



# LAWS OF MALAYSIA

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REPRINT

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**Act 432**

## **VISITING FORCES ACT 1960**

*Incorporating all amendments up to 1 January 2006*

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**VISITING FORCES ACT 1960**

First enacted	...	...	...	...	...	...	...	1960 (Act No. 23 of 1960)
Revised	...	...	...	...	...	...	...	1990 (Act 432 w.e.f 31 March 1990)

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# **LAWS OF MALAYSIA**

## **Act 432**

### **VISITING FORCES ACT 1960**

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## LAWS OF MALAYSIA

### Act 432

### VISITING FORCES ACT 1960

An Act relating to naval, military and air forces of certain other countries visiting Malaysia, and the apprehension and disposal of deserters or absentees without leave in Malaysia from the forces of such countries, and other matters connected therewith.

*[Peninsular Malaysia—30 July 1960;  
Sabah and Sarawak—16 September 1963, L.N. 232/1963]*

**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:

#### PART I

#### PRELIMINARY

#### **Short title and application**

1. (1) This Act may be cited as the Visiting Forces Act 1960.
- (2) This Act shall apply throughout Malaysia.

#### **Interpretation**

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

“authorized service organization” means a body organized for the benefit of or to serve the welfare of a force or civilian component or dependant;

“civilian component” means the civilian personnel accompanying a force, who are employed in the service of a force or by an authorized service organization accompanying a force, and who are not stateless persons nor citizens of, nor ordinarily resident in Malaysia;

“the court” includes a Service court;

“court of Malaysia” means any court in Malaysia other than a Service court;

“Malaysian forces” means any of the armed forces of Malaysia for the time being serving in Malaysia, and includes any police force, and other body which by virtue of any law of Malaysia is or is deemed to form part of the armed forces of Malaysia;

“dependant” in relation to a member of a force or civilian component means a person who is not ordinarily resident in Malaysia and who is—

- (a) the wife or husband of any such member; or
- (b) wholly or mainly maintained or employed by any such member; or
- (c) is in the custody, charge or care, or who forms part of the family of any such member;

“Malaysian authorities” means the authority or authorities from time to time authorized or designated by the Government of Malaysia for the purpose of exercising the powers in relation to which the expression is used;

“forces”, in relation to a country, means any of the naval, military or air forces of that country;

“law of Malaysia” means any written law for the time being in force in Malaysia or any part thereof, and includes the Federal Constitution;

“member” in relation to a visiting force, means a member of the force of a sending country, being one of the members thereof for the time being appointed to serve with such visiting force, and includes any person in Malaysia for the time being voluntarily enlisted in such force;

“sending country”, in relation to a visiting force, means the country of whose forces the visiting force forms part;

“Service authorities” means the authorities of a force who are empowered by the law of the country of whose forces the visiting force forms part to exercise command or jurisdiction over members of a force;

“Service court” means a court established under service law and includes any authority of a country who under the law thereof is empowered to review the proceedings of such a court or to try or investigate charges brought against persons subject to the service law of that country; and references to trial by, or to sentences passed by, Service courts of a country shall be construed respectively as including references to trial by, and to punishment imposed by, such an authority in the exercise of such power;

“service law”, in relation to a country, means the law governing all or any of the forces of that country;

“visiting force” for the purposes of this Act means any body, contingent or detachment of the forces of a country to which that provision applies, being a body, contingent or detachment for the time being lawfully present in Malaysia pursuant to any treaty, agreement or arrangement to which the Government of Malaysia is a party.

(2) For the purposes of this Act a member of a force of any country which (by whatever name called) is in the nature of a reserve or auxiliary force shall be deemed to be a member of that country’s forces so long as, but only so long as, he is called into actual service (by whatever expression described) or is called out for training; and any reference in this Act to a person’s becoming a member of a country’s forces shall be construed accordingly.

(3) References in this Act to the appropriate authority of a country are references to such authority as may be appointed by the Government of that country for the purposes of that provision.

(4) References in this Act to the presence of any forces in Malaysia at any time shall be construed as including references to their being at that time in transit to Malaysia.

(5) In determining for the purposes of this Act whether a person is or was at any time ordinarily resident in Malaysia, no account shall be taken of any period during which he has been or intends to be present in Malaysia while being a member of a visiting force or of a civilian component of such a force, or while being a dependant of a member of a visiting force or of such a civilian component.

