear to him that the provisions of this Act or any other written law have not been carried out or that any acts, matters or things have been performed or carried out without due authority.

(4) The audited accounts together with the auditor's observations thereon shall be laid before the local authority at its next ensuing ordinary meeting and shall be published in the *Gazette*.

(5) A copy of the statements and accounts shall be forwarded to the State Authority which shall cause it to be laid on the table of the State

Legislative Assembly and, in the case of the City of Kuala Lumpur, of the House of Representatives.

Power to take evidence

61. (1) For the purpose of any examination under the provisions of this Act an auditor may require by notice in writing to that effect any officer of the local authority or any other person to produce such records, minutes, books and documents in his possession or under his control and to give such information or explanation as may be necessary for the proper performance of his duties under this Act.

(2) Any person who, without reasonable excuse, refuses to produce any record, minute, book or document or to give any information or explanation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or to both and to a further fine not exceeding one thousand ringgit for each day during which the offence is continued after conviction.

Remuneration of auditor

62. The auditor shall be paid by the local authority such remuneration as may be agreed.

PART VII

PUBLIC PLACES

Control of public place, *etc.*

63. A local authority shall have the general control and care of all places within the local authority area which have been or shall be at any time set apart and vested in the local authority for the use of the public or to which the public shall at any time have or have acquired a common right.

Power to make new public places, *etc.*, and enlarge them

64. A local authority may—

(a) make, construct, lay out or set apart new public places; and

(b) widen, open, enlarge or otherwise improve any such public place making due compensation in accordance with the provisions of any written law to the owners and occupiers of any land, houses or buildings which are required for any such purpose or which are injuriously affected thereby.

Power temporarily to close public places

65. A local authority may temporarily close any public place vested in it or under its control.

Power to erect public buildings in open public places

66. A local authority may erect and maintain in any open public place buildings for public purposes and may set apart any such public place or any portion thereof for any purposes which the local authority may from time to time think fit.

Conditions and restrictions in regard to closure of street, *etc.*

67. (1) A local authority may permanently close or divert any public street or permanently close any public place or alter the boundaries thereof:

Provided that—

(a) before the local authority sanctions any permanent closure, diversion or alteration of boundaries, not less than fourteen days' notice shall be given of the intention to move a resolution in that behalf;

(b) before any such closure, diversion or alteration is carried out, the local authority shall prepare a plan of the proposed work and a statement showing the need therefor and shall not less than one month before the commencement of the proposed work give notice thereof in the *Gazette* and in such other manner as the local authority may by resolution direct and such notice shall state where the said plan may be inspected by the public at reasonable hours and a copy thereof shall be posted in some part of the said street or public place;

(c) it shall be competent for any owner or occupier of any land injuriously affected by such closure, diversion or alteration to make a claim in writing to the local authority within a period of one month from the date of the publication of the notice in the *Gazette* for compensation in consequence of such closure, diversion or alteration, and where such claim is proved to the satisfaction of the local authority, it shall pay compensation to any such owner or occupier and in assessing the amount of compensation payable, the benefit or advantage derived or likely to be derived from such closure, diversion or alteration by such person shall be taken into account;

(d) where any person aggrieved by any proposed closure, diversion or alteration objects thereto in writing within a period of one month from the date of the publication of the notice in the *Gazette* regarding such proposed closure, diversion or alteration, then, unless such objection is withdrawn, such closure, diversion or alteration shall not be carried out without the sanction of the State Authority; and

(e) after the service of any such objection, the State Authority may, on the application of the local authority, appoint one or more persons to make an enquiry into the proposed closure, diversion or alteration and the objection thereto and to report thereon and on receiving the report of such person or persons, the State Authority may make an order disallowing the proposed closure, diversion or alteration, or allowing it with such modifications, if any, as it may deem necessary.

(2) A local authority may, with the consent of the State Authority, permanently close or divert any street not being a public street within the local authority area but in every such case the closure or diversion shall be subject to the provisions of subsection (1).

Naming of public places, *etc.*

68. A local authority may, with the approval of the State Authority, determine the name by which any public place or housing estate or housing scheme shall be known and may from time to time alter the name of any public place or housing estate or housing scheme or of any part thereof whether or not such name was applied to such place, estate or scheme before the commencement of this Act.

PART VIII

POLLUTION OF STREAMS

Committing nuisance in streams, *etc.*

69. Any person who commits a nuisance or deposits any filth in or upon the bank of any stream, channel, public drain or other water-course within the local authority area shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or with both and to a further fine not exceeding five hundred ringgit for each day during which the offence is continued after conviction.

Pollution of streams with trade refuse, *etc.*

70. Any person who, within or without the limits of a local authority area—

(a) puts or causes to be put or to fall or to flow or knowingly permits to be put or to fall or to flow or to be carried into any stream, so as either singly or in combination with other acts of the same or any other person to interfere with its due flow

or to pollute its waters, the solid or liquid refuse of any manufactory, manufacturing process or quarry or any rubbish or cinders or any other waste or any putrid matter;

(b) cause to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter; or

(c) uses, for the purpose of carrying on any laundry trade, any stream, channel, public drain or other water-course or pool, pond or tank,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding two years or with both and to a further fine not exceeding five hundred ringgit for each day during which the offence is continued after conviction.

Local authority may recover for work done

71. (1) Where any expenses are incurred by the local authority in carrying out any work as a result of the offences mentioned in sections 69 and 70, the local authority shall certify the cost thereof to the defaulting persons and the certificate of the local authority shall be conclusive proof of the sum due.

(2) Such sum shall be deemed to be a debt due to the local authority and may be recovered in the manner provided by this Act for the recovery of unpaid rates.

PART IX

FOOD, MARKETS, SANITATION AND NUISANCES

Powers

72. (1) A local authority shall have power to do all or any of the following things, namely:

(a) to establish, maintain and carry out such sanitary services for dealing with effluent;

(b) to establish, erect, maintain, let, control and manage markets and market buildings, lodging houses, houses, rooms or buildings kept for public refreshment, shops, stalls and stands, and to control the occupation and use thereof;

(c) to license temporary buildings, stalls, tables, showboards, barrows, carts, tricycles or other receptacles, whether stationary or otherwise, set up or used for the sale or exposing for sale of—

(i) any food or drink in streets, public places or places of public resort or on private premises;

(ii) goods other than food or drink in streets, public places or places of public resort, and to seize, destroy or dispose of the same if they are not so licensed;

(d) to establish, erect and maintain public lavatories, closets and urinals, either above or below ground, in any public place;

(e) to establish, erect, maintain and control abattoirs, whether within or without the local authority area;

(f) to safeguard and promote the public health and to take all necessary and reasonably practicable measures—

(i) for preventing the occurrence of any infectious, communicable or preventable disease;

(ii) (*Deleted by Act A1311*);

(iii) for preventing the occurrence of, or for remedying or causing to be remedied, any nuisance or condition likely to be injurious or dangerous to health;

(g) to establish, erect, equip, maintain, control and operate cold storage works and depots for the inspection of meat;

(h) to establish, erect, equip, maintain, control and operate depots for the inspection, treatment, distribution, purchase and sale of milk or milk products;

(i) to establish, acquire, erect, maintain, control and operate laundries and places for washing clothes; and

(j) to establish, erect, maintain, control and operate disinfecting stations.

(2) For the purposes of sections 72 and 73, effluent shall not include sewage.

By-laws

73. (1) A local authority may from time to time make, amend or revoke by-laws for the better carrying out of the provisions of this Act and in particular—

(a) (i) to establish, maintain and compel the use of any service for dealing with effluent and to require the owners or occupiers of any premises to effect such dealing and to regulate and control the manner thereof;

(ii) to keep public places clean and free from liquid waste and to prohibit the throwing, dropping, depositing or discharging of flushing water or other liquid waste, into any stream, channel or other water course, and prevent such liquid from flowing into any such place, and to regulate or prohibit the bathing or washing of persons, animals or things in any such place;

(iii) to prohibit, remove, abate and prevent the occurrence of nuisances:

Provided that in any case where it appears that a nuisance existing within the local authority area is wholly or partly caused by some act or default outside the local authority area, proceedings may be taken against any

person in respect of such act or default in the same manner and with the same incidence and consequences as if the act or default were wholly within the local authority area;

(iv) to secure the proper construction of stables, goatpens, cattle sheds, pigstyes and poultry houses, and to prevent the keeping of birds or animals on premises which are not constructed in accordance with the by-laws or are so constructed or situated that birds or animals if kept therein are likely to cause a nuisance, and to prohibit the keeping of birds or animals on any premises which the Health Officer certifies to be so situated as to be unfit for the purpose;

(v) to prohibit the feeding or grazing of any animals in any place other than those set apart for such purpose;

(b) (i) to preserve the public health;

(ii) to prevent the outbreak and spread of diseases, to declare what diseases are notifiable, and to provide for the compulsory removal of persons suffering from any such disease to suitable hospitals or places of isolation and their detention and treatment therein where, in the opinion of the Health Officer, such removal, detention and treatment are necessary either for the protection of the public health or by reason of the insufficiency or unsuitability of the patient's lodging or accommodation;

(iii) to regulate and enforce quarantine, the disinfection of persons, the disinfection of places and things, and to authorize the seizure and detention and to ensure the destruction, when in the opinion of the Health Officer such destruction is necessary, of articles which are infected or which have been exposed to infection, upon payment of compensation to the owner thereof, such amount to be settled by agreement or arbitration;

(iv) to provide for penalties for failing to give on demand by the Health Officer any information or to produce any documentary or other evidence required by the Health Officer for the purpose of tracing the source and preventing the spread of infection;

(v) to require the closing of schools or trade premises which are suspected of being or are likely to become sources of infection, and to prohibit persons who are or are suspected of being or are likely to become infected from carrying on any trade or business or engaging in any occupation which may cause the spread of any disease;

(vi) to require persons arriving in the local authority area from places infected, or suspected of being infected, with any notifiable disease, or by any vessel, aircraft or other means of conveyance so infected or suspected of being infected, to report to the Health Officer and to communicate to him such information as may be prescribed;

(c) (i) to provide for the inspection and examination of any article of food or drink or of ice which is for sale;

(ii) to regulate, control, inspect and supervise the manufacture, preparation, storage, handling, transmission and conveyance of any article of food or drink or of ice which is for sale;

(iii) to prohibit the introduction into the local authority area, the possession, sale or offering for sale for the purpose of human consumption or the handling other than for the purpose of destruction, of diseased animals, birds, meat or fish or of fruits, vegetables or other articles of food or drink which are unsound, unwholesome or otherwise unfit for human consumption;

(iv) to authorize the seizure, inspection and examination and to ensure the destruction, when in the opinion of the Health Officer such destruction is necessary, of any

diseased animals, birds, meat or fish or of fruits, vegetables or other articles of food or drink which are unsound, unwholesome or otherwise unfit for human consumption;

(v) to provide for the detention pending examination or inquiry of animals, birds or other articles of food or drink or of ice;

(d) (i) for regulating the control and use of markets and the buildings, shops, sheds, stalls, pens and any other erections therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto;

(ii) for providing standard weights, scales and measures for use in markets and for preventing the use therein of false or defective weights, scales or measures;

(iii) (*Deleted by Act A1311*).

(iv) for licensing or otherwise controlling persons selling or offering for sale any article whatsoever in markets;

(v) for prescribing the fees to be paid for licences for operating markets and for offering articles for sale therein;

(vi) for regulating the days upon and the hours during which markets may be held;

(vii) for prohibiting the establishment of any market within a local authority area without the permission of the local authority and for prescribing the conditions and restrictions subject to which such permission may be granted;

(e) to regulate the slaughtering of animals and to provide for the establishment, control, supervision and inspection of abattoirs within the local authority area and for—

(i) the inspection of animals before being slaughtered and of their carcasses;

(ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased;

(iii) the slaughtering of animals brought to be slaughtered which are diseased or by reason of emaciation or otherwise are in the opinion of the Health Officer or Veterinary Officer unfit for human consumption;

(iv) the disposal of the carcasses of diseased animals;

(v) the marking of the carcasses of animals slaughtered in abattoirs to denote that such animals have been so slaughtered;

(vi) the prohibition of the slaughtering of animals within the limits of the local authority area otherwise than in an authorized abattoir or place;

(vii) the prohibition, except with a permit granted by he local authority, of the introduction into the local authority area for human consumption of the meat of any animal slaughtered outside the local authority area;

(viii) the entry by any authorized officer of the local authority by day or night into any premises in which he has reason to believe that any animal is likely to be, is being or has been slaughtered in contravention of the provisions of any by-laws;

(f) to regulate, inspect, supervise and license temporary buildings, stalls, tables, show-boards, barrows, carts, tricycles and other receptacles and to seize, destroy or dispose of the same when not so licensed;

(g) to regulate, supervise and license pedlars, hawkers and street traders and to prescribe streets or areas in which peddling, hawking or street trading shall be prohibited;

(h) to regulate and control the use of public baths, washhouses, laundries and places for washing clothes, established by the local authority;

(i) to regulate, inspect and license swimming places and bathing establishments and to prohibit or regulate bathing in any open water in the local authority area;

(j) to regulate, inspect and license the use of public lavatories, closets, urinals and subways;

(k) to prescribe conditions for the conveyance of animals, birds or fish, whether dead or alive, and of meat, vegetables or fruits in any street or public place;

(l) to prohibit or regulate any method of cultivation, the use of any kind of manure or fertilizer or any method of irrigation which in the opinion of the local authority is offensive or is injurious to health; and

(m) to prohibit, regulate, inspect, supervise and license the keeping of, and to seize, destroy and dispose of, animals, birds or fish within the local authority area.

