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Act 425

NATIONAL SERVICE ACT 1952

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NATIONAL SERVICE ACT 1952

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LAWS OF MALAYSIA

Act 425

NATIONAL SERVICE ACT 1952

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LAWS OF MALAYSIA

Act 425

NATIONAL SERVICE ACT 1952

An Act relating to the registration of persons for national service and for the call up of persons so registered to perform services in the armed forces, the police forces and civil defence forces.

*[Peninsular Malaysia—1 March 1958, L.N. 1983/1958;
Sabah and Sarawak—28 February 1964, L.N. 70/1964]*

PART I

PRELIMINARY

Short title

1. This Act may be cited as the National Service Act 1952.

Interpretation

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

“civil defence force” means any force or service constituted under the Civil Defence Act 1951 [*Act 221*];

“enlist” includes “enrol”, and “enlistment” shall be construed accordingly;

“national service” means all or any of the following forms of service under this Act, namely, service in the armed forces, service in the police forces and service in the civil defence forces;

“Police Force” means the Royal Malaysia Police Force;

“police forces” includes the Police Force and any other force which the Minister may declare for the purposes of Part VI of this Act to have been raised for police duties; and “a police force” shall be construed accordingly;

“the proper authority” means the person appointed by the Minister to be the proper authority for the purposes of all or any of the provisions of this Act in which such expression occurs;

“regular forces” means the regular Armed Forces of Malaysia.

(2) For the purposes of this Act and of any proclamation made thereunder, the time at which a person attains a relevant age shall be deemed to be the commencement of the relevant anniversary of the date of his birth.

(3) *(Omitted).*

(4) In the application of this Act to the State of Sabah or Sarawak references in the Act to any written law of the States of Peninsular Malaysia or to any such written law, shall—

- (a) if such written law has been extended to apply to any such State, be construed as references to such written law or the provisions thereof as so extended to that State; and
- (b) if such written law has not been so extended, be construed as references to the corresponding written law or the corresponding provisions of such written law (if any) for the time being in force in such State.

PART II

EXEMPTIONS

Persons exempted from the operation of this Act

3. (1) The following persons shall be exempted from liability to register under Part III—

- (a) Judges of the Federal Court and the High Courts;
- (b) members of the Cabinet and any House of Parliament;
- (c) members of any Executive Council or any Legislative Assembly as defined in the Constitution;
- (d) accredited diplomatic or consular representatives and diplomatic or consular employees who are not domiciled in Malaysia;

- (e) persons employed in the service of the Government of any part of the Commonwealth outside Malaysia whose presence in Malaysia is occasioned solely by their employment in that service;
- (f) serving members of the regular forces;
- (g) serving members of the Malaysian Territorial Army, the Royal Malaysian Naval Volunteer Reserve and the Royal Malaysian Air Force Volunteer Reserve;
- (h) members of the police forces;
- (i) persons in holy orders and regular ministers, religious officials or lay missionaries of a recognized religious denomination who as such have been exempted from the operation of this Act by the Yang di-Pertuan Agong by notification in the *Gazette*;
- (j) mentally disordered persons within the meaning of any written law in force in Malaysia relating to mental disorders or persons found to be of unsound mind under Chapter XXXIII of the Criminal Procedure Code [*Act 593*] so long as such mental disorder or unsoundness of mind persists;
- (k) persons certified by two registered medical practitioners to be blind;
- (l) members of fire brigades maintained under any written law in force in Malaysia;
- (m) persons who have left or been discharged from the regular forces in consequence of disablement or ill-health, so long as such disablement or ill-health persists;
- (n) any other persons or categories of persons exempted from the operation of this Act by order of the Yang di-Pertuan Agong.

(2) In any case where there is doubt or dispute as to whether any person is entitled to exemption by reason of this section, the onus of proving that he is so entitled shall be on the person claiming such exemption.

(3) Where a notice has been duly served upon any person under this Act requiring him to do something on a future date and such person is at that date no longer liable to such requirement under this Act, such notice shall thereupon be deemed to be of no effect.

PART III

REGISTRATION FOR NATIONAL SERVICE

Liability to register

4. (1) The Yang di-Pertuan Agong may, from time to time, by proclamation direct that, save as otherwise provided by this Act, every male person who—

- (a) has at the date of the proclamation attained such age, not being less than seventeen years, as may be specified in the proclamation, but has not at that date attained such greater age, not being more than fifty-five years, as may be so specified; and
- (b) is at that date within Malaysia or, not having been within Malaysia at that date subsequently enters it,

shall be liable to register for national service under this Act.

(2) If any person who, at the date of a proclamation made under subsection (1), is exempted under section 3 from liability to register under Part III thereof, thereafter ceases to be so exempted, he shall on such cesser become liable to register for national service under this Act.

Registration

5. (1) The Minister may, from time to time, by notice in the *Gazette*, require persons or categories of persons liable to register by virtue of a proclamation made under section 4 to present themselves for registration at such place or places, at such time or times and to such authority as may be specified in the notice.

(2) Any person affected by a notice given under subsection (1) who, without lawful excuse, fails to present himself for registration in accordance with such notice shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.

Rules regarding registration

6. (1) The Minister may make rules requiring persons affected by a notice under section 5 to furnish in such manner, and to such authority or person, as may be specified in the rules, such particulars about themselves as may be so specified.

(2) Such rules shall make provision enabling a person to state, on registration, that he has a preference to serve in any of the armed forces, police forces or civil defence forces.

(3) Such rules may make different provisions in relation to different categories of persons and may provide for exempting from any requirements of the rules any category of such persons with respect to whom the Minister is satisfied that particulars sufficient for the purposes of this Act can be ascertained otherwise than by virtue of those requirements and may require employers to register particulars of such persons employed by them and may require such persons to furnish to their employers such particulars concerning themselves as may be required for the purposes of registration under this Act.

