

A BILL

i n t i t u l e d

An Act to amend the Peaceful Assembly Act 2012.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Peaceful Assembly (Amendment) Act 2019.

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

Amendment of section 3

2. The Peaceful Assembly Act 2012 [*Act 736*], which is referred to as the “principal Act” in this Act, is amended in section 3 by deleting the definition of “street protest”.

Amendment of section 4

3. Section 4 of the principal Act is amended—

(a) in subsection (1), by deleting paragraph (c);

- (b) in subsection (2), by deleting paragraph (c); and
(c) in subsection (3), by deleting the words “(c),”.

Amendment of section 9

4. Subsection 9(1) of the principal Act is amended by substituting for the words “ten days” the words “seven days”.

Amendment of section 12

5. Subsection 12(2) of the principal Act is amended by substituting for the words “forty-eight hours” the words “twenty-four hours”.

Amendment of section 16

6. Section 16 of the principal Act is amended by substituting for the words “forty-eight hours” wherever appearing the words “twenty-four hours”.

Amendment of section 21

7. Subsection 21(1) of the principal Act is amended by deleting paragraph (b).

New section 21A

8. The principal Act is amended by inserting after section 21 the following section:

“Power to compound offences

21A. (1) The Officer in Charge of a Police District may, with the consent in writing of the Public Prosecutor, compound any offence punishable under section 9 or 15 by making a written offer to the person suspected to have committed the offence to compound the offence upon payment to the Officer in Charge of the Police District of such amount of money not exceeding five thousand ringgit within such time as may be specified in the written offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted.

(3) If the amount specified in the offer is not paid within the time specified in the offer, or such extended time as the Officer in Charge of the Police District may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and any document or thing seized in connection with the offence may be released by the Officer in Charge of the Police District, subject to such terms as the Officer in Charge of the Police District thinks fit.”.

Savings

9. (1) On the date of coming into operation of this Act, the requirement on the period relating to a notification of an assembly under sections 9, 12 and 16 of the principal Act as amended by this Act shall apply to any notification given before the date of coming into operation of this Act in respect of an assembly which is yet to be held.

(2) Any investigation, prosecution or proceedings in respect of any offence under the principal Act pending under the principal Act may, on the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Peaceful Assembly Act 2012 (“Act 736”).

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

3. *Clauses 2, 3 and 7* seek to amend sections 3, 4 and 21 of Act 736 respectively to do away with the offence relating to a street protest. Due to the change of policy of the Government, the Government is of the view that the right to assemble peaceably and without arms may include the right to organize or participate in a street protest so long as the street protest does not pose any threat to or affect the security of the Federation or public order. The street protest must also be held in a manner that takes into account the protection of the rights and freedom of other persons. In the event that a street protest causes any nuisance, or involves any act of violence or commission of any criminal offence, such act may be dealt with under other existing laws such as the Penal Code [*Act 574*] and Criminal Procedure Code [*Act 593*].

4. *Clause 4* seeks to amend section 9 of Act 736 to shorten the notification period of an assembly from ten days to seven days, before the date of the assembly. This is to further facilitate the holding of peaceful assemblies.

5. *Clauses 5 and 6* seek to amend sections 12 and 16 of Act 736 respectively consequential to the amendment made to section 9 of Act 736.

6. *Clause 8* seeks to introduce a new section 21A to provide for the power to compound offences punishable under sections 9 and 15 of Act 736.

7. *Clause 9* contains savings provision.

FINANCIAL IMPLICATIONS

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

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