(2) Notwithstanding any other provision in this Act, a local authority shall not make, amend or revoke any by-laws in respect of sewage.

Filthy house, *etc.*

74. Any owner, occupier or tenant of any house, building or land, whether tenantable or otherwise, who suffers the same or any part thereof to be in a filthy and unwholesome state or overgrown with rank or noisome vegetation, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day during which the offence is continued after convictions.

Power to enter and cleanse houses or buildings

75. (1) The Health Officer, or any officer authorized by the local authority in that behalf in writing, may at any time enter and inspect all houses and buildings and by an order in writing direct the occupier to cause within a time to be specified in such order all or any part thereof to be internally and externally colour-washed or distempered or otherwise cleansed for sanitary reasons and if necessary disinfected and all dirt or rubbish to be removed or collected.

(2) If such order is not complied with within the time specified, the occupier shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day after conviction until the order is complied with.

(3) No entry shall be made into any dwelling-house in actual occupation, not being a common lodging-house, without six hours' previous notice to the occupier unless with his consent.

Destruction of rats and mice

76. (1) When the Health Officer is of the opinion that any premises are so infested with rats, mice, birds or other vermin as to be a danger to the health of the persons in the house or of the community, he may serve notice on the owner or occupier of such premises, calling upon him to take such measures as the local authority considers necessary for the destruction of such rats, mice, birds or other vermin and for the removal of their breeding places and for preventing their reappearance.

(2) Any owner or occupier who does not comply with such notice within seven days of the service thereof shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day after conviction during which the work is not carried out, and the local authority may enter upon the

premises and take such measures as it considers necessary for carrying out the purposes of this section.

Closing and demolition, *etc.*, of insanitary dwellings

77. (1) When the Health Officer has certified in writing that in his opinion any building or part of a building or anything attached to a building used or occupied as a dwelling is unfit for human habitation and cannot be rendered fit therefor without the removal, alteration or demolition in whole or in part of any partition, compartment, loft, gallery, pentroof, out-house or other structure or erection or without the execution of such alterations or structural operations as he specifies, he may by notice in writing require the owner thereof to carry into effect all or any of the following things:

(a) the removal, alteration or demolition of the whole or part of the partitions or other erections or obstructions complained of; and

(b) the execution of such alterations or structural operations as are necessary to render the premises fit for human habitation and to guard against danger of disease.

(2) The notice shall specify the period, which shall not be less than seven days, within which the work is to be completed.

(3) If the notice has not been complied with, a Magistrate's Court may, on the application of the local authority, make a mandatory order requiring the owner to carry into effect all or any of the things specified in the said notice.

(4) Any person who without the express sanction in writing of the local authority replaces any partition, erection or obstruction removed under subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day after conviction during which the work is not

carried out, and the local authority may enter upon such premises and remove such partition, erection or obstruction.

(5) The local authority may for the purpose of carrying out the provisions of subsection (1), by notice to be posted in a conspicuous position upon the building, require the owner or occupier, as the case may be, to cease to inhabit the building and to remove all goods, furniture and effects from the building within forty-eight hours from the posting of the notice, or within such extended period as the local authority may allow.

(6) The owner and every occupying tenant shall thereupon comply with the requirements of the notice.

(7) Any owner or occupier in default shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit for each day during the period in which he has failed to comply with the requirements of the notice.

(8) Notwithstanding subsection (7), at the expiration of forty-eight hours from the posting of the notice or such extended period under subsection (5), the local authority may remove all goods, furniture and effects from the building.

Overcrowding of houses

78. Any person who permits a house to be so overcrowded as to be injurious or dangerous to the health of the inhabitants shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or with both and to a further fine not exceeding one hundred ringgit for each day during which the offence is continued after conviction.

When house to be deemed "overcrowded"

79. For the purpose of this Act a house shall be deemed to be so overcrowded as to be dangerous or prejudicial to the health of the

inhabitants thereof if it or any room therein is found to be inhabited in excess of the proportion of one adult to every three hundred and fifty cubic feet of clear internal space, and in such calculation every person over ten years of age shall be deemed an adult and two children not exceeding ten years of age shall be counted as an adult.

Nuisances to be abated

80. The local authority shall take steps to remove, put down and abate all nuisances of a public nature within the local authority area on public or private premises and may proceed at law against any person committing any such nuisances for the abatement thereof and for damages.

Nuisances liable to be dealt with summarily under this Act

81. For the purposes of this Act—

(a) any premises or part thereof of such a construction or in such a state as to be a nuisance;

(b) any animal kept in such place or manner or in such numbers as to be a nuisance;

(c) any accumulation or deposit which is a nuisance or is or is likely to become a breeding place for mosquitoes or flies or any vermin;

(d) any factory, workshop or work-place which is so overcrowded while work is carried on as to be a nuisance;

(e) any huts or sheds, whether used as dwellings or as stables or for any other purpose, which are by reason of the manner in which the huts or sheds are crowded together or the want of drainage or the impracticability of scavenging or for any other reason a nuisance;

(f) any pool or ditch the water from which is used or likely to be used by man for drinking or domestic purpose or for manufacturing drink for the use of man and which is so polluted or is likely to become a nuisance;

(g) any tank, well, pool, water-course, ditch or low marshy ground which is injurious to health or offensive to the neighbourhood or is likely to become a breeding place for mosquitoes;

(h) any fire-place or furnace and any chimney sending off smoke or other unconsumed combustible matter in such quantity as to be a nuisance;

(i) any brick-field, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or used for any purpose likely to become a nuisance;

(j) any dust or effluvia caused by any trade, business, manufacture or process which is prejudicial to health or offensive to the neighbourhood; and

(k) any other matter declared by the State Authority to be a nuisance,

shall be liable to be dealt with summarily under this Act.

Notice requiring abatement of nuisance

82. (1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act, the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arose or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance exists, requiring him to abate the same within the time specified in the notice and to execute such works and do such things as are necessary for that purpose and, if the

local authority thinks it desirable, specifying any works to be executed.

(2) The local authority may also by the same or another notice serve on such occupier, owner or person requiring him to do what is necessary for preventing the recurrence of the nuisance and, if it thinks it desirable, specifying any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance had for the time being been abated if the local authority considers that it is likely to recur on the same premises.

(3) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner.

(4) Where the person causing the nuisance cannot be found the local authority may itself abate the same and may recover the expenses thereof from the owner.

(5) Where a notice has been served on a person and such person makes default in complying with any of the requirements of the notice within the time specified, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both and in addition the Magistrate's Court may issue a nuisance order.

(6) A nuisance order may be an abatement order or a closing order or a combination of both.

(7) An abatement order shall require a person to comply with all or any of the requirements of the notice, or to abate the nuisance within a time specified in the order.

(8) An abatement order shall specify the works to be executed by such person for the purpose of abating the nuisance.

(9) A closing order shall prohibit a dwelling-house from being used for human habitation and shall be cancelled on the application of the

local authority when it has been subsequently rendered fit for human habitation.

(10) Any person who fails to comply with a nuisance order shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred ringgit for each day during the period of his default.

(11) Notwithstanding subsections (5) and (10) the local authority may itself abate the nuisance and recover all expenses thereof from the person in default.

(12) Where a closing order has been made with respect to any dwelling-house, the local authority shall serve a copy of the order on every occupier of the dwelling-house and if he fails to comply with such order the local authority may, with the assistance of the police, eject the occupier therefrom.

(13) A notice, an abatement order and a closing order under this section shall be in Forms B, C, and D respectively of the First Schedule hereto.

Order for demolition of house unfit for habitation

83. (1) Where a closing order has been made in respect of any dwelling-house and the local authority is of the opinion that the continued existence of such dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-house it may make a complaint to a Magistrate's Court, and such Court after hearing the complaint may make on the owner a summary order for the demolition of such dwelling-house within a time specified in such order.

(2) Any person who fails to comply with the summary order shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred ringgit for each day during the period of his default.

(3) Where a person fails to comply with the provisions of a summary order the local authority may execute the order and may recover the cost of such work from the owner.

Power to proceed where cause of nuisance arises outside local authority area

84. Where a nuisance within, or affecting any part of, a local authority area appears to be wholly or partly caused by some act or default committed or being committed outside the local authority area, the local authority may take, or cause to be taken, against any person in respect of that act or default any proceedings in relation to nuisances by this Act authorized in the like cases, and with like incidence and consequences, as if the act or default was committed or took place wholly within the local authority area.

PART X

FIRE SERVICES

85 - 93. (*Deleted by Act 341*).

PART XI

BURIAL PLACES, CREMATORIA AND EXHUMATION

Local authority may provide burial grounds and crematoria and issue licences for the same

94. (1) A local authority may provide suitable places within or without the local authority area to be used as burial grounds or crematoria and shall make proper provision for maintaining the same.

(2) A local authority may, in its discretion, issue licences for the use of other places within the local authority area for the burial or cremating of corpses.

(3) Every licence for the use of a place as a burial ground or crematorium shall be issued to the registered proprietor of the place in respect of which the same is issued.

Penalty for unlawful burials

95. (1) Except as provided for in subsection 94(3), any person who buries or cremates or causes, procures or suffers to be buried or cremated any corpse or the remains of any corpse or prepares any place to be used for the burial or cremating of a corpse in or upon any place, not being a burial ground or crematorium provided by the local authority under subsection 94(1) or a burial ground or crematorium licensed under subsection (2) thereof, or in or upon any burial ground or crematorium which has been closed by order of the local authority under section 96 shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and the Court may, by a written order under its seal, direct such person within a time to be fixed in such order—

(a) to remove the corpse or remains of the corpse in respect of which the offence has been committed from the place where it has been buried or cremated to a burial ground or crematorium provided or licensed by the local authority under this Act; and

(b) to remove any structure erected in contravention of the provisions of this section and to restore the ground to its original state.

(2) Any person who refuses or neglects to obey such order shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day during which such offence is continued after conviction and the Court may order the execution thereof by the local authority at the expense of such person.

Power to close burial grounds and crematoria

96. If at any time it appears to the local authority that—

(a) any burial ground or place of burial or any place used for the cremating of corpses is in such a state as to be dangerous to the health of the persons living in the neighbourhood; or

(b) such burial ground or place of burial or crematorium or any part thereof—

(i) is noxious or offensive or unfit for use as a burial ground or crematorium;

(ii) cannot be further used for the burial or cremating of the dead without danger to the public health; or

(iii) is being used in contravention of the conditions of the licence,

the local authority may order the same or such part thereof to be closed or may revoke the licence thereof, as the case may be, and thereafter it shall not be lawful to use the same as a place for the burial or cremating of corpses.

Exhumation of corpses

97. (1) No person shall within the local authority area exhume any corpse or the remains of any corpse otherwise than—

(a) by order of a Magistrate's Court for the purpose of a judicial enquiry; or

(b) under a licence granted by the local authority authorizing such exhumation and after payment to the local authority of such fee as may be determined by the local authority with the approval of the State Authority:

Provided that no licence shall be granted under the provisions of paragraph *(b)*—

(i) where the cause of death was an infectious disease as defined in any written law relating to quarantine and the prevention of diseases; or

(ii) in the case of a corpse that has been buried for less than five years, unless the local authority is satisfied that there are special reasons requiring the exhumation.

(2) Any person who exhumes or causes to be exhumed or permits to be exhumed any corpse or the remains of any corpse contrary to this section or who shall neglect or fail to observe any precaution prescribed as a condition of the licence to exhume or who fails to comply with any reasonable directions issued to him by a local authority for the purpose of preventing danger to the public health shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding one year or with both.

Power to make by-laws

98. The local authorities may make by-laws for the inspection and regulation of burial grounds and crematoria within and without the local authority area provided by the local authority under subsection 94(1) and as to the depth, length and width of graves and places of interment therein and generally to carry out the provisions of this Act in relation to all matters connected with the good order of such burial grounds and crematoria, due regard being had to the religious usages of the several classes of the community.

