

**D.R. 8/2015**

**RANG UNDANG-UNDANG**

*b e r n a m a*

Suatu Akta untuk meminda Akta Pencegahan Jenayah 1959.

[ ]

**DIPERBUAT** oleh Parlimen Malaysia seperti yang berikut:

**Tajuk ringkas dan permulaan kuat kuasa**

1. (1) Akta ini bolehlah dinamakan Akta Pencegahan Jenayah (Pindaan) 2015.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

**Pindaan tajuk panjang**

2. Akta Pencegahan Jenayah 1959 [*Akta 297*], yang disebut “Akta ibu” dalam Akta ini, dipinda dalam tajuk panjang dengan memasukkan selepas perkataan “secret societies” perkataan “, terrorists”.

**Pindaan seksyen 2**

3. Subseksyen 2(1) Akta ibu dipinda dengan memasukkan selepas takrif “Registrar” takrif yang berikut:

‘ “terrorist” has the same meaning assigned to it by the Penal Code [*Act 574*].’.

**Pindaan seksyen 3**

4. Seksyen 3 Akta ibu dipinda dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) When a person is arrested under subsection (1), the case shall be referred by the police officer to the Public Prosecutor for direction not later than seven days from the date of arrest.”.

**Pindaan seksyen 4**

5. Seksyen 4 Akta ibu dipinda—

(a) dalam subperenggan (2)(a)(i), dengan memotong perkataan “or a Deputy Public Prosecutor”;

(b) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

“(2A) No person shall be arrested and detained under this section solely for his political belief or political activity.”; dan

(c) dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

“(4) The Public Prosecutor may appear in any application made under this section.

(5) For the purpose of this section, “political belief or political activity” means engaging in a lawful activity through—

(a) the expression of an opinion or the pursuit of a course of action made according to the tenets of a political party that is at the relevant time registered under the Societies Act 1966 [Act 335] as evidenced by—

(i) membership of or contribution to that party;  
or

(ii) open and active participation in the affairs of that party;

- (b) the expression of an opinion directed towards any government in Malaysia; or
- (c) the pursuit of a course of action directed towards any government in Malaysia.”.

### **Penggantian seksyen 7B**

6. (1) Akta ibu dipinda dengan menggantikan seksyen 7B dengan seksyen yang berikut:

#### **“Prevention of Crime Board**

**7B.** (1) A Prevention of Crime Board is established which shall consist of the following members to be appointed by the Yang di-Pertuan Agong:

- (a) a Chairman, who shall be a legally qualified person with at least fifteen years experience in the legal field;
- (b) a Deputy Chairman; and
- (c) not less than three and not more than six other members.

(2) Every member of the Board shall, unless he sooner resigns, hold office for a period not exceeding three years and is eligible for re-appointment once for another period of three years.

(3) Every member of the Board may at any time resign his office by giving notice in writing to the Yang di-Pertuan Agong.

(4) The appointment of any member of the Board may at any time be revoked by the Yang di-Pertuan Agong.

(5) The quorum for any sitting of the Board shall be three members.

(6) Subject to this Act, the Board shall determine its own procedure.

(7) Every member of the Board shall be deemed to be a public servant within the meaning of the Penal Code.”.

(2) Walau apa pun subseksyen (1), anggota Lembaga yang memegang jawatan sebaik sebelum permulaan kuat kuasa seksyen ini hendaklah disifatkan telah dilantik di bawah seksyen 7B yang dipinda, hendaklah terus memegang jawatan sehingga tempoh pelantikan yang sedia ada habis tempoh dan hendaklah layak untuk dilantik semula mengikut subseksyen 7B(2) yang dipinda.

### **Pindaan seksyen 9**

#### **7. Seksyen 9 Akta ibu dipinda—**

- (a) dalam subseksyen (6), dengan memotong perkataan “or a Deputy Public Prosecutor”; dan
- (b) dengan memasukkan selepas subseksyen (6) subseksyen yang berikut:

“(7) The Minister may by regulations prescribe the allowances to be paid to witnesses summoned under subsection (3).”.

### **Pindaan seksyen 15**

#### **8. Seksyen 15 Akta ibu dipinda—**

- (a) dalam subseksyen (2), dengan memasukkan selepas perkataan “the following restrictions” perkataan “and conditions”;
- (b) dalam subseksyen (3)—
  - (i) dengan memotong perkataan “from time to time,”; dan
  - (ii) dengan memasukkan selepas perkataan “restrictions” perkataan “and conditions”;
- (c) dalam subseksyen (4), dengan memasukkan selepas perkataan “restriction” perkataan “or condition”; dan
- (d) dalam subseksyen (5), dengan menggantikan perkataan “conditions” dengan perkataan “restriction or condition”.