(4) It shall be the duty of the proper authority to ensure that—

(a) the particulars required to be given by rules made under this section are entered in a register kept for the purposes of this Act, hereinafter in this Act referred to as the national service register; and

(b) a certificate of registration in the prescribed form is issued to any person registered under this Act.

(5) The proper authority may make regulations to provide for the issue in specified circumstances of fresh certificates of registration in place of certificates which have been lost, destroyed or defaced.

(6) The proper authority may, on application made in the prescribed manner, by any person exempted under subsection 3(1), grant a certificate to the effect that such person is so exempted:

Provided that such certificate shall not be granted to any person exempted under paragraph (f), (g) or (h) of that subsection.

(7) If in any case it appears to the proper authority that a registration is incomplete or incorrect and that it cannot be completed or corrected without the personal attendance of the person concerned, the proper authority may require his attendance at such place and at such time as may be appointed, and any person whose attendance is so required shall attend and answer such questions as may be addressed to him for the purpose of enabling the registration to be completed or corrected, and if he refuses or without lawful excuse neglects to attend at the place or time appointed he shall, save as hereinbefore provided, be guilty of an offence against this Act.

Prohibition on leaving Malaysia

7. (1) No person who, by virtue of any proclamation made under section 4, is liable to register under this Act shall leave Malaysia unless he is in possession of a valid certificate (in this Act referred to as “an exit permit”) permitting him to leave Malaysia.

(2) Exit permits may be granted by the proper authority and shall be valid for such period and subject to such conditions as the proper authority may specify in such permits. No exit permit shall be granted to a person registered under this Act except on the surrender of the certificate of registration of such person.

(3) Any person who leaves Malaysia in contravention of subsection (1) or of any condition specified in the exit permit shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand ringgit or to both.

(4) Applications for an exit permit may be made by any person or by his employer and shall be made in the prescribed manner.

(5) Where an application for an exit permit is made, the proper authority, unless he grants the exit permit, shall, if so requested by the applicant, refer the application to a local advisory board constituted under Part VIII and such board may make such recommendations to the proper authority as it deems fit.

(6) The Yang di-Pertuan Agong may make rules as to the principles to be applied and the circumstances to which regard is or is not to be had, in considering any application for the grant of an exit permit.

(7) Where an exit permit has been granted to any person, such person shall, before leaving Malaysia, notify the proper authority, in writing or in person, of his intention to leave Malaysia stating the proposed period of absence.

(8) A person who has left Malaysia on an exit permit, shall, within seven days of his return to Malaysia, present himself to the proper authority, report his return to such authority and apply for a certificate of registration.

(9) Any person who without reasonable excuse fails to comply with subsections (7) and (8) shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred ringgit or to both.

(10) A person to whom an exit permit has been granted under this section shall not be exempted from complying with any other law relating to departure from or entry into Malaysia.

Power to take suspected offenders into custody

8. (1) A police officer or an authorized person may, at any time, require any person whom he has reasonable cause to believe to be a person required to be registered under this Act in pursuance of a notice under section 5, to produce his certificate of registration or, if such certificate of registration has been surrendered on the grant of an exit permit, such exit permit, and if such person fails to produce such certificate or permit on demand he shall be guilty of an offence and liable on conviction to a fine of twenty-five ringgit and the police officer or the authorized person if he has reasonable grounds for believing that such person would abscond or does not know and cannot obtain his name and address, may, without warrant, take such person into custody.

(2) When under the powers conferred by this section a police officer or an authorized person arrests any person without warrant the Officer in Charge of the Police Station to which the person is brought, shall, unless in his belief the release on bail of the person arrested would tend to defeat the registration of such person for national service, release such person on his entering into such recognizance, with or without sureties, as may in the judgment of such officer be required to secure his attendance upon the hearing of the charge.

(3) In this section “authorized person” means a person authorized by the Minister by notification in the *Gazette* to exercise the powers conferred by this section.

PART IV

MEDICAL EXAMINATION

Medical examination

9. (1) The proper authority may, from time to time, cause to be served on any person registered under this Act a written notice in the prescribed form requiring that person to submit himself to medical examination by a medical board at such place and time as may be specified in the notice; and where such a notice has been served on any person the proper authority may at any time while that person remains so registered cancel the notice or cause to be served on him a further notice varying the original notice by altering the place or time, or both the place and the time, at which he is thereby required to submit himself to medical examination.

(2) The Minister may make rules for determining the constitution of medical boards for the purposes of this section and for regulating the procedure of such boards, and such rules may in particular provide for enabling a medical board—

- (a) in a case where the board is unable to complete a medical examination on one occasion to direct the person examined to submit himself to a further medical examination by a medical board at a specified time and place; and
- (b) to direct the person examined to submit himself to examination by a consultant examiner.

(3) The Minister may by rules determine the categories in which persons medically examined under this section are to be placed by reference to their physical condition.

(4) No person shall be liable to be called up under this Act for service in any armed force or police force or for full-time service in any civil defence force until he has submitted himself to medical examination under this section.

(5) If any person fails to comply with the requirements of a notice served on him under this section or of any rules made or directions given by virtue thereof, he shall, save as hereinafter provided, be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred ringgit or to both.