Keeping of registers

99. (1) The owner, trustee or person in charge of every burial ground and crematorium shall keep or cause to be kept a register in which shall be entered the name, sex, age, religion, residence and, as far as

possible, the cause of death of every person whose body is brought to such burial ground or crematorium and shall permit the local authority or any officer duly appointed by it to inspect such register and make copies thereof or extracts therefrom.

(2) Any person who, being the owner, trustee or person in charge of any burial ground or crematorium—

(a) omits to enter the above particulars referring to any person whose body is brought there;

(b) does not show such register to the local authority or its duly appointed officer;

(c) prevents the making of copies or extracts; or

(d) falsifies such register,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding three months or to both.

Non-application of other written laws

100. On the coming into force of this Act, any written law relating to burials shall cease to have any effect within any local authority area or in respect of any burial ground or crematorium provided without any local authority area under subsection 94(1).

PART XII

FURTHER POWERS OF LOCAL AUTHORITY

Further powers of local authority

101. In addition to any other powers conferred upon it by this Act or by any other written law a local authority shall have power to do all or any of the following things, namely—

(a) to erect, maintain and keep in repair buildings as may be required for local authority purposes and for the accommodation of local authority staff;

(b) to plant, trim or remove trees;

(c) (i) to construct, maintain, supervise and control public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia, community centres and refreshment rooms;

(ii) to lease, acquire, let, layout, plant, improve, equip and maintain lands for the purpose of being used as public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia and community centres and to erect thereon any pavilion, recreation room or refreshment room or other buildings;

(iii) to support or contribute to the support of public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia, community centres and charitable, religious, educational, social or welfare organizations or institutions;

(iv) to maintain or contribute to the maintenance of historical buildings or sites and acquire any land, with or without buildings, for the purpose of or in connection with the establishment of such public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia and community centres or for the purpose of or in connection with the maintenance of historical buildings or sites;

(d) to execute works of such general advantage to the inhabitants of the local authority area;

(e) to layout and construct any square or open space the property of the local authority by any architectural scheme or ornamentation including the erection of statues, fountains or other structures;

(f) to establish, erect and maintain public monuments and memorials and to make and receive grants of money towards the establishment or maintenance thereof;

(g) to establish, acquire, erect, construct, maintain, assist, promote, control and make or receive grants of money in respect of—

(i) public libraries, art galleries and museums;

(ii) botanical and zoological gardens and aquaria,

within or without the local authority area limits:

Provided that the local authority may decide that the general management, regulation and control of any such institution established or acquired by the local authority shall be vested in and exercised by such persons whether or not members of the local authority as the local authority may from time to time appoint for that purpose;

(h) to sponsor, establish, maintain, control, hire and contribute to bands for musical and theatrical performances in public places and at local authority or public functions and generally to provide public entertainment in such places and at such functions;

(i) to establish, erect and maintain public weighing machines and to supervise and control weights and measures;

(j) to establish, erect, maintain, supervise and control waterworks, public baths, bathing-places, laundries and washing-places, drinking-fountains, tanks and wells;

(k) to arrange for the lighting of public streets and public places;

(l) to establish and maintain an ambulance service;

(m) to acquire, establish, erect, maintain and control either by itself or jointly with any body or other authority, clinics and public dispensaries within or without the local authority area, and to prescribe fees for treatment therein;

(n) to establish, erect and maintain animal infirmaries;

(o) subject to the provisions of any law relating to road traffic, to establish, acquire, maintain and carry on within or without the local authority area public transport services;

(p) (i) to erect and maintain shops and dwelling-houses and flats and to sell, let or otherwise dispose of the same;

(ii) to convert the use of buildings and to alter, enlarge, repair and improve the same;

(iii) to make advances of money for the purpose of enabling residents in the local authority area and officers and employees of the local authority to acquire or to erect dwelling-houses, flats, shophouses, or industrial or commercial buildings and to recover such advances with interest thereon by instalments or otherwise as the local authority may in its discretion arrange,

within or without the local authority area;

(q) to acquire, develop and maintain land for the purpose of industrial estates and the disposal thereof;

(r) to sell, lease or otherwise dispose of any movable or immovable property of the local authority:

Provided that—

(i) no sale or other alienation of immovable property shall take place without the consent of the State Authority;

(ii) all moneys received by the local authority from the sale or other alienation of property shall be credited to the Local Authority Fund;

(s) to acquire, purchase or to take on lease any land, or any other property, right or interest within or without the local authority area which may be necessary for the purposes of this Act;

(t) to provide and maintain either within or without the local authority area housing accommodation, including convalescence or holiday houses, clubs and playing fields for officers and employees of the local authority;

(u) to provide assistance financially or otherwise to Councillors, officers, employees and other persons for the pursuit of approved courses of study or practical training upon such terms and conditions as the local authority may decide to impose;

(v) to do all things necessary for or conducive to the public safety, health and convenience;

(w) to pay any salaries, allowances and gratuities and to make any contributions to any Superannuation or Provident Fund;

(x) to grant loans to officers and employees for the purpose of purchasing motor vehicles or bicycles upon such conditions as may be approved by the local authority;

(y) to pay to Councillors, officers and employees on duty or for attending meetings, conferences and seminars organized for local government administration such travelling, subsistence and other allowances at such rates as may from time to time be decided by the local authority;

(z) to pay the medical expenses incurred by any Councillor, officer or employee;

(aa) to advertise and give publicity to the attractions, amenities and advantages of the local authority area and its environs

and to contribute to and receive grants and donations for the purpose of the encouragement of tourism;

(bb) (i) subject to the provisions of Electricity Supply Act 1990 [*Act 447*], to establish, acquire, construct, equip and carry on, within or without the local authority area, works for supplying the inhabitants thereof with light, heat and power, and to supply electricity for all purposes for which the same can be used to or in respect of any land, building or premises within the local authority area;

(ii) to supply electricity to any person carrying on business or residing without the local authority area;

(iii) to enter into contracts with the local authority of any adjoining area to supply electricity to such local authority upon such terms and conditions as may be agreed upon;

(iv) to sell electric lines, fittings, apparatuses and appliances to consumers;

(cc) to require the owner or occupier of any premises to do any of the following acts:

(i) to remove, lower or trim to the satisfaction of the local authority any tree, shrub or hedge overhanging or interfering in any way with the traffic on any road or street or with any wires or works of the local authority or which in the opinion of the local authority is likely to endanger the public safety or convenience and in the event of any tree situated in private premises falling across any public road or street the local authority may remove the fallen tree and the expenses incurred shall be charged on and recoverable from the owner or occupier thereof;

(ii) to remove any dilapidated fence or structure abutting upon any public place and if such owner or occupier fails to comply with any such request any authorized officer of the local authority may enter upon the said premises and

carry out such work and section 115 shall apply to the expenses incurred thereby;

(dd) to enter into any contract with any other local authority or with any person to secure or further the carrying on without the local authority area of any work or undertaking which the local authority is authorized to carry on;

(ee) subject to the consent of the appropriate authorities, and to the provisions of any law relating to water rights, to divert, straighten, define and canalize the course of any stream, channel or watercourse after giving notice and making compensation to any owner or occupier of land, and to any person entitled to any rights or easements attaching to land abutting on such stream or watercourse:

Provided that in arriving at the amount of any compensation payable regard shall be had to the enhanced or improved value, immediate or prospective, which may accrue to any such land by reason of the carrying out of the said purpose or any of them and the amount of such compensation shall, in default of agreement, be settled by arbitration;

(ff) to do all things necessary for carrying out all the provisions for and in regard to which the local authority is empowered from time to time to make by-laws, standing orders, rules and regulations, and for carrying out all such by-laws, standing orders, rules and regulations into effect;

(gg) to carry out any development, either by itself or with any other local authority or person, for residential, commercial, industrial or any other undertaking which the local authority may determine; and

(hh) to incur all expenditure necessary for civic receptions authorized by the local authority or for the carrying out of any purpose of this Act or of any purpose not specially provided for in this Act which the local authority may determine to be a purpose calculated to facilitate or is

conducive to or incidental to the exercise by the local authority of its powers and duties under this Act.

PART XIII

BY-LAWS

General power to make by-laws

102. In addition to the powers of making by-laws expressly or impliedly conferred upon it by any other provisions of this Act every local authority may from time to time make, amend and revoke by-laws in respect of all such matters as are necessary or desirable for the maintenance of the health, safety and well-being of the inhabitants or for the good order and government of the local authority area and in particular in respect of all or any of the following purposes:

(a) to regulate the form in which all estimates, budgets, statements, returns, or other accounts of the local authority shall be drawn up and kept;

(b) to regulate the repairing, cleaning, watering and lighting of streets, roads, canals and bridges;

(c) to regulate, license, restrict, prevent or remove the exhibition of advertisements;

(d) to regulate the planting, preservation and removal of trees, flowers and shrubs in public places;

(e) to provide for the protection from damage or interference of any local authority works or property situated or being in, under or over any public or private place within the local authority area;

(f) to provide for the establishment, regulation and management of any public park, walk, recreation and pleasure ground, garden, swimming pool, lake, stadium, historical building or site, public library, art gallery, museum, public theatre, restaurant, hall, assembly room, botanical or zoological garden or aquarium;

(g) to regulate within the local authority area the landing and temporary storage of goods upon public quays, wharves and streets, adjacent to any port, or any waterway connected therewith, and to fix the fees to be charged in respect of such temporary storage;

(h) to regulate any public sales held in any public place;

(i) to define the streets or areas within which shops, warehouses, factories or business premises may not be erected, or within which specified trades, businesses or callings may not be established or carried on;

(j) to regulate, license, supervise, restrict or prohibit the playing of musical instruments, singing or performing for profit, in any public place;

(k) to regulate the maintenance, distribution and use of any artificial light, gas or other energy that is supplied by the local authority;

(l) to provide for the establishment, maintenance, regulation and control of public transport services and to prescribe fares to be charged;

(m) to regulate fire brigades and to provide for the conditions of service, administration and discipline of all members thereof;

(n) (i) to regulate, supervise and license trishaws and carts and to prescribe the rates or fares, whether by distance or time within or without the local authority area to be charged for such services, the number of passengers and the weights, dimensions, and nature of the loads to be carried and the mode of construction thereof;

(ii) to prescribe standards of medical and physical fitness and efficiency for the riders, drivers or haulers of trishaws or carts, as the case may be;

(o) to provide for the licensing of bicycles and tricycles;

(p) to provide for the establishment, regulation, inspection and licensing of places of entertainment, public recreation or public resort, and to make regulations governing the means of ingress to and egress from such places and for providing adequate parking space adjacent or in reasonable proximity thereto;

(q) to prohibit, restrict or regulate the transportation and quarrying of stone, lime, clay, sand or other material on any premises and the burning of lime and manufacture of bricks;

(r) to prohibit, restrict or regulate the use of any land as a pond for the keeping or breeding of fish;

(s) to control and supervise, by registration, licensing or otherwise, including in proper cases by prohibition, a trade, business or industry which is of an obnoxious nature or which could be a source of nuisance to the public or a class of the public;

(t) to provide for the offences under this Act and any by-laws which may be compounded by the local authority, the persons who may compound, the limit of the sum of money to be collected by such local authority for compounding such offences and the procedure and forms to be complied with in compounding; and

(u) in so far as they do not fall within any of the preceding paragraphs, to provide for all procedural and other matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

By-law, *etc.*, may prescribe fees and charges

102A. Any by-law, rule or regulation made by a local authority may prescribe fees and charges for any matter or thing required or authorized to be done thereunder.

By-laws to be confirmed by State Authority

103. Every by-law, rule or regulation shall not have effect until it is confirmed by the State Authority and published in the *Gazette*.

Penalties for breaches of by-laws

104. A local authority may, by by-law, rule or regulation prescribe for the breach of any by-law, rule or regulation a fine not exceeding two thousand ringgit or a term of imprisonment not exceeding one year or to both and in the case of a continuing offence a sum not exceeding two hundred ringgit for each day during which such offence is continued after conviction.

Power to demand monetary deposits from applicants for permits

105. Where the local authority is empowered to make by-laws prohibiting, restricting or regulating the doing of any act and such by-laws require any person to obtain a permit from a specified authority before the doing of such act, such by-laws may provide for a deposit of such sum, or the execution of a bond with or without sureties in such sum, as may be prescribed in such by-laws, such sum to be refunded or such bond to be void, as the case may be, if the person to whom such permit is granted complies with all the conditions of such permit.

Publication of by-law, rule or regulation in the *Gazette* constitutes notice

106. The publication in the *Gazette* of any by-law, rule or regulation shall constitute sufficient notice of the by-law, rule or regulation and of the due confirmation by the State Authority of the same.

