



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 461

OFFENDERS COMPULSORY ATTENDANCE ACT 1954

As at 30 September 2022

This text is ONLY AN UPDATED TEXT of the Offenders Compulsory Attendance Act 1954 by the Attorney General's Chambers. Unless and until reprinted pursuant to the powers of the Commissioner of Law Revision under subsection 14(1) of the Revision of Laws Act 1968 [Act 1], this text is NOT AN AUTHENTIC TEXT.

OFFENDERS COMPULSORY ATTENDANCE ACT 1954

First enacted	...	...	...	1954 (Ord. No. 37 of 1954)
Revised	...	...	...	1991 (Act 461 w.e.f 23 July 1991)
Latest amendment made by Act A1660 which came into operation on	...	...	...	30 September 2022

PREVIOUS REPRINTS

<i>First Reprint</i>	...	...	...	2001
<i>Second Reprint</i>	...	...	...	2006

LAWS OF MALAYSIA**Act 461****OFFENDERS COMPULSORY ATTENDANCE ACT 1954**

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Compulsory Attendance Centres
4. Appointment of officer to be in charge of Centre
- 4A. Power of Commissioner General to issue standing order or give directions
5. Compulsory Attendance Order
- 5A. Transfer of offender
6. Obligation of offenders
- 6A. Period of imprisonment or detention be deemed to be period of compulsory work
7. Injury to offender while employed at compulsory work
8. Offences
9. Rules

LAWS OF MALAYSIA

Act 461

OFFENDERS COMPULSORY ATTENDANCE ACT 1954

An Act to provide for the performance, in certain circumstances, of compulsory work by offenders convicted of certain offences and liable to be sentenced to imprisonment or by persons liable to be committed to prison for failure to pay a fine or debt, in lieu of being so sentenced or committed; and for purposes connected therewith.

[1 January 1957, L.N. 401/1956];

**Wilayah Persekutuan Labuan—16 September 2012, P.U. (A)291/2012;*

***Sabah—16 September 2012, P.U. (A)292/2012;*

****Sarawak—16 September 2012, P.U. (A)293/2012]*

Short title

1. This Act may be cited as the Offenders Compulsory Attendance Act 1954.

Interpretation

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

**NOTE*—For application in the Federal Territory of Labuan—*see* the Federal Territory of Labuan (Extension and Modification of the Offenders Compulsory Attendance Act 1954) Order 2012 [*P.U. (A)291/2012*] w.e.f. 16 September 2012.

***NOTE*—For application in the State of Sabah—*see* the State of Sabah (Extension and Modification of the Offenders Compulsory Attendance Act 1954) Order 2012 [*P.U. (A)292/2012*] w.e.f. 16 September 2012.

****NOTE*—For application in the State of Sarawak—*see* the State of Sarawak (Extension and Modification of the Offenders Compulsory Attendance Act 1954) Order 2012 [*P.U. (A)293/2012*] w.e.f. 16 September 2012.

“Centre” means a Compulsory Attendance Centre established under section 3;

“Commissioner General” means the Commissioner General of Prison appointed under subsection 10(1) of the Prison Act 1995 [Act 537];

“Compulsory Attendance Centre Officer” means any officer appointed under section 4;

“Compulsory Attendance Order” means an order of Court made under section 5;

“compulsory work” means any labour, task, work or course of instruction ordered by the Compulsory Attendance Centre Officer to be undertaken by the offender;

“offender” means a person in respect of whom a Compulsory Attendance Order is for the time being in force;

“prescribed distance” means, in relation to any particular Centre, the distance which the Minister may from time to time by notification in the *Gazette* prescribe in relation to the Centre.

Compulsory Attendance Centres

3. There shall be established in and for the States of Peninsular Malaysia, under the direction and control of the Commissioner General, at such places as the Minister may from time to time direct, Compulsory Attendance Centres for the performance therein of compulsory work by offenders in pursuance of Compulsory Attendance Orders.

Appointment of officer to be in charge of Centre

4. (1) The Commissioner General shall appoint an Officer in Charge to be in charge of each Centre and such officer shall be known as the Compulsory Attendance Centre Officer.

(2) For the purposes of this section, “Officer in Charge” shall have the same meaning as assigned to it in the Prison Act 1995.