**Pindaan seksyen 15A**

**9. Seksyen 15A Akta ibu dipinda—**

- (a) dalam subseksyen (1), dengan memotong perkataan “or finding”; dan
- (b) dalam subseksyen (2)—
  - (i) dengan memotong perkataan “or” yang terdapat di akhir perenggan (b); dan
  - (ii) dengan memasukkan selepas perenggan (b) perenggan yang berikut:

“(ba) a writ of *habeas corpus*; and”.

**Pindaan seksyen 19A**

**10. Seksyen 19A Akta ibu dipinda dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:**

“(4) A copy of every detention order made by the Board under subsection (1) shall as soon as may be after the making of the order be served on the person to whom it relates, and every such person shall be entitled to make representations to an Advisory Board constituted under Clause (2) of Article 151 of the Federal Constitution in accordance with the prescribed procedures.”.

**Pindaan seksyen 19c**

**11. Seksyen 19c Akta ibu dipinda—**

- (a) dalam subseksyen (2), dengan menggantikan perkataan “subsection 15(4)” dengan perkataan “subsection 15(3)”; dan
- (b) dalam subseksyen (4)—
  - (i) dengan menggantikan perkataan “subsection 15(4)” dengan perkataan “subsection 15(3)”; dan
  - (ii) dengan menggantikan perkataan “subsection 15(3)” dengan perkataan “subsection (3)”.

**Penggantian seksyen 19E dan 19F**

12. Akta ibu dipinda dengan menggantikan seksyen 19E dan 19F dengan seksyen yang berikut:

**“Power to order removal**

**19E.** (1) The Board may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained under section 19A to be there detained for the whole or any part of such period for which it has been ordered that such person shall be detained.

(2) Any person who is in the course of removal under subsection (1) shall be deemed to be in lawful custody.

**Power to order production of detained person**

**19F.** (1) On proof to his satisfaction that the presence at any place of any person detained under section 19A, or lawfully in the custody of the police or confined in any prison whether under section 19A or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Commissioner General of Prison where the person is detained in a place of detention or prison, or the Inspector General of Police where the person is in the lawful custody of the police, may order that such person be taken to that place.

(2) Any person in the course of being taken to any place under subsection (1) and whilst at such place shall be kept in such custody as the Commissioner General of Prison or the Inspector General of Police, as the case may be, may direct and whilst in that custody shall be deemed to be in lawful custody.

(3) In this section, “Commissioner General of Prison” has the same meaning assigned to it by subsection 2(1) of the Prison Act 1995 [Act 537].”.

**Seksyen baru 19G**

13. Akta ibu dipinda dengan memasukkan selepas seksyen 19F seksyen yang berikut:

**“Saving in respect of prosecution of persons detained**

**19G.** The detention of any person under this Part shall be without prejudice to the taking of any criminal proceeding against that person, whether during or after the period of his detention.”.

**Pindaan seksyen 21**

14. Seksyen 21 Akta ibu dipinda—

- (a) dalam nota bahu, dengan memotong perkataan “and destruction”; dan
- (b) dalam subseksyen (3), dengan memotong perkataan “; and if no such application is received within three months from the date of the release or removal the Registrar shall destroy the sheet and every such negative and photograph”.

**Pindaan seksyen 23**

15. Seksyen 23 Akta ibu dipinda—

- (a) dalam subseksyen (2), dengan memasukkan selepas perenggan (ba) perenggan yang berikut:
  - “(bb) provide for the administration and management of the Board, including provisions on training for the members of the Board;”; dan
- (b) dengan memotong subseksyen (3).

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HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Pencegahan Jenayah 1959 (“Akta 297”).

2. *Fasal 1* mengandungi tajuk ringkas dan peruntukan mengenai permulaan kuat kuasa Akta yang dicadangkan.