PART XIV

MISCELLANEOUS

Licences

107. (1) A local authority in the granting of any licence or permit may prescribe the fees for such licence or permit and the charges for the inspection or supervision of any trade, occupation or premises in respect of which the licence is granted.

(1A) Any licence or permit granted under this Act may be issued jointly with any other licence or permit.

(2) Every licence or permit granted shall be subject to such conditions and restrictions as the local authority may think fit and shall be revocable by the local authority at any time without assigning any reason therefor.

(2A) The revocation of any particular licence or permit issued jointly with any other licence or permit under subsection (1A) shall not affect the validity of any other licence or permit with which it had been jointly issued.

(3) The local authority may at its discretion refuse to grant or renew any licence without assigning any reason therefor.

(4) A licence shall be valid for a period not exceeding three years.

(5) Every person to whom a licence has been granted shall exhibit his licence at all times in some prominent place on the licensed premises and shall produce such licence if required to do so by any officer of the local authority authorized to demand the same.

(6) Any person who fails to exhibit or to produce such licence under subsection (5) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding six months or to both.

(7) For the purpose of subsection (5) or (6) any reference to the word “licence” shall include its certified true copy.

(8) The certification of any licence as a true copy shall be made by the President, Secretary or any officer authorized by the President in writing.

Notices, *etc.*

108. (1) Notices, orders, warrants, licences, receipts and other similar documents may be in print or partly in writing and partly in print.

(2) Service of a document on any person shall be effected—

(a) by delivering the same to such person or by delivering the same at the last known place of residence of such person to an adult member of his family;

(b) by leaving the same at the usual or last known place of residence or business of such person in a cover addressed to such person; or

(c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business.

(3) A document required to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of such premises without further name or description and may be served by delivering the same to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by fixing the same on some conspicuous part of the premises.

Default in compliance with notice or order

109. Where any notice or order requires any act to be done or work to be executed within a period specified therein by the owner or occupier of any premises and default is made in complying with the requirement of such notice or order, the person in default shall be

guilty of an offence and shall, where no fine is specially provided for such default, on conviction be liable to a fine not exceeding five hundred ringgit or to a term of imprisonment not exceeding six months or to both.

Power to enter premises

110. Any officer of a local authority duly authorized in writing may at all reasonable times, enter any premises within the local authority area for the purpose of exercising any power of inspection, enquiry or execution of works which is given to a local authority.

Officer may demand names and addresses

111. (1) The occupier of any premises within the local authority area shall, if required by any officer of a local authority, give his name and identity card number and the name and address of the owner of the premises, if known.

(2) Any person who refuses to give or wilfully misstates his name and identity card number or the name and address of the owner of the premises shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit or to a term of imprisonment not exceeding six months or to both.

Penalty for obstructing Councillor and others

112. Any person who at any time obstructs, molests or assaults the Commissioner of the City of Kuala Lumpur, or the Mayor or President, Councillors, officers or employees of a local authority in the performance and execution of their duty or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or to both.

Recovery of expenses

113. Whenever default is made by the owner of any premises in the execution of any work required to be executed by him, the occupier of such premises may, with the approval of the local authority, cause such work to be executed and the expense thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to such owner and such occupier may, in the absence of any special agreement to the contrary, retain possession until such expense has been fully reimbursed to him.

Expenses and costs payable by owners

114. (1) Any sums payable by or recoverable from the owner in respect of expenses or costs incurred by the local authority in the execution of any work shall, subject and without prejudice to the rights of the State, be a first charge on the premises in respect of which such expenses or costs have been incurred.

(2) In addition to any other remedies conferred by this Act any such sum may be recovered by the same means and in like manner as an arrear of rates.

(3) The charge shall attach and the powers and remedies shall become exercisable as from the date of completion of the work and thereafter such powers and remedies may be exercised against the premises or against any movable property or crops for the time being found thereon, notwithstanding any change in the ownership or occupation of the premises subsequent to the said date.

Recovery of expenses or costs from persons in default

115. Where the local authority has incurred expenses or costs in the execution of any work, it may recover such expenses or costs from the person in default and if such person is not the owner of the premises from the owner thereof in the manner provided under section 114.

Recovery of charges for local authority services

116. (1) All moneys due to a local authority for local authority services shall be recoverable by the local authority jointly and severally from the owner and occupier of the premises in respect of which the services were rendered:

Provided that—

(a) the owner shall, in the absence of any agreement to the contrary, be entitled to recover from the occupier of the said premises any such charges paid by him in respect of the occupation by such occupier; and

(b) the occupier shall be entitled to deduct from any rent or other amount payable by him to the owner of the premises any portion of such charges paid by or recovered from him which the owner could not lawfully have required him to pay.

(2) A local authority may charge and recover interest on unpaid charges for services at a rate not exceeding one per centum per month or part of a month.

Recovery by instalments

117. (1) Where any sum is payable by any person to the local authority for any purpose under this Act the State Authority may permit such person to pay the said sum in instalments with interest thereon at such rate as the State Authority may determine.

(2) Upon default in payment of any instalment or interest upon the date appointed for payment thereof, the whole of the balance then outstanding of such amount, together with any interest in arrears, shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises, may be recovered by the same means and in like manner as an arrear of rates.

Compensation, damages and costs to be determined by courts of competent jurisdiction

118. Where compensation, damages, costs or expenses are disputed the amount and, if necessary, the apportionment of the same and any question of liability shall be summarily ascertained and determined by a court of competent jurisdiction.

General penalty

119. Every person who is guilty of any offence against this Act or any by-law, rule or regulation for which no penalty is expressly provided shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or to both.

Local authority may direct prosecution

120. (1) The local authority may direct any prosecution for any offence under this Act or any by-law, rule or regulation and shall pay such expenses as may be incurred in such prosecution.

(2) Any advocate and solicitor authorized in writing by the local authority or any officer of the local authority may conduct any such prosecution.

Power of arrest

121. (1) Any officer of the local authority authorized by the local authority or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under this Act or any bylaw, rule or regulation—

(a) if the name or address of the person is unknown to him and the person declines to give his name and address; or

(b) if there is reason to doubt the accuracy of the name or address.

(2) A person arrested under this section shall be detained and shall be brought before a Magistrate's Court within twenty-four hours unless his name and address are sooner ascertained.

Books of local authority to be *prima facie* evidence of sums due

122. The books and registers of any local authority and any extracts therefrom certified by the Secretary or any other officer authorized thereto by such local authority shall, in any proceedings for the recovery of any fee, or charge payable under this Act or under any by-law, rule or regulation, be *prima facie* evidence of the amount so due.

Liability for acts and omissions

123. For the purposes of any prosecution for an offence under this Act or under any by-law, rule or regulation—

(a) whenever any agent or employee in the course of his employment does or omits to do an act the doing or omission to do which by his principal or employer would be an offence, such agent or employee shall be guilty of that offence, and his principal or employer and any person who at the time of the act or omission was in charge of the business in respect of which the act or omission occurred shall also be guilty of that offence unless such principal or employer or other person, as the case may be, proves to the satisfaction of the Court that having regard to all the circumstances he took all reasonable means and precautions to prevent such act or omission;

(b) where any offence has been committed by any body corporate, any person who at the time of the commission of such offence was a director, general manager, secretary or other similar officer of the body corporate or was purporting

to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that having regard to the nature of his functions in that capacity and to all the circumstances he took all reasonable means and precautions to prevent the commission of the offence.

Public Authorities Protection Act 1948

124. The Public Authorities Protection Act 1948 [*Act 198*], shall apply to any action, suit, prosecution or proceeding against any local authority or against any Councillor, officer, employee, servant or agent of any local authority in respect of any act, neglect or default done or committed.

Protection of Councillors, officers and employees from personal liability

125. (1) No matter or thing done and no contract entered into by the Commissioner of the City of Kuala Lumpur or by the Mayor or President, Councillor, officer or employee of the local authority or by any person acting under the direction of a local authority shall, if the matter or thing was done or the contract was entered into *bona fide* for the purpose of carrying out the provisions of this Act or of any by-laws, rules, or regulations subject him personally to any action, liability, claim or demand whatsoever.

(2) Any expense incurred by the Commissioner of the City of Kuala Lumpur, Mayor or President, Councillor, officer or employee or person under subsection (1) shall be borne and paid out of the Local Authority Fund.

Officers to be public servants

126. The Commissioner of the City of Kuala Lumpur, Mayor or President, Councillor, officers or employees of every description

shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

PART XV

RATING AND VALUATION

Power to impose rates

127. The local authority may, with the approval of the State Authority, from time to time as is deemed necessary, impose either separately or as a consolidated rate, the annual rate or rates within a local authority area for the purposes of this Act or for other purposes which it is the duty of the local authority to perform under any other written law.

Further rates

128. In addition to the rates referred to in section 127, the local authority may in like manner impose a drainage rate in accordance with section 132.

Division of area and holding for rating purposes

129. For the purposes of this Part, the local authority may divide its area into two or more parts and may in respect of such separate part or parts impose such rate or rates as may be considered just and proper and the local authority may further impose within such part or parts a differential rating in accordance with the actual usage of the holding or part thereof.

Basis of assessment of rate

130. (1) Any rate or rates imposed under this Part may be assessed upon the annual value of holdings or upon the improved value of holdings as the State Authority may determine.

(2) If any rate or rates are assessed upon the annual value or holdings such rate or rates shall not exceed—

(a) thirty-five per centum of the annual value in the case of the rates imposed under section 127;

(b) (*Deleted by Act A865*);

(c) five per centum of the annual value in the case of the rates imposed under section 132.

(3) If any rate or rates are assessed upon the improved value of holdings such rate or rates shall not exceed—

(a) five per centum of the improved value in the case of rates imposed under section 127;

(b) (*Deleted by Act A865*);

(c) one per centum of the improved value in the case of rates imposed under section 132.

131. *(Deleted by Act A865).*

Drainage rate

132. The drainage rate may be imposed to meet the cost of the construction of any drainage system.

Duration of rate

133. The rates referred to in sections 127 and 128 shall endure for any period not exceeding twelve months and shall be payable half-yearly in advance by the owner of the holding at the office of the local authority or other prescribed place in the months of January and July and shall be assessed and levied in the manner hereinafter provided.

Exemption from rates

134. When any holding or part thereof is used exclusively—

(a) as public places for religious worship;

(b) as licensed public burial grounds or crematoria;

(c) for public schools;

(d) as public places for charitable purposes or for the purposes of science, literature or the fine arts,

and not for pecuniary profit, the State Authority may at its discretion exempt such holding or such part thereof from the payment of any rate.

Exemption or reduction of rate

135. When any holding or part thereof is used exclusively for recreational, social or welfare purposes and not for pecuniary profit, the State Authority may at its discretion exempt such holding or such part thereof from the payment of all or any rates or may reduce any rate imposed on such holding or such part thereof.

Minimum rate payable

136. When the rate in respect of any holding imposed is less than five ringgit in one year, no rate shall be payable.

Preparation of Valuation List

137. (1) The local authority shall cause a Valuation List of all holdings not exempted from the payment of rates to be prepared containing—

(a) the name of the street or locality in which such holding is situated;

(b) the designation of the holding either by name or number sufficient to identify it;

(c) the names of the owner and occupier, if known;

(d) the annual value or improved value of the holding.

(2) The Valuation List together with the amendments made under section 144 shall remain in force until it is superseded by a new Valuation List.

(3) A new Valuation List which shall contain the same particulars as in subsection (1) shall be prepared and completed once every five years or within such extended period as the State Authority may determine.

Designation if name of owner unknown

138. Where the name of the owner or occupier is not known it shall be sufficient to designate him in the Valuation List and in any proceedings to recover any rate as the "owner" or "occupier" of the holding on which the rate is assessed without further description.

Joint or separate valuation

139. The Valuation Officer may at his discretion value any holding or holdings jointly or separately.

Returns may be required

140. (1) In order to enable the local authority to assess the value of holdings liable to assessment the local authority may require the owner or occupier thereof to furnish returns of the area, situation, quality, use and rent thereof and to give all such information as may

be necessary for the preparation of the Valuation List or otherwise for the purpose of such valuation, and for the like purpose the local authority or any person appointed by it for that purpose may at any time enter and inspect and if necessary survey the same.

(2) Any person who—

(a) refuses or fails to furnish such return or to give such information within two weeks from the date of receipt of the notice requiring him to do so;

(b) knowingly makes a false or incorrect return or gives false or incorrect information;

(c) hinders, obstructs or prevents the local authority or any person appointed by it from entering, inspecting or surveying any such holding,

shall be liable on conviction to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or with both.

