



LAWS OF MALAYSIA

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Act 493

ENTERTAINMENT (FEDERAL TERRITORY OF KUALA LUMPUR) ACT 1992

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**ENTERTAINMENT (FEDERAL TERRITORY
OF KUALA LUMPUR) ACT 1992**

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LAWS OF MALAYSIA

Act 493

ENTERTAINMENT (FEDERAL TERRITORY OF KUALA LUMPUR) ACT 1992

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LAWS OF MALAYSIA**Act 493****ENTERTAINMENT (FEDERAL TERRITORY
OF KUALA LUMPUR) ACT 1992**

An Act to provide for the licensing and regulation of entertainment and places of entertainment and matters incidental thereto.

[1 October 1993, P.U. (B) 393/1993]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title, application and commencement

1. (1) This Act may be cited as the Entertainment (Federal Territory of Kuala Lumpur) Act 1992.

(2) This Act shall apply only to the Federal Territory of Kuala Lumpur*.

(3) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

* *NOTE*—Application to Federal Territory of Labuan with modification — see P.U.(A) 395/2010 with effect from 1 January 2011.

“authorized person” means any person specially authorized by the Commissioner in writing in that behalf;

“Commissioner” means the Commissioner of the City of Kuala Lumpur appointed under section 4 of the Federal Capital Act 1960 [Act 190];

“court” means a court of a Magistrate of the First Class;

“entertainment” includes—

- (a) plays, operas, pantomimes, variety acts, performances of music, singing, dancing, gymnastics, martial art demonstrations, acrobatics and legerdemain, beauty contests, tableaux, demonstrations, displays and parades, in which living persons take part;
- (b) displays of fireworks, set pieces, commemorative decorations and representations of real or mythical creatures;
- (c) circuses and exhibitions of animals;
- (d) exhibitions of models, reading matter, pictures, photographs or of statuary or other forms of representation of human or animal figures;
- (e) exhibitions of cinematograph films, video movies and puppet-shows;
- (f) reproductions or transmissions otherwise than in association with a cinematograph film, by any means whatsoever other than telephony or radio telephony, of any music, song or speech;
- (g) machines and devices by the manipulation of which chances are given of obtaining prizes in money or kind;
- (h) pin-table and video games;

- (i) sporting contests of any kind between any number of persons or animals;
- (j) organized competitions at games of skill or chance;
- (k) trade fairs consisting of the exhibition, advertisement or sale of the products of industries or of materials;
- (l) any combination of any of the above forms of entertainment;
- (m) any other entertainment which the Minister may, from time to time by order in the *Gazette*, declare,

in any place to which members of the public are admitted with or without payment of money or other consideration;

“Minister” means the Minister responsible for the local government of the Federal Territory of Kuala Lumpur;

“pin-table” means any coin or disc operated table, board or other appliance designed to enable the operator to play a game, success in which is measured by the propulsion of one or more movable objects towards targets or goals or by the attainment of a number of points or by both;

“place of entertainment” means any place on which there is any erection or structure, any premises or building whether temporary or permanent or any waterborne craft or other place in or at which an entertainment is provided and to which the public are admitted with or without payment for admission, and includes an amusement park.

Power of Minister to issue directions

3. The Minister may from time to time give the Commissioner directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the Commissioner by this Act or any rules made

thereunder and the Commissioner shall give effect to all such directions.

Requirement for licence

4. (1) No person shall provide entertainment in any place of entertainment unless the Commissioner has granted—

- (a) a licence in respect of such entertainment; and
- (b) a licence to open such place of entertainment.

(2) Any person who contravenes this section shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(3) For the purpose of this section, if entertainment is provided in any place of entertainment—

- (a) the owner, lessee, principal tenant, occupier or manager, as the case may be, of a place of entertainment; or
- (b) in the absence of the persons referred to in paragraph (a), any person who appears to have the care and management of the place of entertainment,

shall be deemed to have provided such entertainment.

