



# LAWS OF MALAYSIA

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REPRINT

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**Act 193**

## **NATIONAL EMBLEMS (CONTROL OF DISPLAY) ACT 1949**

*Incorporating all amendments up to 1 January 2006*

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**NATIONAL EMBLEMS (CONTROL OF DISPLAY)  
ACT 1949**

First enacted   ... .. 1949 (Ordinance No. 69  
of 1949)

Revised       ... .. 1977 (Act 193 w.e.f.  
1 December 1977)

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**LAWS OF MALAYSIA****Act 193****NATIONAL EMBLEMS (CONTROL AND DISPLAY)  
ACT 1949**

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**ARRANGEMENT OF SECTIONS**

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**LAWS OF MALAYSIA****Act 193****NATIONAL EMBLEMS (CONTROL OF DISPLAY)  
ACT 1949**

An Act to control the display of national emblems.

*[Peninsular Malaysia—31 December 1949;  
Sabah and Sarawak—13 May 1965, L.N. 185/1965]*

**Short title**

1. This Act may be cited as the National Emblems (Control of Display) Act 1949.

**Interpretation**

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

“Minister” means the Minister charged with the responsibility for the control of national emblem;

“national emblem” means any flag, banner or other emblem being or purporting to be the flag, banner or other emblem of any State, or the flag, banner or other emblem of any political organization claiming to be a national movement in any State or any likeness or resemblance however reproduced of any national leader or former national leader of any State or the leader or former leader of any such political organization.

“premises” means any land, building, vessel, vehicle or place whatsoever;

“school” means any premises or any part of any premises where persons are habitually taught whether in one or more classes;

“State” means any State or country, other than Malaysia and any State included in Malaysia, and includes any dependency, possession or part of any State.

**Display of national emblems in public or schools prohibited**

**3.** (1) No person shall display in public or at or within any school any national emblem.

(2) For the purposes of this section, an emblem shall be deemed to be displayed in public, if it is displayed in any road, street, bridge, passage, footway or place over which the public or any class of the public have a right of way or to which they have access, whether on payment or otherwise, or if it is displayed in such manner as to be visible from any such road, street, bridge, passage, footway or place by any member of the public using the same or being therein.

**Exceptions**

**4.** Nothing in section 3 shall apply to—

(a) the display of any national emblem of the State of which he is a national by any of the following persons:

- (i) any person duly accredited as a diplomatic representative of a foreign power or as a consular representative of a foreign power to Malaysia to whom an exequatur or provisional or other authorization has been granted by the Government;
- (ii) any person in the service of a Commonwealth Government or the Government of any British dependency or possession or of the Republic of Ireland and officially recognized as representing that Government in Malaysia; or
- (iii) any person upon whom the immunities and privileges referred to in Part II or Part III of the Schedule to the Diplomatic and Consular Privileges Ordinance 1957 [*Ord. 53 of 1957*] have been conferred under that Ordinance;

(b) the display of any national emblem on any ship or aircraft.

**Exemptions**

**5.** The Minister may, by order published in the *Gazette* or by a permit in writing, exempt from the provisions of section 3 the display of any national emblem specified in the order or permit, and such order or permit may regulate the manner of such display and the period during which such display may be permitted.

**Arrest without warrant**

6. Any police officer may arrest without warrant any person whom he has reasonable cause to believe has committed or is committing an offence under this Act.

**Power of entry and search**

7. Any police officer may enter any premises where any national emblem is displayed contrary to this Act or the terms or conditions of any order or permit made or given under section 5 or any school in which he has reasonable cause to believe that an offence against this Act is being or has been committed and may search any premises or school so entered or any part thereof and may seize any article found therein which he has reasonable cause to believe to be evidence of the commission of any such offence.

**Offences and penalties**

8. (1) Any person who—

- (a) displays any national emblem contrary to this Act or any condition of any order or permit made or given under section 5; or
- (b) being the owner, tenant, lessee, occupier or person in charge of any premises knowingly permits the display of any national emblem on or from those premises or within any school contrary to this Act or any condition of any order or permit made or given under section 5,

shall be guilty of an offence and shall, on conviction, be liable—

- (i) in the case of a person other than a body corporate, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred ringgit or to both;
- (ii) in the case of a body corporate, to a fine not exceeding one thousand ringgit.

(2) No prosecution shall be instituted under this Act without the prior consent, in writing, of the Public Prosecutor.

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## LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
L.N. 185/1965	Modification of Laws (National Emblems) (Extension) Order 1965	13-05-1965
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	L.N. 332/1958	13-11-1958
5	L.N. 332/1958	13-11-1958

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