Notice of new Valuation List to be published

141. (1) Where any Valuation List has been prepared or adopted under section 137 the local authority shall give notice of the same and of the place where the Valuation List or a copy thereof may be inspected in the *Gazette* and by way of advertisement in two local newspapers at least one of which is in the national language.

(2) Any person claiming to be either the owner or occupier of a holding included in the Valuation List or the agent of any such person may inspect the Valuation List and make extracts therefrom without charge.

(3) The local authority shall give notice in the same manner of a day not being less than forty-two days from the date of notification in the *Gazette* when the local authority will proceed to revise the Valuation List and in all cases in which any holding is for first time

valued or the valuation thereon has increased the local authority shall also give notice to the owner or occupier thereof.

Objections

142. (1) Any person aggrieved on any of the following grounds:

(a) that any holding for which he is rateable is valued beyond its rateable value;

(b) that any holding valued is not rateable;

(c) that any person who, or any holding which, ought to be included in the Valuation List is omitted therefrom;

(d) that any holding is valued below its rateable value; or

(e) that any holding or holdings which have been jointly or separately valued ought to be valued otherwise,

may make objection in writing to the local authority at any time not less than fourteen days before the time fixed for the revision of the Valuation List.

(2) All objections shall be enquired into and the persons making them shall at such enquiry be allowed an opportunity of being heard either in person or by an authorized agent.

Confirmation of new Valuation List

143. (1) On or before the thirty-first day of December of the year preceding the year in which any Valuation List is to come into force the local authority shall, with the approval of the State Authority, confirm such Valuation List with or without any amendment or revision and the Valuation List so confirmed shall be deemed to be the Valuation List until such time as it is superseded by another Valuation List.

(2) The confirmed Valuation List referred to in subsection (1) shall be deposited in the office of the local authority and shall be open there during office hours to inspection by all owners and occupiers of holdings comprised therein, and a notice that it is so open to inspection stating the place of inspection shall forthwith be published.

(3) The local authority shall not be required to hear and determine all objections to the Valuation List before confirming it in accordance with subsection (1), and if any objection is not heard and determined before the Valuation List is confirmed it shall be heard and determined as soon as possible thereafter and with the like consequences as if it has been heard and determined before the Valuation List was so confirmed, and until the objection has been heard and determined the increase in valuation or new valuation objected to shall not be deemed to be in force and the old rates shall continue to be payable.

Amendments to Valuation List

144. (1) Where by reason of—

(a) a mistake, oversight or fraud the name of any person or the particulars of any rateable holding which ought to have been inserted in or omitted from the Valuation List, has been omitted from or inserted in the Valuation List, as the case may be, or any rateable holding has been insufficiently or excessively valued or for any other reason whatsoever any rateable holding has not been included in the Valuation List;

(b) any building erected, modified, altered, demolished or rebuilt, or other improvements made upon a rateable holding the value thereof has been increased;

(c) any building or part of a building being demolished or any other works being carried out on the rateable holding the value thereof has been decreased;

(d) any rateable holding which has been included in a joint valuation and which in the opinion of the Valuation Officer ought to have been valued separately or otherwise;

(e) the issue of any new titles in respect of any holdings;

(f) any change to the rateable holding effected by any law relating to planning as a result of which the value of the holding has been increased or decreased,

the Valuation Officer may at any time amend the Valuation List accordingly and rates shall be payable in respect of the holding in question in accordance with the Valuation List so amended.

(2) Notice shall be given to all persons interested in the amendment of a time, not less than thirty days from the date of service of such notice, at which the amendment is to be made.

(3) Any person aggrieved by the amendment of the Valuation List on any of the grounds specified in section 142 may make objection in writing to the local authority not less than ten days before the time fixed in the notice and shall be allowed an opportunity of being heard in person or by an authorized agent.

(4) Any amendment made under this section may, at the discretion of the local authority, have regard to the level of annual values or improved value prevailing as at or about the time the current Valuation List was prepared.

(5) Any amendment made in the Valuation List in accordance with this section shall be confirmed by the local authority.

(6) Where on account of any amendment in the Valuation List the rate payable in respect of any holding is enhanced, reduced or extinguished, the new rate shall be payable, or the rate shall cease to be payable, from the commencement of the next half year or such earlier date as the local authority may determine.

Appeals

145. (1) Any person who having made an objection in the manner prescribed by section 142 or 144 is dissatisfied with the decision of the local authority thereon may appeal to the High Court by way of originating motion:

Provided that with the filing of the originating motion there shall be paid into the local authority the amount of the rate appealed against.

(2) The originating motion shall be filed by the person dissatisfied with the decision of the local authority within fourteen days of the receipt thereof.

(3) The local authority shall be the respondent in any appeal under this section.

(4) Every such appeal shall be heard before the High Court whose decision on questions of fact shall be final and conclusive.

(5) From the decision of the High Court either party may appeal on questions of law to the Federal Court whose decision shall be final and conclusive.

(6) In any appeal under subsection (5), any written law for the time being in force relating to appeals in civil matters from the High Court in its appellate jurisdiction to the Federal Court shall apply.

Rates to be first charge

146. All rates shall be paid by the persons who are the owners of the holdings for the time being, and until so paid shall, subject to the National Land Code [*Act 56 of 1965*], be a first charge on the holdings in respect of which they are assessed, and if not paid within the prescribed time, shall be recoverable in the manner hereinafter prescribed.

Proceedings in default

147. (1) If any sum payable in respect of any rate remains unpaid at the end of February or August, as the case may be, the owner or owners shall be liable to pay the same together with such fee as the local authority may fix from time to time.

(2) If any such sum or any part thereof remains due and unpaid by the end of February or by the end of August in each year, as the case may be, it shall be deemed to be an arrear and may be recovered as provided in section 148.

Proceedings for recovery of an arrear

148. (1) For the recovery of an arrear the local authority may issue a warrant of attachment in Form F of the First Schedule hereto and may seize by virtue thereof any movable property, belonging to the owner or occupier liable to pay the same, which is found within the local authority area and may also seize any movable property, to whomsoever belonging, which is found on the holding in respect of which the arrear is due:

Provided that no warrant of attachment shall be issued by the local authority unless it has served a notice, in Form E of the First Schedule hereto, posted or delivered to the owner or any one of the owners, if more than one, at the last known address, calling on him to pay the arrear within fifteen days of the posting or delivery.

(2) The warrant shall be executed by an officer of the local authority who shall make an inventory of the property attached thereunder, and shall at the same time give notice in Form G of the First Schedule hereto, to the person in possession of the property at the time of attachment:

Provided that where in the opinion of the officer executing the warrant the value of the movable property to be attached is of a lesser value than the arrear to be recovered or there is no movable property to be attached as in the case of a holding which is vacant or unoccupied no such inventory need be made and in such a case he

shall affix a notice in Form H of the First Schedule hereto on some conspicuous part of the holding or any one of the holdings in respect of which the arrear is due to the effect that procedure for the recovery shall be instituted under section 151.

(3) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

(4) The fee for a warrant of attachment shall be of such amount as the local authority may fix from time to time and shall be costs of the attachment.

Sale of property attached

149. (1) Unless the arrear with costs be paid within seven days from the date of the attachment the property attached or such part thereof as may be necessary shall be sold by public auction:

Provided that where the property seized is of a perishable nature or where expense of keeping it in custody will exceed its value it may be sold at once.

(2) The expenses of the maintenance of livestock and the custody of moveable property shall be costs of the attachment.

Application of proceeds of sale

150. The proceeds of sale shall be applied in satisfaction of the arrear together with interest thereon at the rate of six per centum per annum and costs, and the surplus, if any, shall be paid to the person in possession of the property at the time of attachment.

Attachment and sale of holding

151. (1) If the arrear cannot be recovered in the manner provided in section 148 it shall be lawful for the Registrar of the High Court upon application made by the local authority, or by any officer of the local authority authorized by the local authority in that behalf, to order the

attachment and sale of the holding or holdings in respect of which the arrear has accrued.

(2) Such attachment and sale may be effected in the manner provided by the law relating to civil procedure for the execution of a decree by attachment and sale of immovable property.

(3) The Registrar of the High Court shall, from the proceeds of sale, provide first for the costs of attachment and sale, then for payment to the local authority of the amount of the arrear, together with interest thereon at the rate of six per centum per annum and costs, and in the event of there being any surplus remaining the Registrar shall, if he is satisfied as to the right of any person claiming such surplus, pay the amount thereof to him, and if he is not so satisfied, shall place the amount on deposit in the Treasury to be held in trust for the person who may ultimately succeed in establishing his claim thereto.

(4) The local authority may in its discretion refrain from seizing and selling, or may release from attachment, any property lawfully seizable under section 148 where such property is the property of the occupier, being a tenant, of the holding or of a person not liable to pay an arrear due in respect of such holding.

(5) Where the property is the property of a tenant-occupier, the local authority shall refrain from seizing and selling or shall release from attachment such property:

Provided that the tenant-occupier pays to the local authority the rent of such holding as it falls due until the arrear is satisfied or until the termination of his tenancy and in any such case, notwithstanding anything contained in subsection (1), such holding may be attached and sold.

(6) The amount of any rent paid by a tenant-occupier to the local authority under subsection (5) may be deducted by such tenant-occupier from the next and following payments of rent to the owner of the holding.

Recovery of costs

152. All costs of any proceeding under this Part for the recovery of arrears may be recovered as if they formed part of such arrears.

Power to stop sale

153. If any person having any interest in any property liable to be sold under this Part at any time previous to such sale tenders the arrear with interest and costs the local authority shall thereupon desist from all further proceedings in respect thereof, and where the property has been attached by the Court under section 151 he shall inform the Court of such payment.

Objection to attachment

154. (1) If any person whose property has been attached under the provisions of this Part disputes the propriety of the attachment he may apply to the High Court, in the case of the attachment of a holding, or the Magistrate's Court in the case of the attachment of movable property, for an order to stay the proceedings, and such Court after making such enquiry as may be necessary shall make such order on the premises as may be just.

(2) No application shall be entertained by any court unless the applicant has deposited with the local authority the amount of the arrear with interest and costs.

Recovery of rates paid by occupier

155. If the sum due from the owner of any holding on account of any rate or costs is paid by the occupier of such holding such occupier may, notwithstanding anything contained in any agreement or arrangement with the owner, deduct from the next and following payments of his rent the amount which may have been so paid by him.

Arrear may be sued as debt

156. Notwithstanding anything herein, an arrear may be sued for and recovered as a debt in a court of competent jurisdiction by the local authority in its official name from any person liable to pay the same.

Evidence of rates

157. The production of the books or records purporting to contain any rate or assessment made under this Part shall, without any other evidence whatever, be *prima facie* proof of the making and validity of the rates or assessment mentioned therein.

Assessment, *etc.*, not to be impeached for want of form

158. (1) No valuation or rate assessed thereon, no charge or demand of any rate and no attachment or sale shall be impeached or affected by reason of any mistake in—

(a) the name of any person liable to pay the rate;

(b) the description of any holding liable to such rate;

(c) the amount of the rate assessed thereon; or

(d) the mode of attachment or sale,

where the requirements of this Part or of any by-law, rule or regulation are in substance and effect complied with.

(2) No proceedings under this Part for the recovery of any rate shall be quashed or set aside in any court for want of form.

Liability of owner on subdivision or amalgamation of holdings

159. Whenever holdings are subdivided or amalgamated the owner thereof shall be liable to pay until the end of the year in which

subdivision or amalgamation is effected or until the coming into force of a new Valuation List, whichever is prior in time, all rates, arrears, interest and costs due thereon as if such subdivision or amalgamation had not been made.

Notice of transfer of rateable holdings

160. (1) Whenever any rateable holding within a local authority area is sold or transferred it shall be the duty of the seller or transferor and the purchaser or transferee within three months after such sale or transfer to give notice thereof to the local authority in Form I of the First Schedule hereto.

(2) Whenever the owner of any rateable holding within a local authority area dies it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof to the local authority within a period of one year of the death in Form J of the First Schedule hereto.

(3) On receipt of such notice the local authority may require the production of the instrument effecting change of ownership or of a certified copy thereof.

(4) Every person who sells or transfers any rateable holding within a local authority area shall continue to be liable for the payment of all rates payable in respect of such holding and for the performance of all other obligations imposed by this Part or by any by-law upon the owner of such holding which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the local authority.

(5) Nothing herein shall affect the liability of the purchaser or transferee to pay the rates in respect of such holding or to perform such obligation, or affect the right of the local authority to recover such rate or to enforce such obligation under this Part notwithstanding that such rates became payable or such obligations were imposed before notice of such sale or transfer had been recorded.

(6) Every person failing to give any notice shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or with both.

Notice of new buildings

161. (1) Where any new building is erected or where any building is rebuilt, enlarged, altered, repaired or renovated, or where any building which has been vacant is re-occupied the owner of the holding on which such building is situate shall within fifteen days give notice thereof in writing to the local authority.