Application for licence

5. (1) An application for a licence under subsection 4(1) shall be made in the prescribed form and shall be submitted to the Commissioner.

(2) The Commissioner may, in his discretion, grant a licence with or without attaching any condition or conditions thereto or refuse to grant such a licence.

(3) Where application for a licence is granted, such licence shall be issued upon payment of the prescribed fee.

(4) No entertainment licence shall be granted under this Act unless a licence has been obtained from the Commissioner to open the place of entertainment at which that entertainment is going to be provided.

(5) The Commissioner shall pay all moneys collected under this section into the fund constituted under any law relating to local government.

Power to require information

6. (1) For the purpose of considering an application for an entertainment licence, the Commissioner may require the applicant to furnish to him the script, if any, and such information as he may specify relating to the following matters:

- (a) particulars of persons concerned in the promotion of the entertainment and the interests represented by those persons;
- (b) particulars of the persons who have agreed to participate or have participated in the entertainment or have been invited to do so and the interests represented by those persons; and
- (c) the purpose to which any profits from the entertainment are intended to be or have been applied.

(2) For the purpose of this section, the expression “script”, in relation to a performance of a play, means the text of the play (whether expressed in words or in musical or other notation) together with any stage or other directions for its performance, whether contained in a single document or not.

(3) For the purpose of considering an application for a licence to open an entertainment place, the Commissioner may require the applicant to furnish to him such additional information as he may require.

Duration of licence

7. A licence issued under this Act shall be for such period as the Commissioner may determine.

Licence to be exhibited

8. A licence issued under this Act shall at all times be exhibited at a conspicuous place in the place of entertainment.

Licence not renewable as of right

9. A licence shall not be renewable as of right and an application to renew a licence shall be treated as an application for a licence.

Transfer of licence

9A. A licensee shall not transfer his licence to any person unless he has obtained prior written approval from the Commissioner.

Security

10. (1) The Commissioner may require any person to whom a licence is granted to give security in such form as he may determine to ensure that the conditions or restrictions of the licence and the provisions of this Act or any rules made thereunder are duly observed.

(2) The Commissioner may, after giving the person a right to be heard, forfeit the security in whole or in part if he is satisfied that there has been any breach of the conditions or restrictions of the licence or a contravention of the provisions of this Act or any rules made thereunder:

Provided that nothing in this section shall be construed so as to preclude any person from liability to prosecution.

(3) The Commissioner shall pay all the securities forfeited under this section into the fund constituted under any law relating to local government.

Revocation of licence

11. (1) The Commissioner may at any time revoke an entertainment licence or a licence to open a place of entertainment or both if there has been a breach of the conditions or restrictions of the licence or licences or a contravention of any of the provisions of this Act or any rules made thereunder.

(2) Service of a notice of revocation of a licence shall be effected by—

- (a) affixing a copy thereof at the place of entertainment;
- (b) serving a copy thereof on the person who appears to have the care and management of the place of entertainment;
and
- (c) serving a copy thereof on the licensee himself in the case where the licensee and the person referred to in paragraph (b) is not the same person.

Appeal

12. An applicant whose application for the grant of an entertainment licence or a licence to open an entertainment place

under this Act is refused, or a holder of a licence which is revoked, or any person aggrieved by the imposition of any conditions or restrictions on or subject to which a licence is granted or any person who is aggrieved by the forfeiture of security under section 10, may, within thirty days after being informed in writing of the refusal, or revocation, or the imposition of the conditions or restrictions, or forfeiture, as the case may be, appeal against such decision to the Minister, who shall confirm or set aside the decision; and the decision of the Minister shall be final and shall not be questioned in any court.

