

**THE LAW
MALAYSIA**

Act 803

ANTI-FALSE NEWS ACT 2018

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Act 803

**ANTI-FALSE NEWS ACT 2018
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MALAYSIAN LAW

Act 803

ANTI-FALSE NEWS ACT 2018

An Act that deals with false news and
related matters.

[]

DONE by the Parliament of Malaysia as follows:

Part i

BEGINNING

Short title and commencement of force

1. (1) This Act may be called the No Anti-News Act
True 2018.

(2) This Act comes into force on the specified date
by the Minister through notification in the Gazette.

Interpretation

2. In this Act, unless the context requires
another meaning?

"untrue news" includes any news, information, data
and reports, which are partly or wholly false,
whether in the form of an article, visual or audio recording or
in any other form that can describe the word
or ideas;

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"Court" means the Court of Session;

"Minister" means the Minister charged with

responsibility for the law;

?publication? includes?

(a) any written publication or publication of its nature

similar to any written publication, and every

copies and reproductions or reproductions

the substantiality of the publication; and

(b) any publication produced digitally, electronically,

magnetic or mechanical, and replication or replication

the substance of the publication.

Extraterritorial use

3. (1) If any offense under this Act is committed

by any person, regardless of nationality or

his nationality, anywhere outside Malaysia,

he may be dealt with in respect of the offense as it were

the offense was committed anywhere within

Malaysia.

(2) For the purposes of subsection (1), this Act shall apply

if, for the offense concerned, the false news is

about Malaysia or people affected by the offence

the offense is a Malaysian citizen.

Part II

ERRORS

Holding, offering, publishing, etc., news is not

true or publications containing false news

4. (1) Any person who, by any means, with

malicious intent to hold, offer, publish, print,

distribute, circulate or spread any news

untrue or publications containing untrue news

commit an offense and may, on conviction, be fined

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not exceeding five hundred thousand ringgit or imprisonment for

period not exceeding six years or both, and in

in the case of a continuing offense, fined no further

exceeding three thousand ringgit for each day during the offense

continued after conviction.

(2) The court may, in addition to any

the punishment specified in subsection (1), ordered

person convicted of an offense under that subsection

to make an apology to the person touched

by the commission of the offense in the manner determined by

Court.

(3) Non-compliance with the order made below

subsection (2) can be punished as contempt of court

EXAMPLE

(a) A offers false information to B, for B to publish

that information in B's blog, without knowing that information

offered by A is false, publish the information

in his blog. A is guilty of an offense under this section.

B is not guilty of an offense under this section.

(b) A fabricated an information by stating in the article

which is published in his blog that Z, a famous entrepreneur

have obtained business contracts by offering bribes.

A is guilty of an offense under this section.

(c) A fabricated an information by stating in the article

which is published in his blog that Z, a famous entrepreneur have obtained business contracts by offering bribes. B, know that the information has been fabricated share the article on his social media account. Both A and B are guilty of offense under this section.

(d) A publishes an advertisement containing Z's caricature which features Z as a successful investor in an investment scheme knowing that Z was not involved in the investment scheme that. A is guilty of an offense under this section.

(e) A publishes a statement in his social media account that Company Z's food products contain dangerous ingredients and are sold to the general public knowing that the production of the product the food was discontinued several years ago and the product the food is no longer sold to the public. A is guilty of an offence under this section.

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(f) A creates a website that imitates a website a Government agency. In that website, A published guidelines issued by the head of the Government agency which requires the public to apply for a license to operate an activity. No such guidelines are issued by the Government agency. A is guilty of an offense under this section.

(g) A gives a speech in a public forum held in a public place. In his speech, A informed that Z have misused the money collected for charitable purposes with knowing that the information is false. A is guilty of an offence under this section.

(h) A held a press conference claiming that Z, a supermarket owner, will give a free gift to the first hundred customers of his supermarket every Saturday first of every month knowing that Z does not intend to do as alleged by A. A is guilty of an offense in under this section.

Provide financial assistance for the purpose of doing or facilitating the commission of an offense under section 4

5. Any person who directly or indirectly, provide or make available financial assistance with intending that the aid be used, or knowing or having reasonable grounds to believe that the aid will be used, in whole or in part, for intending to commit or facilitate the commission of the offense below section 4, commits an offense and may, on conviction, fined not exceeding five hundred thousand ringgit or imprisonment for a period not exceeding six years or both.

Not performing the obligation to remove the publication which contains false news

6. (1) It is a duty for any person who has in his possession, custody or control of any publication which contains false news to remove the publication that immediately after knowing or having reasonable grounds to believe that publication it contains false news.

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(2) Any person who does not perform the duty

under subsection (1) commits an offense and may,
if convicted, fined not more than one hundred thousand ringgit,
and in the case of a continuing offence, be fined further
not exceeding three thousand ringgit for each day during the offense
that continues after conviction.

Part iii

ORDER FOR REMOVAL OF PUBLICATION OF WHICH CONTAINS FALSE NEWS

The court may order the removal of the publication
which contains false news

7. (1) Any person touched by a publication
that contain false news can apply by
ex parte to the Court for an order for removal
the publication.

(2) The application under subsection (1) must be made
in the form prescribed in the First Schedule and shall
accompanied by a police report and other supporting documents
the application.

(3) Upon receiving an application under subsection (2)
and after considering the application or anything
other evidence, if the Court is satisfied that the publication
which contains false news should be deleted,

The court can make an order in the form that
set out in the Second Schedule for the deletion of the publication.

(4) Orders made under sthis action can contain
the following details:

(a) the person required to remove the publication

which contains the false news;

(b) the means for the removal of publications containing the news is not true;

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(c) the time in which the publication contains the news that is not true must be eliminated after delivery the order; and

(d) any other order as it thinks fit by the Court.