(2) The said period of fifteen days shall be reckoned from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected, rebuilt, enlarged, altered, repaired or renovated, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

(3) When any building or portion of a building is demolished or removed otherwise than by the order of the local authority, the owner of such holding shall give notice of the commencement of such demolition or removal in writing to the local authority.

(4) The local authority may on receipt of the notice, and if it is satisfied that the demolition is being properly and expeditiously carried out, order that the rates assessed in respect of any such holding be reduced and if already paid refunded proportionately to the amount of the assessment of the holding relating to the building or portion of the building being demolished or removed.

(5) Until such notice is given the owner shall continue to be liable to pay rates in respect of such holding as though such building or portion of a building had not been demolished or removed.

(6) Every person failing to give any notice shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or to both.

Refund on unoccupied buildings

162. (1) Where any building is unoccupied and no rent is payable in respect thereof during a period of not less than one calendar month in any half year in respect of which a rate has been paid the local authority may order the refund or remission, as the case may be, of a part of such rate proportionate to the period during which the building has been unoccupied.

(2) No refund or remission shall be ordered unless the person claiming the same shall have within seven days from the commencement of the period in respect of which the refund or remission is claimed given written notice to the local authority of such vacancy and in the case of any refund shall have claimed payment thereof in writing not later than one month after the expiration of the half year in respect of which the claim is made.

(3) No refund or remission shall be ordered in respect of any building unless the owner of the holding in question proves to the satisfaction of the local authority—

(a) that such building is in good repair and fit for occupation;

(b) that every reasonable effort to obtain a tenant has been made;

(c) that the rent demanded is a reasonable one;

(d) that the building has been vacant during the whole period for which the refund is claimed:

Provided that when a refund is claimed in respect of a period during which the building has been undergoing repairs for the purpose of rendering it fit for occupation or for *bona fide* reconstruction it shall not be necessary to prove, in respect of such claims the matters specified in paragraphs *(a)*, *(b)* and *(c)*.

(4) Claims shall state the dates on which the building was unoccupied and the address to which communications in reference thereto may be sent.

(5) For the purposes of this section the expression "building" includes—

(a) a self-contained flat in a building erected with the approval of the local authority;

(b) any whole floor in a building with separate means of access;

(c) floor space of not less than 1,000 square feet on the same floor of a building which may be let as an office, shop, factory, godown or other similar use.

Provision for rating buildings on State or reserved land

163. (1) In the case of buildings situated on State land or on land reserved for a public purpose and not occupied by the Federal or State Governments the local authority, with the approval of the State Authority, may impose the rates referred to in section 127 upon the annual value or improved value of all or any of such buildings, and the occupiers of such buildings shall be liable to pay the said rates.

(2) The provisions of this Part shall apply to any rate imposed under subsection (1) except that in the application thereof references to a "holding" shall be deemed to be references to a "building", and references to the "owner" of a holding shall be deemed to be references to the "occupier" of a building.

Saving

164. Notwithstanding the provisions of this Act, until such time as a Valuation List shall have been prepared and certified in accordance with this Part the assessment list furnished or prepared under the provisions of any written law repealed by this Act shall notwithstanding such repeal be the basis of the rates to be levied in respect of rateable properties contained in such assessment list and such assessment list shall be deemed to be the Valuation List for the time being in force.

PART XVI

SPECIAL PROVISIONS

Transfers of functions

165. (1) If it appears to the State Authority to be necessary or desirable in the public interest that any function of a local authority or of an employee of such local authority should be forthwith transferred from such local authority or such employee, the State Authority may by order published in the *Gazette* transfer such function to the Menteri Besar or Chief Minister of the State; and if the State Authority is of the opinion that any investigation should be held, the State Authority may in the same order or in a subsequent order direct that an enquiry shall be held into the matter and may make such further order as may be necessary or expedient.

(2) Where under subsection (1) any function is transferred, the State Authority may make such order as may be necessary or expedient relating to the expenses required by such transfer of functions and such order shall be binding on the local authority notwithstanding any provisions of this Act relating to expenditure from the Local Authority Fund, and the payment of such expenses as may be authorized by the order shall be a purpose for which the local authority may borrow in accordance with the provisions of this Act.

(3) An order made under subsection (1) shall be laid before the Legislative Assembly of a State at its next meeting and shall, unless sooner revoked by the State Authority, continue to be in force until annulled by a resolution of the Legislative Assembly.

Repeal

166. The provisions of the laws to the extent set out in the Second Schedule hereto are hereby repealed.

FIRST SCHEDULE

LOCAL GOVERNMENT ACT 1976

FORM A

DECLARATION OF ACCEPTANCE OF OFFICE

[Section 11]

I ……., having been appointed a Councillor of the ……Council of ……..…….. declare that I take the said office upon myself and that I will duly and faithfully fulfil the duties thereof according to the best of my judgement and ability.

…….

Signature of Declarant

Declared before the ……. Council of ……. ……... day of …… 20 ……

…….

**Mayor/President*

---

*Delete whichever is not applicable

LOCAL GOVERNMENT ACT 1976

FORM B

NOTICE REQUIRING ABATEMENT OF NUISANCE

[Section 82]

To ……
of …….

Take notice that under section 82 of the local Government Act 1976 the …….. Council of …… being satisfied of the existence at ……... of a nuisance being ……... (*describe the nuisance*) hereby requires you within ……. (*specify the time*) from the service of this notice to abate the same and to execute such works and do such things as may be necessary for that purpose, i.e …….. (*specify any works to be executed*).

Take notice that if you make default in complying with any of the requirements of this notice within the time specified, you shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both under subsection 82(5) of the Local Government Act 1976.

Dated this …… day of …….. 20 ……..

…….
for Local Authority

LOCAL GOVERNMENT ACT 1976

FORM C

ABATEMENT ORDER

[Section 82]

To ……
of ……

Whereas you have on the …… day of …… 20 … appeared before me for failing to comply with the requirements of the Notice in Form B of the Local Government Act 1976 dated the …….. day of …… 20 …… and whereas you have been convicted of the offence the Court hereby requires you to comply with all the requirements of the said Notice or to abate the nuisance within ……. *(specify the time).*

Given under my hand and the seal of the court, this …… day of …….. 20 …

…….
Magistrate

LOCAL GOVERNMENT ACT 1976

FORM D

CLOSING ORDER

[Section 82]

To ……
of ……

Whereas you have on the …… day of …… 20 … appeared before me for failing to comply with the requirements of the Notice in Form B of the Local Government Act 1976 dated the …… day of ……. 20 … and whereas you have been convicted of the offence the court hereby prohibits you from using the …… *(describe the dwelling-house)* for human habitation.

Given under my hand and the seal of the court, this …… day of …… 20 ……

…….
Magistrate

LOCAL GOVERNMENT ACT 1976

FORM E

NOTICE TO PAY ARREAR OF RATES

[Section 148]

No. ……..

To:
…….
…….
…….

Take notice that you are hereby required to pay the arrears of rates due for the period ending …… amounting to RM …… together with the fee of RM …… payable under subsection 147(1) of the Local Government Act 1976 at the office of …… within 15 days of the posting/delivery of this notice; in default of payment within the period specified, the amount of arrears due together with the costs of process will be recovered under the powers contained in the Local Government Act 1976.

Dated this …… day of …….. 20 ……..

			RM	*sen*
Assessment on ……	Arrears of rates	…		
	Fee	… …		
	Total arrears	…		

Section/Mukim …….
Lot No. ……..

…….
for Local Authority

LOCAL GOVERNMENT ACT 1976

FORM F

WARRANT OF ATTACHMENT

[Section 148]

To:
…….
…….
…….

Whereas by a Notice bearing No. …….. posted/delivered on the …… day of …… 20 … the owner/occupier was required to pay at the office of …….. the sum of RM…… being arrears of rates and whereas the said sum of RM …… has not been paid;

This is to command you to attach the movable property of the said owner/occupier wherever the same may be found within the said …… Council of …..... and also any movable property to whomsoever belonging which is found on the holding …… (here describe holding or holdings) and unless the said sum of RM …… together with RM …… the costs of this attachment, be paid, to hold the same until further orders.

You are further commanded to return this Warrant on or before the …… day of …… 20 …. with an endorsement certifying the date and manner in which it has been executed or why it has not been executed.

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

…….
for Local Authority

PARTICULARS OF ARREARS AND FEES

	RM	*sen*
Current rates for …..... half year ending ....., 20 ….. … … …		
Arrears for …… years, *viz.* 20 ….. to 20 …. … … …		
Fee under Section 147 … … … … … … … … … … … …		
Attachment Fee … … … … … … … … … … … …		
Total …		

LOCAL GOVERNMENT ACT 1976

FORM G

INVENTORY AND NOTICE

[Section 148]

To:

…….. of …… Lot No. …….. Section/Mukim ……. (or other identifiable description)

Take notice that I have this day attached the property specified in the undermentioned inventory for the sum of RM ……. being arrears and costs recoverable under the Local Government Act 1976 as detailed below and that unless you pay into the office of the …… Council of ……. the amount due together with the costs of this attachment within 7 days of the date of this notice the property will be sold.

Dated this …… day of …….. 20 ……..

…….
Signature

INVENTORY

No. of Articles	Description of Property

DETAILS OF ARREARS AND COST

	RM	*sen*
Current rates for …..... half year ending ....., 20 ….. … … …		
Arrears for …… years, *viz.* 20 ….. to 20 …. … … …		
Fee under Section 147 … … … … … … … … … … … … …		
Attachment Fee … … … … … … … … … … … … … … … …		
Total …		

LOCAL GOVERNMENT ACT 1976

FORM H

NOTICE

[Section 148]

To:

……..
of Lot …….. Section/Mukim ……..
(or other identifiable description).

Take notice that by a Notice of Demand bearing No. …… posted/delivered on the …… day of …….. 20…… you were required to pay at the office of ……... the sum of RM …….. being arrears of rates and whereas the said sum of RM …… has not been paid and that unless you pay the said sum together with the costs of this attachment within 7 days of the date of this notice application will be made to the Registrar of the High Court for the sale of the said holding or holdings.

…….
for Local Authority

DETAILS OF ARREARS AND COST

	RM	*sen*
Current rates for …..... half year ending ....., 20 ….. … … … …		
Arrears for …… years, *viz.* 20 ….. to 20 …. … … … … … …		
Fee under Section 147 … … … … … … … … … … … … … … … …		
Attachment Fee … … … … … … … … … … … … … … … … … … …		
Total …		

LOCAL GOVERNMENT ACT 1976

FORM I

NOTICE OF SALE OR TRANSFER

[Section 160]

……..
……..
……..

I/We, ……
of …….
hereby give notice as required under subsection 160(1) of the Local Government Act 1976 of the following:

1. Title of Holding … ……

---

2. Description and Situation of Holding … Lot No. …… Section/Mukim ……...
Address ……..

---

3. Name of transferor ……
Name of transferee ……...
Address ……

---

4. Number or Symbol of Instrument Ref …….. Transfer Vol. ……
…….
Date of Registration of Instrument ……..

---

5. Remarks:
Purchase price …… Date of purchase ……
……...
……...

Dated this …….. day of …….. 20 ……..

…….
Signature

LOCAL GOVERNMENT ACT 1976

FORM J

NOTICE

[Section 160]

……..
……..
……..

I/We, ……
of …….
hereby give notice as required under subsection 160(2) of the Local Government Act 1976 of the following:

1. Title of Holding … ……

2. Description and Situation of Holding … Lot No. …… Section/Mukim ……...
Address ……..

---

3. Name of Owner prior to Transmission ……

Name of Present Owner
Address … ……

---

4. Number or Symbol of Instrument … … … Ref …….. Transfer Vol. ……
Folio ……...

Date of Registration of Instrument … … … …….

---

5. Remarks:
……...
……...
……...

Dated this …….. day of …….. 20 ……..