3. *Fasal 2* bertujuan untuk meminda tajuk panjang Akta 297 untuk memperjelas bahawa Akta 297 terpakai bagi penganas sementara *fasal 3* bertujuan untuk memasukkan takrif “terrorist” ke dalam subseksyen 2(1) Akta 297. Pindaan ini diperlukan bagi memperjelas bahawa Akta 297 akan terus terpakai bagi perbuatan keganasan selain perbuatan keganasan yang dirangkumi oleh Akta Pencegahan Keganasan 2015 [*Akta...*] yang dicadangkan. Dalam hal ini, Akta Pencegahan Keganasan 2015 akan memperkatakan secara khusus mengenai pencegahan pelakuan atau sokongan bagi perbuatan keganasan yang melibatkan organisasi penganas tersenarai, sebagaimana yang ditakrifkan dalam Akta itu, di sesuatu negara asing atau di mana-mana bahagian sesuatu negara asing serta kawalan terhadap orang yang terlibat dalam perbuatan sedemikian.

4. *Fasal 4* bertujuan untuk meminda seksyen 3 Akta 297 untuk memasukkan subseksyen baru (1A) untuk menghendaki pegawai polis merujuk kes orang yang ditangkap kepada Pendakwa Raya untuk mendapatkan arahan tidak lewat daripada tujuh hari dari tarikh penangkapan.

5. *Fasal 5* bertujuan untuk meminda seksyen 4 Akta 297 untuk memasukkan subseksyen baru (2A), (4) dan (5). Subseksyen (2A) mengadakan perlindungan bahawa tiada seorang pun boleh ditangkap dan ditahan di bawah seksyen 4 semata-mata kerana kepercayaan politik atau aktiviti politiknya sementara subseksyen (5) mentakrifkan ungkapan “political belief or political activity” selaras dengan takrif ungkapan itu dalam Akta Kesalahan Keselamatan (Langkah-Langkah Khas) 2012 [*Akta 747*]. Subseksyen (4) memberi Pendakwa Raya kuasa untuk hadir dalam mana-mana permohonan yang dibuat di bawah seksyen 4.

6. *Fasal 6* bertujuan untuk menggantikan seksyen 7B Akta 297 untuk mengadakan kesamaan antara Lembaga Pencegahan Jenayah dengan Lembaga Pencegahan Keganasan yang ditubuhkan di bawah Akta Pencegahan Keganasan 2015 yang dicadangkan. Lembaga Pencegahan Jenayah akan terus bersidang sebagai satu Lembaga dengan kuorum bagi persidangannya seramai tiga orang anggota. Pindaan ini bertujuan untuk memudahkan persidangan Lembaga Pencegahan Jenayah.

7. *Fasal 7* bertujuan untuk meminda seksyen 9 Akta 297 untuk memasukkan subseksyen baru (7) untuk memberi Menteri kuasa untuk menetapkan elaun yang kena dibayar kepada saksi yang dipanggil di bawah subseksyen 9(3) melalui peraturan-peraturan yang dibuat di bawah Akta 297.

8. *Fasal 9* bertujuan untuk meminda subseksyen 15A(2) Akta 297 dengan memasukkan perenggan baru (*ba*) untuk memperjelas bahawa kajian semula kehakiman termasuk prosiding yang dimulakan melalui writ *habeas corpus*.

9. *Fasal 10* bertujuan untuk meminda seksyen 19A Akta 297 dengan memasukkan subseksyen baru (4). Tujuan pindaan ini adalah untuk mengelak sebarang keraguan tentang pemakaian Perkara 151 Perlembagaan Persekutuan bagi perintah tahanan yang dikeluarkan di bawah seksyen 19A. Subseksyen baru (4) bertujuan untuk memperjelas bahawa sebagaimana yang diperuntukkan



oleh Perkara 151 Perlembagaan Persekutuan, jika mana-mana undang-undang yang dibuat di bawah Perkara 149 Perlembagaan Persekutuan mengadakan peruntukan bagi tahanan pencegahan, mana-mana orang yang ditahan di bawah undang-undang itu hendaklah diberi peluang untuk membuat representasi terhadap perintah tahanan itu seberapa segera yang boleh kepada suatu lembaga penasihat yang ditubuhkan di bawah Fasal (2) Perkara 151. Tatacara bagi membuat representasi sedemikian telah pun diperuntukkan dalam peraturan-peraturan yang dibuat di bawah Akta 297.

10. *Fasal 11* bertujuan untuk meminda subseksyen 19c(2) dan (4) Akta 297 untuk membetulkan rujukan silang.