Power of Commissioner General to issue standing order or give directions

4A. The Commissioner General may, from time to time, issue any standing order or give directions to the Compulsory Attendance Centre Officer not inconsistent with the provisions of the Act or any subsidiary legislation made under the Act and the Compulsory Attendance Centre Officer shall give effect to such standing order or directions.

Compulsory Attendance Order

5. (1) Where a person who resides within the prescribed distance from a Centre—

- (a) has been convicted of an offence for which he is liable to be sentenced to imprisonment for a period not exceeding three years; or
- (b) is liable to be committed to prison for failure to pay a fine or debt,

the Court may, instead of such sentence or committal, make a Compulsory Attendance Order requiring such person to attend daily at a Centre to be specified in such Order and to undertake compulsory work for a period not exceeding twelve months and for such number of hours each day not exceeding four as may be specified in such Order, and may, for further ensuring due compliance with such Order, require the offender to enter into a bond with or without sureties.

(1A) The Court, when making the Compulsory Attendance Order under subsection (1), shall consider the character of such person, the nature and seriousness of the offence or the circumstances of such

person's failure to pay, as the case may be, and all the other circumstances of the case.

(2) Where the Court has reason to doubt whether any such person is physically capable for employment on compulsory work the Court—

- (a) may cause him to be medically examined;
- (b) shall not make a Compulsory Attendance Order unless it is shown to the satisfaction of the Court that he is so capable; and
- (c) shall specify in the Compulsory Attendance Order, if such an order is made, any compulsory work for which the Court is satisfied he is not physically capable.

(3) The number of hours each day during which the offender shall be required to be employed under subsection (2) shall not exceed four exclusive of any intervals prescribed for meals, refreshment or rest and shall, if the offender is gainfully occupied in employment, occupy only that part of the offender's time which would represent leisure hours.

(4) The Court shall, before making a Compulsory Attendance Order, explain to the person concerned in ordinary language the effect of such Order and the consequence of failure to comply therewith and shall not make the order unless such person expresses his willingness to comply with the requirements thereof.

Transfer of offender

5A. The Commissioner General may, in writing, give directions to transfer any offender who is required under the Compulsory Attendance Order to attend daily at a Centre as specified in the Order to another Centre, upon an application made by the offender or if the Commissioner General thinks fit to do so.

Obligation of offenders

6. (1) Subject to the provisions of any Rules made under this Act and to the terms of the Compulsory Attendance Order, an offender shall, during the continuance in force of such Order report daily at such time and place as, having regard to the offender's circumstances, the Compulsory Attendance Centre Officer may specify.

(2) An offender shall each day undertake such compulsory work as may be ordered by the Compulsory Attendance Centre Officer, which shall be such work as can, in the opinion of that Officer, be completed by the offender having regard to his physical capacity during the number of hours specified in the Compulsory Attendance Order.

(3) If an offender is gainfully occupied in employment, the time at which he is ordered to report daily under subsection (1) shall be such as not to interfere with such employment.

Period of imprisonment or detention be deemed to be period of compulsory work

6A. (1) Where an offender—

- (a) who is undertaking a compulsory work by virtue of a Compulsory Attendance Order; or
- (b) who has been required to undertake a compulsory work by virtue of a Compulsory Attendance Order but has not yet undertaken such compulsory work,

is sentenced by any court to any term of imprisonment, or is detained under any law relating to preventive detention, such imprisonment or detention shall take precedence over the Compulsory Attendance Order.

(2) Subject to subsection (3), the period of imprisonment or detention served by the offender shall be deemed to be the period of a compulsory work by virtue of a Compulsory Attendance Order.

(3) The offender shall be required to undertake the compulsory work for the remaining period after deducting the period of imprisonment or detention served by the offender from the period as specified in the Compulsory Attendance Order.

Injury to offender while employed at compulsory work

7. If an offender is injured by an accident arising out of and in the course of his employment on compulsory work, while he is so employed by virtue of a Compulsory Attendance Order, he shall be entitled to receive such free medical and hospital treatment as may be prescribed.