…….
Signature

SECOND SCHEDULE

[Section 166]

	Laws	*Extent of Repeal*
1.	Town Boards Enactment of the F.M.S. Cap. 137	The whole, except sections 67, 68, 69, 70, 71, 72, 73, 74, 76, paragraph 78*(a)*, *(d)*, subparagraph 78*(g)*(i) and (ii), paragraph 78*(h)* and *(l)*, 89, 90, 91, 91A, 92, 92A, 92B, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 110A, 111, 112, 113, 114, 115, 115A, 116, 117, 118, 119, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 133A, 134, 134A, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149.
2.	Town Boards Enactment of Johore No. 118	The whole, except sections 67, 68, 69, 70, 71, 72, 73, 74, 76, paragraph 78*(d)*, subparagraph 78*(g)*(i) and (ii), paragraph 78*(h)* and *(l)*, 89, 90, 91, 91A, 92, 92A, 92B, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 110A, 111, 112, 113, 114, 115, 115A, 116, 117, 118, 119, 120, 121, 122, 129, 130, 131, 132, 133, 133A, 134, 134A, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149 and 149A.
3.	Town Boards Enactment of Trengganu Cap. 64. 3/1955	The whole, except sections 67, 68, 69, 70, 71, 72, 73, 74, 76, paragraph 78(i), (iv), subparagraph 78(vii)*(a)* and *(b)*, paragraph 78(viii) and (xii), 89, 90, 91, 91A, 92, 92A, 92B, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 110A, 111, 112, 113, 114, 115, 115A, 116, 117, 120, 121, 122, 129, 130, 131, 133, 133A, 134, 134A, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 147A, 148 and 149.

	Laws	*Extent of Repeal*
4.	Municipal Enactment of Kelantan No. 20 of 1938	The whole, except sections 11A, 44, 45, 45A, 46, 46A, 46B, 47, 48, 49, 50, 51, 52, 53, 54, 54A, 54B, 54C, 54D, 54E, 54F, 54G, 54H, 54I, 54J, 54K, 54L, 54M, 54N, 54O, 55, 56 and 57.
5.	Municipal Ordinance of Straits Settlements Cap. 133	The whole, except paragraph 58(1)*(g)*, *(j)* and *(ee)*, sections 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 139A, 140, 141, 142, 142A, 143, 144, 144A, 144C, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156A, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 170A, 170B, 170C, 219, 229, paragraph 245*(a)*, *(b)*, subparagraph 245*(e)*(i) and (ii), paragraph 245*(f)* and *(k)*, sections 369, 370 and 395A.
6.	Local Councils Ordinance 1952	The whole.
7.	Local Government (Temporary Provisions) Act 1973	The whole.

LAWS OF MALAYSIA

APPENDIX

LOCAL GOVERNMENT ACT 1976

Act 171

Date of coming into force:

Area	*Provisions in force*	*w.e.f*	*Authority*
FEDERAL TERRITORY	The whole	01-01-1977	P.U.(B) 592/1976
The Federal Territory			
JOHORE			
Johor Bahru	The whole	01-11-1978	JPU. 62/1978
Pontian	The whole	01-02-1979	” 4/1979
Muar Selatan	The whole	01-05-1979	” 40/1979
Muar Utara	The whole	”	” 41/1979
Kluang Utara	The whole	”	” 42/1979
Kota Tinggi	The whole	”	” 43/1979
Mersing	The whole	”	” 44/1979
Batu Pahat Barat	The whole	01-09-1979	” 64/1979
Batu Pahat Timur	The whole	”	” 65/1979
Kluang Selatan	The whole	”	” 66/1979
Segamat Utara	The whole	”	” 67/1979
Segamat Selatan	The whole	”	” 68/1979
Johor Bahru Tengah	The whole	”	” 69/1979
Kulai	The whole	”	” 70/1979
KEDAH			
Areas of Kota Star, Kuala Muda, Kulim, Baling and Kubang Pasu	The whole	01-02-1978	KPU. 2/1978
Areas of Yan, Padang Terap, Sik, Bandar Bahru, Langkawi and Pendang	The whole	01-03-1979	KPU. 6/1979
KELANTAN			
Areas of Kota Bharu, Badang, Kemumin, Panji, Lundang and Kota	The whole	01-07-1978	KN. P.U. 13/1978

Area	*Provisions in force*	*w.e.f*	*Authority*
Areas of Kota Bharu, Kuala Krai, Pasir Mas, Tanah Merah, Pasir Puteh, Machang, Tumpat, Bachok and Ulu Kelantan	The whole	01-01-1979	KN. P.U. 4/1979
MALACCA			
Town and Fort of Malacca and Malacca Central	The whole	01-01-1977	MGN. 62/1977
Jasin	The whole	01-07-1978	” 157/1978
Alor Gajah	The whole	01-07-1978	” 158/1978
NEGERI SEMBILAN			
Areas specified in the Schedule—		01-03-1979	G.N.N.S. 128/1979
Towns and areas of Rantau, Kuala Sawah, Sagga, Sungai Gadut, Nilai, Labu Batu 8, 9 and 10, Ulu Beranang, Lenggeng, Mantin, Pajam, Batang Benar and Pantai.			
All the areas situated within the District of Seremban which are within six chains from the centre line on either side and throughout the entire length of metalled roads maintained by Government except areas within District Council of Seremban as mentioned above and Board Council of Seremban.			
Board Council of Seremban, Areas of the Town Board of Gedong Lalang; Local Council of Rahang, Rasah and Mambau and the adjacent areas thereof in the District of Seremban.		01-03-1979	G.N.N.S. 129/1979
The area specified in the Schedule as the Port Dickson District Council area.		01-12-1979	N.S.P.U. 18/1979
Areas of the Town Board of Tampin, the Local Council of Gedok and the adjacent areas thereof in the District of Tampin.		01-07-1980	G.N.N.S. 315/1980
The areas as specified in the Schedule— Towns and areas of Kuala		01-07-1980	G.N.N.S. 331/1980

Area	*Provisions in force*	*w.e.f*	*Authority*
Pilah, Tanjung Ipoh, Kampung Tengah, Simpang Dangi, Seri Menanti, Pelangai, Gentam, Air Mawang, Johol, Dangi, Kepis, Batu 10, Juasseh, Batu Meraong, Padang Lebar, Bukit Gelugor, Jemapoh, Terachi, Simpang Tanjung Ipoh and Senaling.			
All the areas situated within the District of Kuala Pilah which are within 20 chains from the centre line on either side and throughout the entire length of metalled roads maintained by Government except areas within District Council of Kuala Pilah as mentioned above.			
Areas of the Town Board of Rembau.		01-07-1980	G.N.N.S. 332/1980
Areas of the Town Board of Rompin, the Local Council Bahau and the adjacent areas thereof in the District of Jempol.		01-08-1980	N.S.P.U. 10/1980
Areas of the Town Board of Kuala Klawang, the Local Council of Titi, the Local Council of Pertang and the adjacent areas thereof in the District of Jelebu.		01-08-1980	N.S.P.U. 11/1980
PAHANG			
The whole area in the State of Pahang	The whole	01-07-1979	Phg. G.N. 374/1979
Raub (area marked in grey)	The whole	01-07-1981	Phg. G.N. 339/1981
Temerloh (area marked in grey)	The whole	01-07-1981	Phg. G.N. 340/1981
Bentong (area marked in grey)	The whole	01-07-1981	Phg. G.N. 341/1981
Jerantut (area marked in grey)	The whole	01-03-1982	Phg. G.N. 59/1982
Cameron Highlands (area marked in grey)	The whole	01-03-1982	Phg. G.N. 60/1982
Lipis (area marked in grey)	The whole	01-03-1982	Phg. G.N. 61/1982
Jerantut (area not marked in grey)	Exempted Part XV		Phg. G.N. 62/1982

Area	*Provisions in force*	*w.e.f*	*Authority*
Cameron Highlands (area not marked in grey)	Exempted Part XV		Phg. G.N. 63/1982
Lipis (area not marked in grey)	Exempted Part XV		Phg. G.N. 64/1982
PENANG			
Pulau Pinang	The whole	15-12-1976	Pg. P.U. 73/1976
PERAK			
Area of Majlis Daerah Batu Gajah consisting of Batu Gajah, Tronoh, Siputeh, Papan, Pusing, Tanjung Tualang, Sungai Durian and areas 40 chains on left and right of State and Federal Roads in Mukims of Belanja, Sungai Terap and Tanjung Tualang in Kinta District	The whole except Part X	01-09-1979	Pk. P.U. 40/1979
Areas of Local Government Management Boards of Taiping, Aulong, Pokok Asam, Kampong Pinang, Batu Kurau, Jelai, Pondok Tanjong, Ulu Sepetang and Matang, and adjacent areas thereof in the Districts of Larut and Matang	The whole except Part X	01-09-1979	Pk. P.U. 45/1979
Areas of Local Government Management Board of Krian, and areas covering Bagan Tiang, Titi Serong, Alor Pongsu, Bukit Merah, Gunong Semanggol, Simpang Empat Semanggol, Sungai Gedong and areas 6 chains on left and right of Federal Roads, and 4 chains on left and right of State Roads within District of Krian	The whole except Part X	01-09-1979	Pk. P.U. 46/1979
SELANGOR			
Selangor	The whole	01-01-1976	Sel. P.U. 8/1977
Taman Sri Muda, District of Klang	The whole	14-4-1983	Sel. P.U. 8/1983
TERENGGANU			
Kuala Terengganu		01-01-1979	Tr. G.N. 602/1979
Dungun		01-01-1981	Tr. G.N. 860/1980
Kemaman		01-01-1981	Tr. G.N. 861/1980
Ulu Kemaman		01-01-1981	Tr. G.N. 862/1980
Marang		01-01-1981	Tr. G.N. 863/1980
Besut		01-01-1981	Tr. G.N. 864/1980

Area	*Provisions in force*	*w.e.f*	*Authority*
PERLIS			
Perlis	The whole	01-01-1980	PS. P.U. 3/1979
Kangar Municipal Council	The whole Except partsVII-XV	01-01-1980	PS. P.U. 6/1979

APPENDIX

LOCAL GOVERNMENT (AMENDMENT) ACT 1993 (Act A865)