(6) The Court by which any person is convicted by reason of his failure to comply with—

- (a) a notice served on him by the proper authority under subsection (1) requiring him to submit himself to medical examination by a medical board; or
- (b) directions given by a medical board by virtue of paragraph (2)(a) requiring him to submit himself to a further medical examination by a medical board; or
- (c) directions given by a medical board by virtue of paragraph (2)(b) requiring him to submit himself to examination by a consultant examiner,

may, without prejudice to any penalty imposed on him, order him to submit himself to medical examination, further medical examination, or examination by a consultant examiner, as the case may be, at such time and place as may be fixed by a notice served on him by the proper authority and any such order may include provisions that he shall be detained in custody until that time and taken by a police officer to that place at that time:

Provided that no person shall be detained by virtue of any such order for more than seven days.

(7) A person who fails to submit himself for medical examination in accordance with any such order shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand ringgit or to both.

(8) A notice served on any person under this section shall cease to have effect if, before the date on which he is thereby required to submit himself to medical examination, he ceases to be liable to register under this Act.

(9) The proper authority may on application duly made cause to be paid to members of medical boards constituted for the purpose of this section, such remuneration and allowances as he may, with the approval of the Minister, determine; and shall on application duly made cause to be paid to persons undergoing medical examination under this section such travelling and other allowances, including compensation for loss of remunerative time, in accordance with such scale as he may, with the approval of the Minister, determine.

PART V

ENLISTMENT IN ARMED FORCES

Liability to be called up for service in the armed forces

10. Every person not being less than eighteen years of age who for the time being is—

- (a) liable to register under this Act; and
- (b) eligible for enlistment in the armed forces,

shall be liable to be called up for service in the armed forces.

Calling up for service in armed forces

11. (1) The proper authority may cause to be served on any person who is liable to be called up for service in the armed forces and who has been medically examined under section 9, a written notice (hereinafter in this Act called “an enlistment notice”) stating that he is called up for service in such one of the armed forces as may be specified and requiring him to present himself at such place and time (not earlier than the seventh day after the date of the service of the notice) and to such authority as may be so specified.

(2) Subject to the following provisions of this Act every person upon whom an enlistment notice is served shall on the date specified in the notice present himself to the authority and shall enlist in the force therein specified in the manner provided by law for enlistment in such force and the term or period for which he is enlisted in such force shall, notwithstanding anything in any other written law for the time being in force governing service in such force, be deemed to be from the day of such enlistment for a period of two years, or such shorter period as may be specified in the enlistment notice.

(3) Any person who without reasonable excuse fails to comply with the requirements of an enlistment notice served on him under this section shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.

(4) Where an enlistment notice has been duly served on any person, the proper authority may, at any time while that person remains liable to be called up for service in the armed forces, cancel the notice and, if he thinks fit cause to be served on him a further enlistment notice.

(5) An enlistment notice served on any person shall cease to have effect if before the date on which he is thereby required to present himself he ceases to be liable to be called up for service in the armed forces.

(6) The proper authority may pay to persons required to present themselves in accordance with enlistment notices served upon them such travelling and other allowances as he may, with the approval of the Minister, determine.

PART VA

NATIONAL SERVICE RESERVE

Raising of national service reserve

11A. There shall be raised and maintained in Malaysia, in so far as moneys provided for that purpose may permit, a national service reserve for the armed forces.

Service in the national service reserve

11B. Subject to the following provisions of this Part, any person who, having been enlisted in one of the armed forces pursuant to section 11, has completed the period of full-time service for which he was required to enlist (hereafter in this Part referred to as the “period of full-time service”), shall be transferred to the national service reserve and shall serve therein for a period of five years starting with the day following that on which he completed his period of full-time service.

National service reserve may be recalled by proclamation

11c. (1) The Yang di-Pertuan Agong may by proclamation recall for full-time service the whole or any part of the national service reserve.

(2) Every person recalled under the last foregoing subsection shall report for service at such time and place as the competent authority may by notification in the *Gazette* or otherwise, appoint.

(3) A copy of every proclamation made under subsection (1) shall be published in the *Gazette* and laid before each House of Parliament as soon as possible after it is made.

(4) Any person in the national service reserve shall upon being re-called for full-time service by a proclamation under this section be deemed to be a person subject to service law and shall if he fails, without leave being lawfully granted or without any reasonable excuse, to report in accordance with subsection (2) be guilty of the offence mentioned in subsection 54(1) of the Armed Forces Act 1972 [Act 77] as if he had deserted from the Forces; and any such person shall be tried before a court martial.

Retention of national servicemen in full-time service

11d. When the Yang di-Pertuan Agong has issued a proclamation under subsection (1) of the last foregoing section he may order that any person who would otherwise fall to be transferred to the national service reserve on completion of his period of full-time service shall continue in full-time service.

Service required of national service reservists recalled or retained for full-time service

11e. (1) Subject to this section a person who is recalled for or retained in full-time service by virtue of either of the two last foregoing sections shall be liable to serve in full-time service until his services are no longer required.

(2) No person shall be detained in full-time service by virtue of this section later than the expiration of twelve months after the date on which apart from this section he would fall to be discharged from the national service reserve.

Liability of national service reservists for training

11F. (1) During the period of his service in the national service reserve a person may be called out for training for any periods not exceeding in the aggregate fifteen days in any year of that service.

(2) The competent authority may serve or may cause to be served upon any person in the national service reserve a training notice which shall state that he is called out for training and the period for which he is called out and shall require him to present himself at such time and place on such day (not earlier than the thirtieth day after the day of the service of the notice), and to such authority, as may be specified in the notice.

(3) Where a training notice has been served on any person, the competent authority may at any time before the date on which he is thereby required to present himself cause to be served on him a supplementary notice varying the training notice by altering the place or time at which, but not the date on which, he is thereby required to present himself.

(4) Every training notice served otherwise than by registered post shall require the person upon whom it is served to acknowledge receipt thereof within such time as may be specified in the requirement; and if acknowledgment is not received the competent authority may cause a further training notice to be served on him by registered post and may by that notice direct that the former notice shall be deemed never to have had effect.