(5) An order made under this section shall be deemed has been served on the person against whom the order is made made if the order is served by personal delivery, sent by post to the person's last known address, or communicated by electronic means to that person.

(6) Any person who does not comply with the order which made under this section commits an offense and may, on conviction, be fined not more than one hundred thousand ringgit

Description?The delivery of an order under this section by electronic means to the person against whom the order is made may done, among other things, by sending the order to an email address or to his social media account.

Waiver of the order for the removal of the publication contains false news

8. (1) Subject to subsection (3), the person against whom an order under section 7 made may apply for set aside the order within fourteen days from the date

the order was delivered to him.

(2) Application for waiver under subsection (1) no amounts to a suspension of the order for elimination under section 7.

(3) If an order under section 7 is obtained by the Government related to publications containing news untrue that affects or is likely to affect public order or national security, no application may be made to set aside the order by the person who against him the order was made.

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The court may order the removal of the publication which contains false news by police officers or authorized officer under the Communications Act and Multimedia 1998

9. (1) If the person against whom the order under section 7 made does not remove publications containing news that is not true, the Court may, upon the request of the Public Prosecutor make an order to direct a police officer or authorized officers under the Communications and Multimedia Act 1998 [Act 588], as the case may be, for take the necessary steps to eliminate the publication.

(2) The application under subsection (1) must be made in the form prescribed in the First Schedule and shall accompanied by a police report and other supporting documents the application.

(3) Upon receiving an application under subsection (2) and after considering the application or anything other evidence, if the Court is satisfied that the publication which contains false news should be deleted, The court can make an order in the form that stipulated in the Second Schedule which requires officers police or officers authorized under the Communications Act and Multimedia 1998 to take the necessary steps to enforce the order.

Part IV

MISCELLANEOUS

Complicity

10. Any person who is an accomplice in the commission of any offenses punishable under this Act shall, if the abetted act is done as a result of the abetment, is punished with the prescribed punishment for the fault.

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Initiation of prosecution

11. No prosecution can be initiated for an offence under this Act except by or with written consent Public Prosecutor.

Arrestable offense

12. Every offense punishable under this Act is an arrestable offence.

Offenses by corporations

13. (1) If a corporation does a

offense under this Act, a person who at the time of commission
the offense is the director, chief executive officer, manager,
secretary or other similar officer of the organization
that corporation or that purports to act on any
of such nature or that in any way or on
any extent of responsibility for the management of any matter
the affairs of the corporation or that assist in
such management?

(a) may be charged separately or jointly in
the same proceedings as the organization
the corporation; and

(b) if the body corporate is found guilty
for that offense, shall be deemed guilty of
the offense unless, taking into account
the type of function on that nature and all the circumstances,
he proves?

(i) that the offense was committed without
his knowledge; or

(ii) that the offense was committed without
his consent or permission and that he
have taken all reasonable steps
and carry out all reasonable efforts to
prevent the commission of the offense.

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(2) If any person may, under this Act, be charged
any punishment for any act, omission, neglect
or default, the person may be subject to a penalty which

the same for acts, omissions, neglect or disobedience

any employee or agent of that person, or employee of an agent

that person, if act, omission, neglect or disobedience

it has been done?

(a) by the person's employee in the performance of his employment;

(b) by the person's agent while acting on the person's behalf

that; or

(c) by an employee of that person's agent in the performance of his employment

with that agent or otherwise on behalf of that person's agent

who acts on that person's behalf.

Power to amend the Schedule

14. The Minister may, by order published in the Gazette,

amend the First and Second Schedules.

FIRST SCHEDULE

APPLICATION FOR ORDER OF REMOVAL OF PUBLICATION

THAT CONTAINS FALSE NEWS

[Subsections 7(2) and 9(2)]

IN THE COURT OF SESSIONS

DI

WITHIN THE COUNTRY

CASE NO:

Name of applicant:

No. Identity Card/Passport/Company Registration*:

Address:

*Cut out what doesn't apply

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Application (Please refer to Instructions to Applicants):

In support of this application, I certify that?

(Please refer to Instructions to Applicants)

Signed by)

Dated the 20th day of the month)

in)

In front of me

Commissioner of Oaths

I humbly request the Honorable Court that

an order to delete publications containing false news is given.

Dated the 20th day of the month

Date of hearing: Time: (a.m./p.m.)

At:

Dated the 20th day of the month

(Seal)

Registrar

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Instructions to Applicants:

1. For the purposes of this application, the following documents must be attached together with this:

(a) police report; and

(b) a certified copy of the document evidencing the publication of which contains untrue news; or

(c) other certified documents or other evidence supporting the application this.

2. The applicant must specify the specific publication containing the news not true to be eliminated.

3. The applicant must state and confirm the basis or reason for

make this application. This confirmation includes the relevant details with?

(a) the identity of the applicant;

(b) matters that are said to be untrue news;

(c) the identity of the person making the publication containing the news that's not true;

(d) the manner in which the publication containing the false news was made; and

(e) the manner in which the applicant was contacted.

SECOND TABLE
ORDER REMOVAL OF PUBLICATIONS CONTAINING
FAKE NEWS

[Subsections 7(3) and 9(3)]

(*Title as in the application form in the First Schedule)

To

When receiving applications by and when
receive police reports and other documents supporting the application
that, filed on the day of the month 20 ,
and when listening, and the applicant in person
or to comply with a Court order for removal
publications that contain false news.

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It is ordered and directed that you remove the publication that
contain false news in (specify time/period)
which relates to the matter concerned in this application and
in particular

Dated the 20th

(Seal)