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
P.U. (B) 92/1994	
	Selangor
01-06-1994	Kawasan Majlis Perbandaran Petaling Jaya/ *Petaling Jaya Municipal Council area*
	Negeri Sembilan
01-06-1994	Kawasan Majlis Perbandaran Seremban/ *Seremban Municipal Council area*
P.U. (B) 384/1994	
	Selangor
01-09-1994	Kawasan Majlis Daerah Gombak/ *Gombak District Council area*
01-09-1994	Kawasan Majlis Perbandaran Ampang Jaya/ *Ampang Jaya Municipal Council area*
01-09-1994	Kawasan Majlis Perbandaran Klang/ *Klang Municipal Council area*
01-09-1994	Kawasan Majlis Perbandaran Shah Alam/ *Shah Alam Municipal Council area*
01-09-1994	Kawasan Majlis Daerah Petaling/ *Petaling District Council area*
01-09-1994	Kawasan Majlis Daerah Sepang/ *Sepang District Council area*
01-09-1994	Kawasan Majlis Daerah Ulu Langat/ *Ulu Langat District Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
01-09-1994	Kawasan Majlis Daerah Ulu Selangor/ *Ulu Selangor District Council area*
01-09-1994	Kawasan Majlis Daerah Kuala Langat/ *Kuala Langat District Council area*
01-09-1994	Kawasan Majlis Daerah Kuala Selangor/ *Kuala Selangor District Council area*
01-09-1994	Kawasan Majlis Daerah Sabak Bernam/ *Sabak Bernam District Council area*
	Perak
01-09-1994	Kawasan Majlis Bandaraya Ipoh/ *Area of the City Council of Ipoh*
01-09-1994	Kawasan Majlis Perbandaran Taiping/ *Taiping Municipal Council area*
01-09-1994	Kawasan Majlis Daerah Kuala Kangsar/ *Kuala Kangsar District Council area*
	Melaka
01-09-1994	Kawasan Majlis Perbandaran Melaka Bandaraya Bersejarah/ *Malacca Historical City Municipal Council area*
01-09-1994	Kawasan Majlis Daerah Jasin/ *Jasin District Council area*
01-09-1994	Kawasan Majlis Daerah Alor Gajah/ *Alor Gajah District Council area*
	Pulau Pinang
01-12-1994	Kawasan Majlis Perbandaran Pulau Pinang/ *Seberang Perai Municipal Council area*
01-12-1994	Kawasan Majlis Perbandaran Seberang Perai/ *Seberang Perai Municipal Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
	Perak
01-12-1994	Kawasan Majlis Daerah Manjung/ *Manjung District Council area*
01-12-1994	Kawasan Majlis Daerah Kerian/ *Kerian District Council area*
01-12-1994	Kawasan Majlis Daerah Kinta Selatan/ *Kinta Selatan District Council area*
01-12-1994	Kawasan Majlis Daerah Hilir Perak/ *Hilir Perak District Council area*
01-12-1994	Kawasan Majlis Daerah Tanjung Malim/ *Tanjung Malim District Council area*
01-12-1994	Kawasan Majlis Daerah Grik/ *Grik District Council area*
01-12-1994	Kawasan Majlis Daerah Perak Tengah/ *Perak Tengah District Council area*
01-12-1994	Kawasan Majlis Daerah Selama/ *Selama District Council area*
01-12-1994	Kawasan Majlis Daerah Tapah/ *Tapah District Council area*
01-12-1994	Kawasan Majlis Daerah Kinta Barat/ *Kinta Barat District Council area*
01-12-1994	Kawasan Majlis Daerah Lenggong/ *Lenggong District Council area*
01-12-1994	Kawasan Majlis Daerah Pengkalan Hulu/ *Pengkalan Hulu District Council area*
	Negeri Sembilan
01-12-1994	Kawasan Majlis Daerah Kuala Pilah/ *Kuala Pilah District Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
01-12-1994	Kawasan Majlis Daerah Seremban/ *Seremban District Council area*
01-12-1994	Kawasan Majlis Daerah Rembau/ *Rembau District Council area*
01-12-1994	Kawasan Majlis Daerah Tampin/ *Tampin District Council area*
01-12-1994	Kawasan Majlis Daerah Jelebu/ *Jelebu District Council area*
01-12-1994	Kawasan Majlis Daerah Jempol/ *Jempol District Council area*
	Kedah
01-02-1995	Kawasan Majlis Perbandaran Kota Setar/ *Kota Setar Municipal Council area*
01-02-1995	Kawasan Majlis Daerah Kuala Muda/ *Kuala Muda District Council area*
01-02-1995	Kawasan Majlis Daerah Kulim/ *Kulim District Council area*
01-02-1995	Kawasan Majlis Daerah Bandar Baharu/ *Bandar Baharu District Council area*
01-02-1995	Kawasan Majlis Daerah Yan/ *Yan District Council area*
01-02-1995	Kawasan Majlis Daerah Pendang/ *Pendang District Council area*
01-02-1995	Kawasan Majlis Daerah Padang Terap/ *Padang Terap District Council area*
01-02-1995	Kawasan Majlis Daerah Baling/ *Baling District Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
01-02-1995	Kawasan Majlis Daerah Kubang Pasu/ *Kubang Pasu District Council area*
01-02-1995	Kawasan Majlis Daerah Sik/ *Sik District Council area*
	Johor
01-02-1995	Kawasan Majlis Perbandaran Johor Bahru/ *Johor Bahru Municipal Council area*
01-02-1995	Kawasan Majlis Daerah Muar Selatan/ *Muar Selatan District Council area*
01-02-1995	Kawasan Majlis Daerah Segamat Utara/ *Segamat Utara District Council area*
01-02-1995	Kawasan Majlis Daerah Batu Pahat Barat/ *Batu Pahat Barat District Council area*
01-02-1995	Kawasan Majlis Daerah Johor Bahru Tengah/ *Johor Bahru Tengah District Council area*
01-02-1995	Kawasan Majlis Daerah Kluang Utara/ *Kluang Utara District Council area*
01-02-1995	Kawasan Majlis Daerah Kulai/ *Kulai District Council area*
01-02-1995	Kawasan Majlis Daerah Muar Utara/ *Muar Utara District Council area*
01-02-1995	Kawasan Majlis Daerah Segamat Selatan/ *Segamat Selatan District Council area*
01-02-1995	Kawasan Majlis Daerah Kota Tinggi/ *Kota Tinggi District Council area*
01-02-1995	Kawasan Majlis Daerah Mersing/ *Mersing District Council area*
01-02-1995	Kawasan Majlis Daerah Kluang Selatan/ *Kluang Selatan District Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
01-02-1995	Kawasan Majlis Daerah Pontian/ *Pontian District Council area*
	Perlis
01-04-1995	Kawasan Majlis Perbandaran Kangar/ *Kangar Municipal Council area*
	Pahang
01-04-1995	Kawasan Majlis Perbandaran Kuantan/ *Kuantan Municipal Council area*
01-04-1995	Kawasan Majlis Daerah Temerloh/ *Temerloh District Council area*
01-04-1995	Kawasan Majlis Daerah Bentong/ *Bentong District Council area*
01-04-1995	Kawasan Majlis Daerah Cameron Highlands/ *Cameron Highlands District Council area*
01-04-1995	Kawasan Majlis Daerah Jerantut/ *Jerantut District Council area*
01-04-1995	Kawasan Majlis Daerah Pekan/ *Pekan District Council area*
01-04-1995	Kawasan Majlis Daerah Lipis/ *Lipis District Council area*
01-04-1995	Kawasan Majlis Daerah Maran/ *Maran District Council area*
01-04-1995	Kawasan Majlis Daerah Raub/ *Raub District Council area*
01-04-1995	Kawasan Majlis Daerah Rompin/ *Rompin District Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
	Terengganu
01-04-1995	Kawasan Majlis Perbandaran Kuala Terengganu/ *Kuala Terengganu Municipal Council area*
01-04-1995	Kawasan Majlis Daerah Kemaman/ *Kemaman District Council area*
01-04-1995	Kawasan Majlis Daerah Dungun/ *Dungun District Council area*
01-04-1995	Kawasan Majlis Daerah Hulu Terengganu/ *Hulu Terengganu District Council area*
01-04-1995	Kawasan Majlis Daerah Besut/ *Besut District Council area*
01-04-1995	Kawasan Majlis Daerah Setiu/ *Setiu District Council area*
01-04-1995	Kawasan Majlis Daerah Marang/ *Marang District Council area*
	Kelantan
01-04-1995	Kawasan Majlis Perbandaran Kota Bharu/ *Kota Bharu Municipal Council area*
01-04-1995	Kawasan Majlis Daerah Kota Bharu/ *Kota Bharu District Council area*
01-04-1995	Kawasan Majlis Daerah Tumpat/ *Tumpat District Council area*
01-04-1995	Kawasan Majlis Daerah Pasir Mas/ *Pasir Mas District Council area*
01-04-1995	Kawasan Majlis Daerah Gua Musang/ *Gua Musang District Council area*
01-04-1995	Kawasan Majlis Daerah Kuala Krai Selatan/ *Kuala Krai Selatan District Council area*

(1) Tarikh Mula Berkuat kuasa/*Date of Coming into Operation*	(2) Bahagian/*Part*
01-04-1995	Kawasan Majlis Daerah Kuala Krai Utara/ *Kuala Krai Utara District Council area*
01-04-1995	Kawasan Majlis Daerah Bachok/ *Bachok District Council area*
01-04-1995	Kawasan Majlis Daerah Tanah Merah/ *Tanah Merah District Council area*
01-04-1995	Kawasan Majlis Daerah Jeli/ *Jeli District Council area*
01-04-1995	Kawasan Majlis Daerah Machang/ *Machang District Council area*
01-04-1995	Kawasan Majlis Daerah Pasir Puteh/ *Pasir Puteh District Council area*

LAWS OF MALAYSIA

Act 171

LOCAL GOVERNMENT ACT 1976

LIST OF AMENDMENTS

Amending law	Short Title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A436	Local Government (Amendment) Act 1978	03-03-1978
Act A564	Local Government (Amendment) Act 1983	01-01-1986
Act 341	Fire Services Act 1988	01-01-1989
Act A806	Local Government (Amendment) Act 1991	13-09-1991
Act A865	Local Government (Amendment) Act 1993*	(*See Appendix*)
Act A1131	Local Government (Amendment) Act 2007	**01-09-2011

**NOTE—Saving–see section 8.*

***NOTE*— This Act come into operation in the States of Perlis, Kedah, Pahang, Negeri Sembilan, Malacca and Johor— *see* P.U. (B) 488/2011 and in the Federal Territory of Kuala Lumpur and Putrajaya— *see* P.U. (B) 491/2011.

LAWS OF MALAYSIA

Act 171

LOCAL GOVERNMENT ACT 1976

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A436	03-03-1978
	Act A865	(*see* P.U. (B) 92/1994 and P.U. (B) 384/1994)
10	Act A436	03-03-1978
17	Act A436	03-03-1978
54	Act A436	03-03-1978
60	Act A436	03-03-1978
72	Act A865	(*see* P.U. (B) 92/1994 and P.U. (B) 384/1994)
	Act A1131	01-09-2011
73	Act A436	03-03-1978
	Act A865	(*see* P.U. (B) 92/1994 and P.U. (B) 384/1994)
	Act A1131	01-09-2011
Part X	Act 341	01-01-1989
101	Act A436	03-03-1978
102	Act A564	01-01-1986
102A	Act A436	03-03-1978
103	Act A436	03-03-1978
104	Act A436	03-03-1978

Section	Amending authority	In force from
107	Act A806	13-09-1991
113	Act A436	03-03-1978
128	Act A865	(*see* P.U. (B) 92/1994 and P.U. (B) 384/1994)
130	Act A436	03-03-1978
	Act A865	(*see* P.U. (B) 92/1994 and P.U. (B) 384/1994)
131	Act A865	(*see* P.U. (B) 92/1994 and P.U. (B) 384/1994)
137	Act A436	03-03-1978
144	Act A436	03-03-1978
163	Act A436	03-03-1978
164	Act A436	03-03-1978
First Schedule	Act A436	03-03-1978
Throughout the Act	Act 160	29-08-1975



LAWS OF MALAYSIA

Act A1772

LOCAL GOVERNMENT (AMENDMENT) ACT 2025

Date of Royal Assent ... ... 28 October 2025

Date of publication in the *Gazette* ... ... 12 November 2025

LAWS OF MALAYSIA

Act A1772

LOCAL GOVERNMENT (AMENDMENT) ACT 2025

An Act to amend the Local Government Act 1976.

[ ]

WHEREAS it is expedient for the purpose only of ensuring uniformity of law and policy to make a law with respect to local government:

NOW, THEREFORE, pursuant to Clause (4) of Article 76 of the Federal Constitution, **IT IS ENACTED** by the Parliament of Malaysia as follows:

Short title, application and commencement

1. (1) This Act may be cited as the Local Government (Amendment) Act 2025.

(2) This Act shall apply to Peninsular Malaysia and the Federal Territory of Labuan.

(3) This Act comes into operation on a date as the Minister may, after consultation with the State Authority, appoint in relation to that State by notification in the *Gazette* and the Minister may, after consultation with the State Authority, appoint different dates for the coming into operation of this Act in different local authority areas or parts of local authority areas.

(4) This Act comes into operation in the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the Federal Territory of Labuan on a date to be appointed by the Minister responsible for the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the Federal Territory of Labuan by notification in the *Gazette*.

(5) Notwithstanding subsection (3), the State Authority may, by notification in the *Gazette*—

(a) exempt any part of any local authority area from the provisions of this Act; and

(b) extend the provisions of this Act to apply to the whole or any area or part of any area within the State which is not under any local authority.

New section 104A

2. The Local Government Act 1976 [*Act 171*], which is referred to as the "principal Act" in this Act, is amended by inserting after section 104 the following section:

"**Community service order**

104A. (1) Where a person is convicted of an offence for the breach of any by-laws made under subparagraph 73(1)*(a)*(ii), the court before which such person is convicted may, in addition to the fine that it may impose under such by-laws, make a community service order requiring the convicted person to perform community service not exceeding twelve hours in aggregate within the period not exceeding six months and for such number of hours each day not exceeding four as may be specified in such order.

(2) Before making a community service order under subsection (1), the court shall—

(a) consider the physical and mental condition of the convicted person, if it is expedient for him to perform community service; and

(b) explain to the convicted person in ordinary language—

(i) the effect of the community service order; and

(ii) the consequence of failure to comply with the community service order.

(3) Any officer of a local authority duly authorized in writing shall, after a community service order is made under subsection (1), determine the time and place for the performance of the community service and type of community service to be performed by the convicted person, and take reasonable steps to inform the convicted person ordered to perform the community service of such time and place, and the type of community service to be performed.

(4) During the period of the community service order, the performance of the community service by the convicted person shall be supervised by an officer of a local authority duly authorized in writing.

(5) The supervision by the officer of a local authority duly authorized in writing of the performance of the community service by the convicted person under subsection (4) shall be in such manner as may be prescribed in any by-laws made under this Act.

(6) A local authority may make by-laws—

(a) to prescribe the type of community service to be performed under a community service order;

(b) to prescribe the manner of supervision of the performance of the community service under a community service order.

(7) Any person who fails to comply with the community service order made under subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand ringgit and not exceeding ten thousand ringgit.

(8) Where a community service order under subsection (1) is made against a child found guilty of an offence for the breach of any by-laws made under subparagraph 73(1)*(a)*(ii), the provisions relating to community service order under the Child Act 2001 [*Act 611*] shall apply.

(9) For the purposes of this section—

(a) "child" means a person who is under the age of eighteen years;

(b) "community service" means an unpaid work, service or course of instructions performed or undertaken for the purpose of maintaining or improving cleanliness of a public place.".

New section 121A

3. The principal Act is amended by inserting after section 121 the following section:

"**Power of supervision of community service**

121A. An officer of a local authority duly authorized in writing shall have the power to supervise the performance of any community service under a community service order made under subsection 104A(1).".