Prohibition to sell, etc., ticket for an entertainment and to advertise or publicize before licence is obtained

13. (1) It shall be unlawful for any person—

- (a) to give, distribute, sell or offer for sale any ticket for admission to, or invite any person to any entertainment or to cause to be made such gift, distribution, sale, offer or invitation; or
- (b) in any manner whatsoever to advertise or publicize or to cause to be advertised or publicized any entertainment to be performed in a place of entertainment,

unless there has been a licence granted under section 4 in respect of that entertainment.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit but not more than fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Restriction on the unauthorized sale of tickets

14. (1) No person shall sell or offer or exhibit or have in his possession for sale or solicit for the purchase of, any ticket authorizing or purporting to authorize admission to any place of

entertainment in any public thoroughfare, or in the entrance hall of or approaches to any such place, except at a box-office, booth, turnstile or counter appointed by the proprietor or manager of that place or by the organizer of the entertainment held therein.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than one thousand ringgit but not more than five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Prohibition on the sale of intoxicating liquor to person under the age of twenty-one

14A. (1) No person to whom a licence has been granted in respect of a place of entertainment shall supply or sell or permit to be supplied or sold or suffer the supply or sale of intoxicating liquor at such place of entertainment to any person under the age of twenty-one years.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Exemption

15. The Commissioner may, at his discretion, exempt any entertainment or class of entertainment or places of entertainment or classes of places of entertainment intended exclusively for religious, education, recreational, social, welfare or charitable purpose and not for pecuniary profit from any of the provisions of this Act.

Power of entry and investigation

16. (1) The Commissioner, any police officer not below the rank of Inspector, or any authorized person may, without any warrant or notice, enter any place of entertainment at which an entertainment is being provided or is intended to be provided, whenever there is

reasonable cause to suspect that the conditions or restrictions of any licence granted under this Act or the provisions of this Act or any rules made thereunder are not complied with, and may make such investigation and inspection of the place of entertainment and call any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as that officer or person may consider necessary for the purpose:

Provided that any person not in uniform to exercise any powers under this section shall on demand produce his written authority to exercise these powers to any person lawfully demanding the same.

(2) The Commissioner, any police officer not below the rank of Inspector, or any authorized person may, in order to effect an entrance into any place of entertainment, break open any outer or inner door or window of the place of entertainment or any part of the place of entertainment—

- (a) if the place of entertainment is open, if he cannot otherwise obtain admittance after producing his written authority and after notification of his purpose and demand of admittance duly made; or
- (b) if the place of entertainment is closed and locked, if he has good grounds to believe that there has been a breach of any conditions or restrictions of the licence granted under this Act or that an offence under this Act or any rules made thereunder has been committed.

Power of closure

17. The Commissioner, any police officer not below the rank of Inspector, or any authorized person authorized to exercise the power of entry and investigation under section 16 may, without prejudice to the exercise of the power conferred on him by that section, forthwith take such steps as he may consider necessary to close any place of entertainment if he is satisfied that there is a breach of any of the conditions or restrictions of the licence granted under this Act or that

the entertainment held therein is in contravention of any of the provisions of this Act or any rules made thereunder.

Power to demand particulars

18. The Commissioner, any police officer not below the rank of Inspector, or any authorized person may require any person whom he reasonably believes to have committed an offence under this Act or any rules made thereunder to give his name, identity card number and address.

Power of arrest

19. (1) The Commissioner, any police officer not below the rank of Inspector, or any authorized person may arrest without warrant—

- (a) any person reasonably believed to have committed an offence against this Act or any rules made thereunder; or
- (b) any person who refuses to give his name and address when it is requested for or if there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section shall be taken to a police station and shall be brought before the court within twenty-four hours unless, in respect of a person arrested under paragraph (1)(b), his name and address are sooner ascertained, whereupon he shall then be released on bail.

Search

20. The Commissioner, any police officer not below the rank of Inspector, or any authorized person exercising the power of entry and investigation under section 16 may, if he has good grounds for believing that by reason of any delay in obtaining a search warrant the object of the search is likely to be frustrated, with or without

assistance enter any place of entertainment if he has reasonable grounds to believe that an offence under this Act or any rules made thereunder has been committed and he may search any such place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment or to be a servant or agent of the promoter or of the proprietor of such place:

Provided that no female shall be searched except by a female.