11. *Fasal 12* bertujuan untuk meminda Akta 297 dengan menggantikan seksyen 19E dan 19F. Dengan ini, kehendak bagi Menteri Dalam Negeri mengemukakan laporan tahunan kepada Parlimen mengenai semua aktiviti di bawah Bahagian IVA (Perintah Tahanan) di bawah Akta 297 dan keperluan untuk Bahagian IVA dikaji semula tiap-tiap lima tahun oleh Parlimen akan dikeluarkan. Sebagai gantinya, seksyen baru 19E memberi Lembaga kuasa untuk mengarahkan pemindahan orang yang ditahan dari mana-mana tempat tahanan ke tempat tahanan yang lain sementara seksyen baru 19F memberi Komisioner Jeneral Penjara atau Ketua Polis Negara, mengikut mana-mana yang berkenaan, kuasa untuk mengarahkan kehadiran orang yang ditahan bagi maksud mana-mana siasatan awam atau siasatan lain, atau demi kepentingan negara, atau demi kepentingan orang yang ditahan, berada dalam jagaan atau dikurung.

12. *Fasal 13* bertujuan untuk meminda Akta 297 dengan memasukkan seksyen baru 19G. Seksyen 19G memperuntukkan bahawa penahanan mana-mana orang di bawah Bahagian IVA Akta 297 adalah tanpa menjejaskan pengambilan apa-apa prosiding jenayah terhadap orang itu, sama ada semasa atau selepas tempoh tahanannya.

13. *Fasal 14* bertujuan untuk meminda seksyen 21 Akta 297 untuk membatalkan kuasa Pendaftar untuk memusnahkan gambar foto dan cap jari jika tiada permohonan dibuat untuk gambar foto dan cap jari itu oleh orang yang gambar foto dan cap jarinya telah diambil di bawah seksyen 21.

14. *Fasal 15* bertujuan untuk meminda seksyen 23 Akta 297. Perenggan baru (2)(bb) memperuntukkan bahawa peraturan-peraturan boleh dibuat oleh Menteri bagi pentadbiran dan pengurusan Lembaga, termasuk peruntukan mengenai latihan bagi anggota Lembaga. Subseksyen (3) dipotong untuk mewujudkan kesamaan dengan kuasa membuat peraturan-peraturan di bawah Akta Pencegahan Keganasan 2015.

15. Pindaan lain yang tidak diperkatakan secara khusus dalam Huraian ini merupakan pindaan kecil atau berbangkit.

*IMPLIKASI KEWANGAN*

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U2)2975]

A BILL

*i n t i t u l e d*

An Act to amend the Prevention of Crime Act 1959.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

1. (1) This Act may be cited as the Prevention of Crime (Amendment) Act 2015.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

**Amendment of long title**

2. The Prevention of Crime Act 1959 [Act 297], which is referred to as the “principal Act” in this Act, is amended in the long title by inserting after the words “secret societies” the words “, terrorists”.

**Amendment of section 2**

3. Subsection 2(1) of the principal Act is amended by inserting after the definition of “Registrar” the following definition:

‘ “terrorist” has the same meaning assigned to it by the Penal Code [Act 574].’

**Amendment of section 3**

4. Section 3 of the principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) When a person is arrested under subsection (1), the case shall be referred by the police officer to the Public Prosecutor for direction not later than seven days from the date of arrest.”.

**Amendment of section 4**

5. Section 4 of the principal Act is amended—

(a) in subparagraph (2)(a)(i), by deleting the words “or a Deputy Public Prosecutor”;

(b) by inserting after subsection (2) the following subsection:

“(2A) No person shall be arrested and detained under this section solely for his political belief or political activity.”; and

(c) by inserting after subsection (3) the following subsections:

“(4) The Public Prosecutor may appear in any application made under this section.

(5) For the purpose of this section, “political belief or political activity” means engaging in a lawful activity through—

(a) the expression of an opinion or the pursuit of a course of action made according to the tenets of a political party that is at the relevant time registered under the Societies Act 1966 [Act 335] as evidenced by—

(i) membership of or contribution to that party;  
or

(ii) open and active participation in the affairs of that party;

- (b) the expression of an opinion directed towards any government in Malaysia; or
- (c) the pursuit of a course of action directed towards any government in Malaysia.”.