(5) If at any time during a person's period of service in the national service reserve any change occurs in his name or address, he shall forthwith notify the change to such person and in such manner as may be prescribed; and if he fails to do so he shall be guilty of an offence against this Act.

(6) Any person in the national service reserve shall upon being called out for training under this section be deemed to be a person subject to service law and shall if he fails, without leave being lawfully granted or without any reasonable excuse, to present himself in accordance with subsection (2) be guilty of the offence mentioned in section 58 of the Armed Forces Act 1972 [*Act 77*], as if he had failed to appear at the place of parade or rendezvous appointed by his commanding officer; and any such person shall be tried before a court martial.

Attachment of national service reservists to armed forces during training

11G. A person in the national service reserve may during any period of training for which he is called out under the last foregoing section be attached to and trained with any body of the armed forces.

Application of sections 20 and 21 in respect of national service reservists

11H. Sections 20 and 21 shall apply in respect of any person in the national service reserve as they apply in respect of any person called out or liable to be called out for full-time service under section 10 or 11.

Exemptions from service in the national service reserve

11J. It shall be lawful for the competent authority to grant exemption to any person from section 11B if it appears necessary or expedient to the authority so to do.

Extent of liability of national service reservists to trial by service law

11K. Any person in the national service reserve who commits an offence against section 54 or section 58 of the Armed Forces Act 1972 may be tried, convicted and punished under that Act whether or not otherwise subject to service law.

Trial by a civil court

11L. (1) Notwithstanding subsection 11C(4), subsection 11F(6) and section 11K, the person mentioned in those sections may, subject to section 11P, be tried in a civil court for an offence under this Act.

(2) In the application of section 174 of the Armed Forces Act 1972 to a person in the national service reserve, the delivery of such person into military custody under that section or the committal of such person under that section for the purpose of being so delivered, shall not prevent that person from being subsequently tried in a civil court.

Punishment for inducing a national service reservist to desert or absent himself

11M. (1) Any person who by any means whatsoever—

- (a) procures or persuades any person in the national service reserve to desert or attempts to procure or persuade any such person to desert;
- (b) knowing that a person as aforesaid is about to desert, aids or assists him in so doing; or
- (c) knowing any such person to be a deserter, conceals such person or aids or assists him in concealing himself, or aids or assists him in his rescue,

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.

(2) The last foregoing subsection shall apply to absence without leave and absentees without leave as it applies to desertion and deserters, but with the substitution for the reference to such imprisonment or fine as is therein specified of a reference to a fine not exceeding one thousand ringgit.

False pretence of desertion, etc.

11N. Any person who falsely represents himself to be a deserter or absentee without leave from the national service reserve shall, on conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand ringgit or to both.

Provisions as to offences triable both by court martial and by civil court

11P. The following provisions shall have effect as respects the trial and punishment of persons in the national service reserve charged with offences which in pursuance of this Part are cognizable both by a court martial and by a civil court:

- (a) a person shall not be liable to be tried in both of the following ways, that is to say, on the one hand by court martial or by the case being disposed of summarily

by his commanding officer and on the other hand by a civil court, but shall be proceeded against in such one or other of those ways as may be prescribed;

- (b) proceedings against a person so charged, before either a court martial or his commanding officer or a civil court, may be instituted whether or not the term of the person's service in the national service reserve has expired;
- (c) any such proceedings may, notwithstanding anything in any other written law, be instituted within two months after whichever of the following events is the later, that is to say—
 - (i) the time at which the offence becomes known to an officer who by rules made under this Act has power to direct the way in which the offender is to be tried; or
 - (ii) the time at which the offender is apprehended, whether by a civil or a military authority;
- (d) nothing in any other written law which prescribes for a period of limitation respecting the time for the hearing and determining of offences shall apply in the case of any proceedings so instituted as aforesaid.

Record of illegal absence

11Q. Where a person in the national service reserve is subject to service law, and is unlawfully absent from his duty, a board of inquiry under section 147 of the Armed Forces Act 1972 may be assembled after the expiration of twenty-one days from the date of the person's absence, notwithstanding that the period during which the person was subject to service law is less than twenty-one days, or has expired before the expiration of twenty-one days; and the record mentioned in the said section may be entered in the manner thereby provided.

Application of section 182 of the Armed Forces Act to evidence

11R. Section 182 of the Armed Forces Act 1972 (which relates to proof of outcome of civil trial of a person subject to service law) shall apply in the case of a person in the national service reserve who is tried by a civil court, whether or not he is at the time of the trial subject to service law.

Interpretation of Part VA

11s. In this Part unless the context otherwise requires—

“competent authority” means the Armed Forces Council or any person appointed by the Armed Forces Council in that behalf;

“service law” means the provisions relating to offences, penalties and discipline contained in the Armed Forces Act 1972, applicable to men of the reserve force of the Forces.

PART VI

ENROLMENT IN THE POLICE FORCES

Liability to be called up for service in the police forces

12. Every person not being less than eighteen years of age who for the time being is liable to register under this Act shall be liable to be called up for service in the police force.

Calling up for service in the police forces

13. (1) The proper authority may cause to be served on any person who is liable to be called up for service in the police forces a written notice (hereinafter in this Act referred to as a “police enrolment notice”) stating that he is called up for service in such one of the police forces as may be specified and requiring him to present himself at such place and time (not earlier than the seventh day after the date of the service of the notice) and to such authority as may be so specified.