Power of seizure

21. (1) The Commissioner, any police officer not below the rank of Inspector, or any authorized person exercising the power of entry and investigation under section 16 may seize any document or thing in respect of which he reasonably believes to have a bearing on the case or to furnish evidence of the commission of an offence under this Act or any rules made thereunder:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the Criminal Procedure Code [*Act 593*].

(2) The Commissioner, police officer or authorized person seizing any document or thing under subsection (1) shall prepare a list of the documents or things seized and forthwith deliver a copy signed by him to the occupier or proprietor of the place of entertainment or his servant or agent present at such place.

Things seized liable to forfeiture

22. All things seized under this Act shall be liable to forfeiture.

Court to order release or forfeiture of things seized

23. (1) An order for the forfeiture or release of any thing seized shall be made by the court before which the prosecution with regard

thereto has been held, but the court shall order forfeiture if it is proved to its satisfaction that an offence against any provision of this Act or any rules made thereunder has been committed and that the things were the subject matter of or were used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

(2) All things forfeited shall be delivered to the Commissioner or the police as the case may be and shall be disposed of in accordance with the directions of the Commissioner or the police.

Things seized in respect of which there is no prosecution deemed to be forfeited if not claimed within one month

24. (1) If there be no prosecution with regard to any thing seized under this Act, such things shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of seizure unless a claim thereto is made before that date in the manner hereinafter set forth.

(1A) All things deemed to be forfeited under subsection (1), may be sold by the Commissioner by a public auction and the proceeds from the sale shall be applied in payment of any fees owing from the licensee of any place of entertainment from which the things were seized and the costs of such auction, and the surplus, if any, shall be paid into the Federal Consolidated Fund.

(2) Any person asserting that he is the owner of anything seized under the Act and that it is not liable to forfeiture may, either personally or by his agent authorized in writing, give written notice to the Commissioner that he claims the same.

(3) On receipt of a notice under subsection (2), the Commissioner may direct that such things be released or he may direct that the matter be referred to a Magistrate.

(4) The Magistrate shall issue a summons requiring the person asserting that he is the owner of the things seized and the person from whom they were seized to appear before him, and upon their

appearance or default to appear, due service of the summons being proved, the Magistrate shall proceed to the examination of the matter and on proof that an offence against this Act or any rules made thereunder has been committed and that such things were the subject matter or were used in the commission of such offence, shall order the same to be forfeited or, in the absence of such proof, shall order its release.

Obstruction

25. Any person who—

- (a) obstructs the Commissioner, any police officer, or authorized person lawfully exercising any powers conferred on him by or under section 16 in entering or inspecting any place of entertainment or delays in producing any articles, books, accounts, tickets, or other documents or things which he has been called upon by the Commissioner, police officer, or authorized person to produce and which are or ought to be in the ordinary course of business in his power to produce;
- (b) refuses to furnish any information which he may be required to furnish by the Commissioner, police officer, or authorized person or who, being required to furnish information by the Commissioner, police officer, or authorized person, furnishes false or misleading information;
- (c) obstructs the seizure of any document or other thing under section 21, or the closure of any place of entertainment under section 17; or
- (d) hinders or obstructs the Commissioner, any police officer or any authorized person from exercising any other powers lawfully conferred on him by or under this Act,

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

Liability of director, etc.

26. (1) Where an offence under this Act has been committed by a body of persons, corporate or unincorporate, any person who at the time of the commission of such offence was a director, manager, secretary, or other similar officer of the body of persons, or who was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Any person who would have been guilty of an offence if anything had been done or omitted by him personally shall be guilty of the offence and liable to the same penalty if such thing had been done or omitted by his partner, agent or servant in the course of partnership business or in the course of his employment, as the case may be, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing or omission to do such thing:

Provided that nothing herein shall relieve the partner, agent or servant from liability to prosecution.