**Substitution of section 7B**

6. (1) The principal Act is amended by substituting for section 7B the following section:

**“Prevention of Crime Board**

**7B.** (1) A Prevention of Crime Board is established which shall consist of the following members to be appointed by the Yang di-Pertuan Agong:

- (a) a Chairman, who shall be a legally qualified person with at least fifteen years experience in the legal field;
  - (b) a Deputy Chairman; and
  - (c) not less than three and not more than six other members.
- (2) Every member of the Board shall, unless he sooner resigns, hold office for a period not exceeding three years and is eligible for re-appointment once for another period of three years.
- (3) Every member of the Board may at any time resign his office by giving notice in writing to the Yang di-Pertuan Agong.
- (4) The appointment of any member of the Board may at any time be revoked by the Yang di-Pertuan Agong.
- (5) The quorum for any sitting of the Board shall be three members.
- (6) Subject to this Act, the Board shall determine its own procedure.
- (7) Every member of the Board shall be deemed to be a public servant within the meaning of the Penal Code.”.

(2) Notwithstanding subsection (1), the members of the Board holding office immediately before the coming into operation of this section shall be deemed to have been appointed under the amended section 7B, shall continue to hold office until the expiry of their existing period of appointment and shall be eligible for re-appointment in accordance with the amended subsection 7B(2).

#### **Amendment of section 9**

7. Section 9 of the principal Act is amended—

- (a) in subsection (6), by deleting the words “or a Deputy Public Prosecutor”; and
- (b) by inserting after subsection (6) the following subsection:

“(7) The Minister may by regulations prescribe the allowances to be paid to witnesses summoned under subsection (3).”.

#### **Amendment of section 15**

8. Section 15 of the principal Act is amended—

- (a) in subsection (2), by inserting after the words “the following restrictions” the words “and conditions”;
- (b) in subsection (3)—
  - (i) by deleting the words “from time to time,”; and
  - (ii) by inserting after the word “restrictions” the words “and conditions”;
- (c) in subsection (4), by inserting after the word “restriction” the words “or condition”; and
- (d) in subsection (5), by substituting for the word “conditions” the words “restriction or condition”.

**Amendment of section 15A**

9. Section 15A of the principal Act is amended—

(a) in subsection (1), by deleting the words “or finding”;  
and

(b) in subsection (2)—

(i) by deleting the word “or” appearing at the end of  
paragraph (b); and

(ii) by inserting after paragraph (b) the following  
paragraph:

“(ba) a writ of *habeas corpus*; and”.

**Amendment of section 19A**

10. Section 19A of the principal Act is amended by inserting  
after subsection (3) the following subsection:

“(4) A copy of every detention order made by the Board  
under subsection (1) shall as soon as may be after the making  
of the order be served on the person to whom it relates, and  
every such person shall be entitled to make representations  
to an Advisory Board constituted under Clause (2) of Article  
151 of the Federal Constitution in accordance with the  
prescribed procedures.”.

**Amendment of section 19c**

11. Section 19c of the principal Act is amended—

(a) in subsection (2), by substituting for the words “subsection  
15(4)” the words “subsection 15(3)”; and

(b) in subsection (4)—

(i) by substituting for the words “subsection 15(4)”  
the words “subsection 15(3)”; and

(ii) by substituting for the words “subsection 15(3)”  
the words “subsection (3)”.

**Substitution of sections 19E and 19F**

12. The principal Act is amended by substituting for sections 19E and 19F the following sections:

**“Power to order removal**

19E. (1) The Board may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained under section 19A to be there detained for the whole or any part of such period for which it has been ordered that such person shall be detained.

(2) Any person who is in the course of removal under subsection (1) shall be deemed to be in lawful custody.

**Power to order production of detained person**

19F. (1) On proof to his satisfaction that the presence at any place of any person detained under section 19A, or lawfully in the custody of the police or confined in any prison whether under section 19A or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Commissioner General of Prison where the person is detained in a place of detention or prison, or the Inspector General of Police where the person is in the lawful custody of the police, may order that such person be taken to that place.

(2) Any person in the course of being taken to any place under subsection (1) and whilst at such place shall be kept in such custody as the Commissioner General of Prison or the Inspector General of Police, as the case may be, may direct and whilst in that custody shall be deemed to be in lawful custody.

(3) In this section, “Commissioner General of Prison” has the same meaning assigned to it by subsection 2(1) of the Prison Act 1995 [Act 537].”.

**New section 19G**

13. The principal Act is amended by inserting after section 19F the following section:

**“Saving in respect of prosecution of persons detained**

19G. The detention of any person under this Part shall be without prejudice to the taking of any criminal proceeding against that person, whether during or after the period of his detention.”.

**Amendment of section 21**

14. Section 21 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “and destruction”; and
- (b) in subsection (3), by deleting the words “; and if no such application is received within three months from the date of the release or removal the Registrar shall destroy the sheet and every such negative and photograph”.