(2) Subject to the following provisions of this Act every person upon whom a police enrolment notice is served shall, on the date specified in the notice present himself to the authority and shall enrol in the police force therein specified in the manner provided by the Police Act 1967 [*Act 344*] or any other written law governing service in such force, and the term or period for which he is enrolled in such force shall, notwithstanding anything in any other written law for the time being in force governing service in such force, be deemed to be from the day of such enrolment for a period of two years, or such shorter period as may be specified in the police enrolment notice.

(3) Any person who, without reasonable excuse, fails to comply with the requirements of a police enrolment notice served on him under this section shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.

(4) Where a police enrolment notice has been duly served on any person, the proper authority may at any time while that person remains liable to be called up for service in the police forces, cancel the notice and, if he thinks fit cause to be served on him a further police enrolment notice.

(5) A police enrolment notice served on any person shall cease to have effect if before the date on which he is thereby required to present himself he ceases to be liable to be called up for service in the police forces.

(6) The proper authority may pay to persons required to present themselves in accordance with police enrolment notices served upon them such travelling and other allowances as he may, with the approval of the Minister, determine.

PART VII

ENROLMENT IN CIVIL DEFENCE FORCES

Liability to be called up for civil defence

14. Every person not being less than eighteen years of age who for the time being is liable to register under this Act shall be liable to be called up for civil defence either for full-time or part-time service in the manner and on the terms provided by this Part.

Enrolment in Civil Defence Forces

15. (1) The proper authority may cause to be served on any person who for the time being is liable to be called up for civil defence, a notice in the prescribed form (in this Act referred to as “an enrolment notice”) stating that he is called up for civil defence.

(2) Every such notice shall state whether the service required of the person on whom it is served is full-time or part-time service and shall require such person to present himself in accordance with the terms of the notice at such place and time (not earlier than

the seventh day after the date of the service of the notice), and to such authority, and for service with such civil defence force, as may be specified in the notice.

(3) Subject to the following provisions of this Act every person upon whom an enrolment notice is served shall on the date specified in the notice present himself to such authority and shall enrol in the force therein specified in the manner provided by the Civil Defence Act 1951 [*Act 221*], or any regulations made thereunder, for enrolment in such force, and the term or period for which he is enrolled in any such force shall, notwithstanding anything in the Civil Defence Act 1951, or any regulations made thereunder governing service in such force, be deemed in the case of full-time service to be for a period of two years, or such shorter period as may be specified in the enrolment notice.

(4) Any person who without reasonable excuse fails to comply with the requirements of an enrolment notice served on him under this section shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand ringgit or to both.

(5) Where an enrolment notice has been duly served on any person, whether such person has already enrolled in the force specified therein or not, the proper authority may—

- (a) at any time while such person remains liable to be called up for civil defence cancel the notice and, if he thinks fit, cause to be served upon him a further enrolment notice; or
- (b) at any time while that person remains liable to be called up for service in the armed forces or in the police forces cancel that notice and, if he thinks fit, cause to be served upon him an enlistment notice or a police enrolment notice, and thereupon Part V or VI as the case may be shall apply to such person:

Provided that if any person having already served in any full-time service in the civil defence forces under this Part is thereafter enlisted in any local force under Part V or enrolled in a police force under Part VI the period for which he is so enlisted or enrolled together with the period during which he has so served in the civil defence forces shall not in the aggregate exceed two years.

(6) An enrolment notice served on any person shall cease to have effect if, before the date on which he is thereby required to present himself, he ceases to be liable to be called up for civil defence.

(7) The proper authority may pay to persons required to present themselves in accordance with enrolment notices served upon them such travelling and other allowances as he may, with the approval of the Minister, determine.

Terms of service

16. A person who is enrolled in a civil defence force under subsection 15(3) shall be deemed to have been enrolled in such force on the following terms:

- (a) he shall serve in the civil defence force specified in the enrolment notice served upon him or with such other civil defence force to which he may from time to time be transferred under the Civil Defence Act 1951 or any rules or regulations made thereunder;
- (b) he shall continue to serve in any civil defence force in which he is for the time being enrolled—
 - (i) until he is discharged from such force in accordance with the written law governing such force;
 - (ii) until he is enrolled in some other civil defence force to which he has been transferred under paragraph (a);
 - (iii) until the expiry of the period (if any) for which he was enrolled in accordance with the enrolment notice under which he was first enrolled; or
 - (iv) until the cancellation of such enrolment notice under subsection 15(5),

whichever is the earlier;

- (c) he shall be subject to any written law for the time being in force which create offences by members of the civil defence force with which he is for the time being serving;
- (d) while serving with any civil defence force he shall be subject to the rules of government and discipline of the force;

- (e) his conditions of service as regards pay, allowances, clothing, expenses and other matters shall be such as may be determined in accordance with Civil Defence Act 1951, and any rules or regulations made thereunder, or of any written law having reference to the civil defence forces.

PART VIII

POSTPONEMENT OF LIABILITY TO SERVE

Postponement of liability to serve

17. (1) Subject to this section, any person registered under this Act may apply in the prescribed manner to the proper authority for a certificate of postponement of liability to be called up for service in the armed forces, the police forces or for full-time service in the civil defence forces (hereinafter in this Act referred to as “a postponement certificate”) on the ground that exceptional hardship would ensue if he were so called up, and may on that ground apply in the prescribed manner to the proper authority for the renewal of any postponement certificate granted to such person.

(2) Subject to this section, the employer of any person referred to in subsection (1) or where such person is self-employed he himself may apply in the prescribed manner to the proper authority for a postponement certificate on behalf of his employee or of himself, as the case may be, on the ground that it is necessary or expedient in the public interest or in the interests of defence or the efficient prosecution of any war in which the Yang di-Pertuan Agong may be engaged that such employee or he, as the case may be, should not be so called up and may, on that ground, apply in the prescribed manner to the proper authority for the renewal of any postponement certificate granted in the manner aforesaid.