Offences

8. (1) If an offender without reasonable cause—

- (a) fails on any day to report in accordance with subsection 6(1);
- (b) fails on any day to undertake or to complete the compulsory work ordered under subsection 6(2);
- (c) in any way misconducts himself during the time when he is or should be undertaking compulsory work;
- (d) without permission granted by the Compulsory Attendance Centre Officer in such circumstances and subject to such conditions as may be prescribed, absents himself from any place at which he should undertake such compulsory work; or
- (e) fails in any other way to comply with any of the requirements of the Compulsory Attendance Order or the provisions of any Rules made under this Act,

the Compulsory Attendance Centre Officer, after due enquiry, may—

- (i) order that the offender forfeit any remission of the period of such Order which he may have earned, not exceeding such amount as may be prescribed;
- (ii) report the circumstances to the Commissioner General who may order that any further remission be forfeited or that a report in writing be made to the Court, at the same time furnishing the offender with a copy thereof.

(2) On receipt of such report the Court shall cause the offender to be brought before it, and if satisfied as to the truth of such allegations, may pass any sentence or make any Order (including a Compulsory Attendance Order) which the Court could pass or make if the offender were then convicted of the offence in respect of which the original Compulsory Attendance Order was made, due allowance being made for the number of days on which he has completed his daily task, or may admonish the offender without passing any sentence or making any further such Order.

(3) In this section “Court” means the Court by which the original Compulsory Attendance Order was made.

Rules

9. (1) The Minister may make Rules, not inconsistent with the Act, for the good management and government of Compulsory Attendance Centres and for the carrying out of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such Rules may prescribe for all or any of the following purposes or matters:

- (a) the staffing of the Compulsory Attendance Centres with Prison Officers or instructors and the supervision, treatment and training of offenders;

- (b) the medical examination, measuring, photographing and taking of statistics, finger impressions or other records of offenders, including detailed personal histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories;
- (c) the kind of compulsory work to be undertaken by the offenders;
- (d) the remission of the period of the Compulsory Attendance Order to be allowed to offenders who duly comply with the Rules on which such remissions are to be made;
- (e) the disposal of the products of the compulsory work of offenders;
- (f) the amount of remission earned to be forfeited for breach of this Act or the Rules made thereunder;
- (g) any other matter which under this Act is required or permitted to be prescribed.

(3) All Rules made under this Act shall be laid as soon as conveniently may be before the Dewan Rakyat, and if a resolution of the Dewan Rakyat is passed within the next subsequent three months after any such Rule is laid before it that such Rule shall be annulled, such Rule shall thereafter be void, but without prejudice to the validity of anything previously done thereunder, or to the making of any new Rule.

**NOTE—see section 10 of the Offenders Compulsory Attendance (Amendment) Act 2022 [Act A1660] w.e.f. 30 September 2022 which provides the following provision:*

Saving

10. Any actions or proceedings commenced or pending immediately before the coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

LAWS OF MALAYSIA

Act 461

OFFENDERS COMPULSORY ATTENDANCE ACT 1954

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 211/1956	Minister for Home Affairs (Transfer of Functions) Order 1956	05-07-1956
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
P.U. (B) 324/1970	Titles of Office Ordinance 1949—Notification under section 3	01-01-1971
P.U. (A) 291/2012	Federal Territory of Labuan (Extension and Modification of the Offenders Compulsory Compulsory Attendance Act 1954) Order 2012	16-09-2012
P.U. (A) 292/2012	State of Sabah (Extension and Modification of the Offenders Compulsory Compulsory Attendance Act 1954) Order 2012	16-09-2012
P.U. (A) 293/2012	State of Sarawak (Extension and Modification of the Offenders Compulsory Compulsory Attendance Act 1954) Order 2012	16-09-2012
Act A1660	Offenders Compulsory Attendance (Amendment) Act 2022	30-09-2022

LAWS OF MALAYSIA

Act 461

OFFENDERS COMPULSORY ATTENDANCE ACT 1954

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	L.N. 211/1956 L.N. 332/1958 Act A1660	05-07-1956 13-11-1958 30-09-2022
3	L.N. 211/1956 L.N. 332/1958 Act A1660	05-07-1956 13-11-1958 30-09-2022
4	Act A1660	30-09-2022
4A	Act A1660	30-09-2022
5	Act A1660	30-09-2022
5A	Act A1660	30-09-2022
6A	Act A1660	30-09-2022
8	Act A1660	30-09-2022
9	L.N. 211/1956 L.N. 332/1958	05-07-1956 13-11-1958
15	P.U. (B) 324/1970	01-01-1971