**Amendment of section 23**

15. Section 23 of the principal Act is amended—

- (a) in subsection (2), by inserting after paragraph (ba) the following paragraph:
  - “(bb) provide for the administration and management of the Board, including provisions on training for the members of the Board;”; and
- (b) by deleting subsection (3).

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EXPLANATORY STATEMENT

This Bill seeks to amend the Prevention of Crime Act 1959 (“Act 297”).

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.



3. *Clause 2* seeks to amend the long title of Act 297 to clarify that Act 297 applies to terrorists while *clause 3* seeks to introduce the definition of "terrorist" into subsection 2(1) of Act 297. These amendments are required to clarify that Act 297 will continue to apply to terrorist acts other than those covered by the proposed Prevention of Terrorism Act 2015 [Act ...]. In this regard, the Prevention of Terrorism Act 2015 will specifically deal with the prevention of the commission or support of terrorist acts involving listed terrorist organizations, as defined in that Act, in a foreign country or any part of a foreign country and the control of persons engaged in such acts.

4. *Clause 4* seeks to amend section 3 of Act 297 to introduce a new subsection (1A) to require a police officer to refer the case of the person arrested to the Public Prosecutor for direction not more than seven days from the date of arrest.

5. *Clause 5* seeks to amend section 4 of Act 297 to introduce new subsections (2A), (4) and (5). Subsection (2A) provides the safeguard that no person shall be arrested and detained under section 4 solely for his political belief or political activity while subsection (5) defines the expression "political belief or political activity" in line with the definition of that expression in the Security Offences (Special Measures) Act 2012 [Act 747]. Subsection (4) empowers the Public Prosecutor to appear in any application made under section 4.

6. *Clause 6* seeks to substitute section 7B of Act 297 to provide parity between the Prevention of Crime Board and the Prevention of Terrorism Board established under the proposed Prevention of Terrorism Act 2015. The Prevention of Crime Board shall continue to sit as a single Board with a quorum for its sitting being three members. This amendment is intended to facilitate the sittings of the Prevention of Crime Board.

7. *Clause 7* seeks to amend section 9 of Act 297 to introduce a new subsection (7) to empower the Minister to prescribe the allowances to be paid to witnesses summoned under subsection 9(3) by regulations made under Act 297.

8. *Clause 9* seeks to amend subsection 15A(2) of Act 297 by inserting a new paragraph (ba) to clarify that judicial review includes proceedings instituted by way of a writ of *habeas corpus*.

9. *Clause 10* seeks to amend section 19A of Act 297 by inserting a new subsection (4). The purpose of this amendment is for the avoidance of any doubt as to the application of Article 151 of the Federal Constitution to detention orders issued under section 19A. The new subsection (4) seeks to clarify that as provided by Article 151 of the Federal Constitution, where any law made under Article 149 of the Federal Constitution provides for preventive detention, any person detained under that law shall be given the opportunity of making representations against the detention order as soon as may be to an advisory board constituted under Clause (2) of Article 151. The procedures for making such representation have been provided in regulations made under Act 297.

10. *Clause 11* seeks to amend subsections 19c(2) and (4) of Act 297 to correct cross references.

11. *Clause 12* seeks to amend Act 297 by substituting sections 19E and 19F. This removes the requirement for the Minister of Home Affairs to submit annual reports to Parliament of all the activities under Part IVA (Detention Orders) under Act 297 and the requirement for Part IVA to be reviewed every five years by the Parliament. In their place, the new section 19E empowers the Board to direct the removal of a detained person from any place of detention to another place of detention while the new section 19F empowers the Commissioner General of Prison or the Inspector General of Police, as the case may be, to order the production of a detained person for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody or confined.

12. *Clause 13* seeks to amend Act 297 by introducing a new section 19G. Section 19G provides that the detention of any person under Part IVA of Act 297 shall be without prejudice to the taking of any criminal proceeding against that person, whether during or after the period of his detention.

13. *Clause 14* seeks to amend section 21 of Act 297 to remove the power of the Registrar to destroy photographs and finger impressions where no application is made for them by the person whose photographs and finger impressions have been taken under section 21.

14. *Clause 15* seeks to amend section 23 of Act 297. The new paragraph (2)(bb) provides that regulations may be made by the Minister for the administration and management of the Board, including provisions on training for the members of the Board. Subsection (3) is deleted to provide parity with the regulation-making powers under the Prevention of Terrorism Act 2015.

15. Other amendments not specifically mentioned in this Statement are minor or consequential in nature.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)2975]