(3) An application for a postponement certificate or for the renewal thereof made under this section shall be determined by the proper authority and such determination shall be final:

Provided that where such application is made under subsection (1), the proper authority shall before such determination refer the application to a local advisory board constituted under this Part and such board may after considering the application make such recommendations thereon to the proper authority as it thinks fit.

(4) (a) For the purposes of this Act there shall be constituted in accordance with this subsection such local advisory boards as may be required.

(b) The Minister may appoint for any specified area a Chairman of local advisory boards and a panel consisting of not less than three and not more than twelve persons who shall be eligible to serve on a local advisory board constituted for that area.

(c) Where under this Act any application is to be referred to a local advisory board the Chairman of the local advisory boards for the appropriate area shall appoint any two persons from the panel referred to in the last preceding paragraph and the Chairman together with such two persons shall constitute a local advisory board for the purpose of considering such application.

(d) The Chairman shall so far as possible ensure that at least one member of a local advisory board shall be of the same race as the person whose application is to be considered by such board.

(5) An application for the grant of a postponement certificate may be made at or within seven days after a medical examination carried out under section 9 or if there is more than one such examination at or within seven days after the first of such examinations, or within such extended time as the proper authority may in his discretion allow; and an application for the renewal of a postponement certificate may be made within twenty-eight days before the expiration of the period for which that certificate was granted or last renewed.

(6) The Yang di-Pertuan Agong may make rules as to the principles to be applied, and the circumstances to which regard is or is not to be had, in considering any application under subsection (1) for the grant or renewal of a postponement certificate, and as to the period for which a postponement certificate may be granted or renewed.

(7) In any case where an applicant has represented to the proper authority or to a local advisory board the existence of any circumstance or condition as a reason for the grant or renewal of a postponement certificate and a certificate has been granted or renewed wholly or partly in consequence of such representation, and where at any time while such certificate is in force any change occurs in any such circumstance or condition the person to whom the certificate

was granted or his employer, if the employer was the applicant, shall forthwith notify the change in the prescribed manner to the proper authority. Any person who, being required to notify a change in accordance with this subsection, fails to do so shall be guilty of an offence against this Act.

(8) If at any time it appears to the proper authority that, by reason of any such change as is referred to in the last preceding subsection or for any other sufficient reason, the certificate ought to be cancelled or the period for which it was granted or last renewed ought to be shortened, the proper authority may—

- (a) in the case of a certificate granted or renewed under subsection (2), cancel the certificate or vary it by shortening the period for which it was granted or renewed; and
- (b) in the case of a certificate granted or renewed under subsection (1), refer the matter to a local advisory board and the board may make such recommendations regarding the cancellation or variation of such certificate to the proper authority as it thinks fit and the proper authority may after considering such recommendations thereupon cancel or vary such certificate.

(9) No determination of the proper authority made for the purposes of this section shall be called in question in any Court.

Suspension of enlistment, *etc.*, pending appeals, *etc.*

18. Where on the day on which a person is required to present himself in accordance with an enlistment notice, a police enrolment notice or an enrolment notice, as the case may be—

- (a) there is in force a postponement certificate relating to such person; or
- (b) any application by such person or his employer under that last preceding section has been made and is awaiting determination,

the notice served on him shall in the case of paragraph (a) be of no effect and in the case of paragraph (b) the operation of such notice shall be suspended until the determination of such application.

Suspension of right to postponement of liability to serve

19. The Yang di-Pertuan Agong, if satisfied at any time that it is necessary in the public interest so to do, may by order—

- (a) cancel all or any postponement certificates granted in pursuance of an application under subsection 17(2) and in force at the date of the order, either generally or in relation to a specified category of persons or in relation to any individual; and
- (b) abrogate, either generally or in relation to a specified category of persons, any right to apply for the grant of a postponement certificate under the said section;

and the Yang di-Pertuan Agong may, by order, vary or revoke any order in force under this section, without prejudice, however, to the previous effect of that order.

PART IX**REINSTATEMENT IN CIVIL EMPLOYMENT****Reinstatement in civil employment**

20. (1) It shall be the duty of the employer by whom any person was employed for a period of at least fourteen days immediately preceding the day on which he was called up for full-time national service under this Act to reinstate him in his employment at the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called up, and if he fails to do so, the employer shall, subject as hereinafter provided, be liable on conviction to a fine not exceeding two thousand ringgit; and the Court by which any employer is found guilty of an offence under this subsection may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount equal to three months remuneration at the rate at which his remuneration was last payable to him by the employer:

Provided that in any proceedings under this subsection it shall be a defence for the employer to prove that the person formerly employed by him did not, before the expiration of one month after the termination of such service or employment as aforesaid, apply

to the employer for reinstatement, or that, having been offered reinstatement by him, he failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him)—

- (a) it was not reasonably practicable to reinstate him; or
- (b) his reinstatement in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been called up from his civil employment was impracticable, and that the employer has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable.

(2) For the purpose of securing the fair adjustment of contracts of service in force between employers and employees when the employees are or were so called up for service from their civil employment, the Yang di-Pertuan Agong may make rules relieving the parties to such contracts of all or any of their obligations thereunder in respect of the period of that service, and may also make rules modifying such contract by extending the period of service thereunder by a period not exceeding the period of the said service, and adapting the terms of the contracts in relation to any such extension.

(3) In relation to any person so called up for national service from his civil employment references in this section to an employer shall be construed as including references to any person for the time being carrying on the undertaking or service in which he was employed when so called up as aforesaid, or carrying on any undertaking or service with which that undertaking or service has been amalgamated or in which it was comprised on the date on which he was so called up or directed as aforesaid.