Prosecution

27. No prosecution shall be instituted for an offence under this Act or any rules made thereunder except by or with the consent in writing of the Public Prosecutor.

Compounding of offences

28. (1) The Commissioner may, with the consent in writing of the Public Prosecutor, compound any offence committed against this Act and any rules made thereunder which is prescribed to be a compoundable offence by making a written offer to the person reasonably suspected of having committed such offence to compound by paying to the Commissioner within such time as may be specified in the offer such sum of money not exceeding the maximum fine with which the offence is punishable.

(2) Upon receipt of the payment under subsection (1), no further proceedings shall be taken against such person in respect of such offence and any thing seized in connection with the offence shall be released, subject to such terms and conditions as may be imposed.

(3) Any moneys paid to the Commissioner pursuant to the provisions of this section shall be paid into and form part of the fund constituted under any law relating to local government.

General penalty

29. Any person who is guilty of an offence against this Act or any rules made thereunder for which no penalty is expressly provided shall, on conviction, be liable to a fine of not less than two thousand ringgit but not more than twenty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Jurisdiction of court of First Class Magistrate

29A. Notwithstanding anything contained in any written law to the contrary, a court of a First Class Magistrate shall have the jurisdiction to try any offence under this Act and to award the full punishment for any such offence.

Power to make rules

30. The Minister may make rules to prescribe anything required by this Act to be prescribed and for the better carrying out of the provisions of this Act and, without prejudice to the generality of this section, the rules may—

- (a) prescribe such fees as may be necessary for the purposes of this Act;
- (b) prescribe the forms for application of licences and the licences to be issued under this Act;
- (c) prescribe the types of offences that may be compounded and the procedures for the compounding of such offences;
- (d) prescribe the entertainment or classes of entertainment or places of entertainment or classes of places of entertainment that are exempted from any provision of this Act; and
- (e) provide for the regulation and inspection of places of entertainment.

Repeal and saving

31. The Theatres and Places of Public Amusement (Federal Territory) Act 1977 [*Act 182*] is hereby repealed:

Provided that—

- (a) nothing contained in this Act shall affect any person's liability to be prosecuted or punished for offences committed under the repealed Act before the coming into operation of this Act;

- (b) any proceedings pending before the coming into operation of this Act shall be continued under the repealed laws as if this Act had not been made;
 - (c) licences issued under the repealed Act shall continue in force and have effect as if they had been granted under this Act and may be revoked under this Act; and
 - (d) appointments or authorizations made under the repealed Act shall continue in force and have effect as if they had been made under this Act until cancelled or superseded under this Act.
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LAWS OF MALAYSIA**Act 493****ENTERTAINMENT (FEDERAL TERRITORY
OF KUALA LUMPUR) ACT 1992****LIST OF AMENDMENTS**

Amending law	Short title	In force from
P.U. (A) 110/2003	Revision of Laws (Rectification of Entertainment (Federal Territory of Kuala Lumpur) Act 1992) Order 2003	18-04-2003
Act A1194	Entertainment (Federal Territory of Kuala Lumpur) (Amendment) Act 2003	01-04-2004
P.U.(A) 395/2010	Federal Territory of Labuan (Extension and Modification of Entertainment (Federal Territory of Kuala Lumpur) Act 1992) Order 2010	01-01-2011

LAWS OF MALAYSIA**Act 493****ENTERTAINMENT (FEDERAL TERRITORY
OF KUALA LUMPUR) ACT 1992****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
4	Act A1194	01-04-2004
9A	Act A1194	01-04-2004
13	Act A1194	01-04-2004
14	Act A1194	01-04-2004
14A	Act A1194	01-04-2004
16	Act A1194	01-04-2004
24	Act A1194	01-04-2004
25	Act A1194	01-04-2004
27	Act A1194	01-04-2004
28	Act A1194	01-04-2004
29	Act A1194	01-04-2004
29A	Act A1194	01-04-2004