(4) If the Yang di-Pertuan Agong is satisfied that it is necessary to restrain employers from terminating the employment of their employees by reason of any duties or liabilities which they are or may become liable to perform or discharge by reason of their having been called up for national service from their civil employment or to make provision for the prevention of evasion of this section, he may make rules for those purposes, and such rules may make

provision for the punishment of breaches of the rules, and may in particular apply with respect to persons found guilty of such breaches any of the provisions of this section relating to persons found guilty of offences under this section, with or without modifications.

(5) For the purposes of this section a person who has been called out—

- (a) under section 202 of the Armed Forces Act 1972;
- (b) under section 55 of the Police Act 1967 [Act 344]; or
- (c) under section 7 of the Civil Defence Act 1951,

shall be deemed to have been called up for full time national service under this Act.

Prohibition of dismissal of employees by reason of liability for service

21. (1) If the employer of any person liable to be called up for national service (whether full-time or part-time) under this Act terminates his employment without such person's consent before the date on which such person is required to present himself in accordance with an enlistment notice, a police enrolment notice or an enrolment notice, or after such date in any case where such person is called up for part-time national service, and does so solely or mainly by reason of any duties or liabilities which that person is or may become liable to perform or discharge by reason of his being or being liable to be called up as aforesaid, the employer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand ringgit; and the Court by which he is convicted may order him to pay to the person whose employment has been terminated, as compensation for any loss suffered or likely to be suffered by him by reason of the termination a sum not exceeding an amount equal to three months remuneration at the rate at which his remuneration was last payable to him by the employer.

(2) If in any proceedings under this section the Court is of opinion that there is reasonable cause to believe that the duties or liabilities aforesaid caused or contributed to the termination of the employment, the employment shall be deemed to have been terminated by reason of those duties or liabilities unless the employer proves that the termination was for a reason unconnected therewith.

(3) For the purposes of this section any person liable to be called out—

- (a) under section 202 of the Armed Forces Act 1972;
- (b) under section 55 of the Police Act 1967; or
- (c) under section 7 of the Civil Defence Act 1951,

shall be deemed to be liable to be called up for national service under this Act.

PART X

SUPPLEMENTARY

Allowances to Boards applicants and witnesses

22. The proper authority may pay—

- (a) to members of local advisory boards such remuneration and allowances as the proper authority may, with the approval of the Minister, determine; and
- (b) to persons whose applications are referred to any board and to any witnesses whose attendance is certified by any such board to have been necessary, travelling and subsistence allowances in accordance with such scale as the proper authority may, with the approval of the Minister, determine.

Service of documents

23. Any order, notice or other document to be served on any person for the purpose of this Act may be served either by being delivered personally to the person to whom it is addressed or by sending it by post to such person at his last known address or by affixing it or a copy thereof to some conspicuous part of the premises at his last known address:

Provided that where any document has been sent to any person by post, service on him shall not be deemed to have been duly effected unless it is proved either that he received such document or that it was sent by registered post addressed to him at his last known address.

Penalties for maiming, etc.

24. (1) Any person who—

- (a) maims or injures any person registered under this Act;
or
- (b) administers any drug or other substance to any person with intent in either case to produce in that person any disability or apparent disability and thereby to affect his suitability or apparent suitability to be called up for national service either generally or in any particular capacity,

shall be guilty of an offence against this section.

(2) Any person who knowingly makes any false statement as to the present or past state of health of any person registered under this Act with intent that such person shall be treated as unsuitable or less suitable for national service, either generally or in any particular capacity, shall be guilty of an offence against this section.

(3) Any person registered under this Act who maims or injures himself, or administers to himself any drug or other substance, with intent in either case to produce in himself any disability or apparent disability and thereby to affect his suitability or apparent suitability for national service, either generally or in any particular capacity, shall be guilty of an offence against this section.

(4) Any person who, at a medical examination under this Act, personates any other person with intent that that other person shall be treated as unsuitable or less suitable for national service, either generally or in any particular capacity, shall be guilty of an offence against this section.

(5) Any person guilty of an offence against this section shall, on conviction, be liable to imprisonment for a term not exceeding ten years.

False statements and forgery

25. Any person who—

- (a) in giving any information for the purposes of this Act knowingly or recklessly makes any statement which is false in a material particular; or

(b) with intent to deceive—

- (i) forges or uses, or lends to or allows to be used by any other person, any document under this Act; or
- (ii) makes, or has in his possession, any document so closely resembling any document under this Act as to be calculated to deceive,

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand ringgit or to both.

Penalty for incitements, obstructions, etc.

25A. Whoever—

- (a) incites any person liable to register for national service under this Act to evade any duties or liabilities which he is or may become liable to perform or discharge under or by virtue of this Act or to perform or discharge any such duties or liabilities otherwise than to the best of his ability;
- (b) obstructs or incites any person to obstruct in any way whatsoever the service or delivery of a notice or other document required under this Act to be served on or delivered to any person registered or liable to register for national service under this Act; or
- (c) incites any person to oppose national service under this Act,

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

Attempts and abetment

25B. Whoever attempts to commit or abets the commission of any offence punishable under this Act shall be punished with the punishment provided for such offence.

Evidence on prosecutions

26. (1) Where for the purpose of the prosecution of any person for an offence under this Act by reason of his failure to comply—

- (a) with the requirements of rules made under subsection 6(1); or
- (b) with the requirements of an enlistment notice, police enrolment notice, or enrolment notice served on him or directions given to him under Part V, VI or VII,

it is necessary to show that he is, or was, at any particular time eligible for enrolment in any of the armed forces, police forces or civil defence forces or within particular limits of age, he shall be presumed to be, or to have been, at that time so eligible or within those limits of age, unless the contrary is proved:

Provided that, if it appears to the Court that there are any special circumstances giving rise to doubt as to either of the matters aforesaid, the Court may require the matter to be proved by the prosecution.

(2) On the prosecution of any person (hereafter in this subsection referred to as the “defendant”) for any offence under this Act a certificate purporting to be signed by the chairman of a medical board, and stating that a person bearing the name in which the defendant is charged was examined by the board on a date specified in the certificate, shall be evidence that the defendant was so examined on that date:

Provided that, if it appears to the Court that there are any special circumstances giving rise to doubt as to any matter stated in any such certificate, or as to the relation of any such certificate to the defendant, the Court may require the prosecution to prove that matter, or that the certificate relates to the defendant, as the case may be.

General provision as to offence

27. Any person guilty of an offence against this Act, not being an offence for which a penalty is thereby expressly provided, by reason of non-compliance with any of the provisions of this Act

shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred ringgit or to both:

Provided that in any proceedings for an offence punishable under this section it shall be a defence for the defendant to prove that he was prevented from complying with the relevant provisions of this Act by circumstances beyond his control.

Failure to comply with a notice to enrol

28. (1) A person failing to comply with a police enrolment notice or an enrolment notice shall be deemed to be absent without leave according to the Police Act 1967 or the Civil Defence Act 1951, as the case may be, notwithstanding that he has not been previously at the place where his duty requires him to be.

(2) Subsection (1) shall be without prejudice to any penalty laid down under this Act.

29. (*Deleted by L.N. 70/1964*).

Rules

30. The Yang di-Pertuan Agong may make rules to prescribe anything which under this Act may be prescribed and generally for carrying into effect the provisions of this Act.

LAWS OF MALAYSIA**Act 425****NATIONAL SERVICE ACT 1952**

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 83/1958	Pending Laws Validation (National Service Ordinance 1952) Order 1958	06-03-1958
L.N. 70/1964	Modification of Laws (National Service) (Extension) Order 1964	27-02-1964
Act 24/1964	National Service (Amendment) Act 1964	30-07-1964
Act 78/1967	National Service (Amendment) Act 1967	14-12-1967
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A324	Criminal Procedure Code (Amendment and Extension) Act 1976	10-01-1976
Act 77	Armed Forces Act 1972	01-06-1976
Act 221	Civil Defence Act 1951	15-06-1979
Act A606	Courts of Judicature (Amendment) (No. 2) Act 1984	01-01-1985
Act 344	Police Act 1967	06-10-1988

LAWS OF MALAYSIA
Act 425
NATIONAL SERVICE ACT 1952

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	L.N. 83/1958 L.N. 70/1964 Act 24/1964	06-03-1958 27-02-1964 30-07-1964
3	L.N. 83/1958 L.N. 70/1964 Act 24/1964 Act A324 Act 77 Act A606	06-03-1958 27-02-1964 30-07-1964 10-01-1976 01-06-1976 01-01-1985
4	L.N. 83/1958 L.N. 70/1964	06-03-1958 27-02-1964
5	L.N. 83/1958 Act 160	06-03-1958 29-08-1975
6	L.N. 83/1958	06-03-1958
7	L.N. 83/1958 L.N. 70/1964 Act 160	06-03-1958 27-02-1964 29-08-1975
8	L.N. 83/1958 Act 160	06-03-1958 29-08-1975
9	L.N. 83/1958 Act 160	06-03-1958 29-08-1958
11	L.N. 83/1958 Act 24/1964	06-03-1958 30-07-1964
Part VA	Act 24/1964	30-07-1964
11A	Act 24/1964	30-07-1964
11B	Act 24/1964	30-07-1964
11C	Act 24/1964 Act 77	30-07-1964 01-06-1976

Section	Amending authority	In force from
11D	Act 24/1964	30-07-1964
11E	Act 24/1964	30-07-1964
11F	Act 24/1964 Act 77	30-07-1964 01-06-1976
11G	Act 24/1964	30-07-1964
11H	Act 24/1964	30-07-1964
11J	Act 24/1964	30-07-1964
11K	Act 24/1964 Act 77	30-07-1964 01-06-1976
11L	Act 24/1964 Act 77	30-07-1964 01-06-1976
11M	Act 24/1964 Act 160	30-07-1964 29-08-1975
11N	Act 24/1964 Act 160	30-07-1964 29-08-1975
11P	Act 24/1964	30-07-1964
11Q	Act 24/1964 Act 77	30-07-1964 01-06-1976
11R	Act 24/1964 Act 77	30-07-1964 01-06-1976
11s	Act 24/1964 Act 77	30-07-1964 01-06-1976
13	L.N. 83/1958 Act 160	06-03-1958 29-08-1975
15	L.N. 83/1958 Act 160	06-03-1958 29-08-1975
17	L.N. 83/1958	06-03-1958
19	L.N. 83/1958	06-03-1958
20	L.N. 83/58 Act 24/1964 Act 160 Act 77 Act 221 Act 344	06-03-1958 30-07-1964 29-08-1975 01-06-1976 15-06-1979 06-10-1988

Section	Amending authority	In force from
21	L.N. Act 24/1964 Act 160 Act 77 Act 221 Act 344	30-07-1964 29-08-1975 01-06-1976 15-06-1979 06-10-1988
22	L.N. 83/1958	06-03-1958
25	Act 160	29-08-1958
25A	Act 78/1967	14-12-1967
25B	Act 78/1967	14-12-1967
27	Act 160	29-08-1975
28	Act 24/1964 Act 221 Act 344	30-07-1964 15-06-1979 06-10-1988
29	L.N. 70/1964	27-02-1964
30	L.N. 83/1958	06-03-1958
Schedule	L.N. 83/1958	06-03-1958