### **Countries to which this Act applies**

**3.** (1) References in this Act to a country to which this Act applies are references to any country designated for the purpose of that provision by order of the Yang di-Pertuan Agong under subsection (2).

(2) Where it appears to the Yang di-Pertuan Agong that it is expedient that all or any of the provisions of this Act should have effect in relation to any country, he may by order designate that country for the purposes of such provisions.

(3) The Yang di-Pertuan Agong may by order provide that insofar as this Act has effect in relation to any country designated under subsection (2), it shall have effect subject to such limitations, adaptations or modifications (including the limitation, adaptation or modification of any definition herein) as may be specified in such order.

### **Definition of membership of civilian component of visiting force**

**4.** (1) In Part II references to a member of a civilian component of a visiting force are references to a person for the time being fulfilling the following conditions, that is to say:

- (a) that he holds a passport issued in respect of him by a Government, not being a passport issued by the passport authorities of Malaysia;
- (b) that the passport contains an uncanceled entry made by or on behalf of the appropriate authority of the sending country stating that he is a member of a civilian component of a visiting force of that country; and



- (c) that the passport contains a note of recognition of that entry by or on behalf of the Minister charged with responsibility for immigration which has not been cancelled and as respects which no notification in writing has been given by or on behalf of (such) Minister to the appropriate authority of the sending country stating that the recognition is withdrawn.

(2) The reference in paragraph (1)(c) to a note of recognition of an entry in a passport is a reference to any mark or indication made in the passport by or on behalf of the Minister charged with responsibility for immigration signifying that the entry has been noted and approved.

(3) In this section the expression “passport” includes any document which, in accordance with the law for the time being in force in Malaysia, would be treated as the equivalent of a passport in the case of a person entering Malaysia, being a national of the country by whose Government the document is issued.

### **Definition of relevant association**

5. In Part II references to person’s having at any time a relevant association with a visiting force are references to his being at that time a person of one or other of the following descriptions:

- (a) a member of that visiting force or a member of a civilian component of that force;
- (b) a person (not being a citizen of Malaysia or ordinarily resident in Malaysia) being a dependant of a member of that visiting force or of a civilian component of that force.

## **PART II**

### **VISITING FORCES**

#### **Exercise of powers by Service courts and authorities of countries sending visiting forces**

6. (1) The Service courts and Service authorities of a country to which this section applies may within Malaysia, or on board any ships or aircraft belonging to any Government in Malaysia, exercise

over persons subject to their jurisdiction in accordance with this section all such powers as are exercisable by them according to the law of that country.

(2) The persons subject to the jurisdiction of the Service courts and Service authorities of a country in accordance with this section are the following, that is to say:

- (a) members of any visiting force of that country;
- (b) all persons, not being citizens of Malaysia, seconded or temporarily attached to or serving with the armed forces of Malaysia in accordance with any treaty, arrangement or agreement to which the Government of Malaysia is a party, and who by their terms and conditions of service are subject to the jurisdiction of such courts and authorities; and
- (c) all other persons who, being neither citizens of Malaysia nor ordinarily resident in Malaysia, are for the time being subject to the service law of that country otherwise than as members of that country's forces;

Provided that for the purposes of this subsection a person shall not be treated as a member of visiting force of a country if he became (or last became) a member of that country's forces at a time when he was in Malaysia, unless it is shown that he then became a member of those forces with his consent.

(3) Where any sentence has, whether within or outside Malaysia, been passed by a Service court of a country to which this section applies upon a person who immediately before the sentence was passed was subject to the jurisdiction of that court in accordance with this section, then for the purposes of any proceedings in a court of Malaysia the said Service court shall be deemed to have been properly constituted, and the sentence shall be deemed to be within the jurisdiction of that court and in accordance with the law of that country, and if executed according to the tenor of the sentence shall be deemed to have been lawfully executed.

(4) Notwithstanding anything in the foregoing provisions of this section, a sentence of death passed by a Service court of a country to which this section applies shall not be carried out in Malaysia unless under the law of Malaysia a sentence of death could have been passed in a similar case.

(5) Any person who—

- (a) is detained in custody in pursuance of a sentence as respects which subsection (3) has effect; or
- (b) being subject in accordance with this section to the jurisdiction of the Service courts of a country to which this section applies, is detained in custody pending or during the trial by such a court of a charge brought against him,

shall for the purposes of any proceedings in any court of Malaysia be deemed to be in lawful custody.

(6) For the purpose of enabling the Service courts and Service authorities of a country to which this section applies to exercise more effectively the powers referred to in subsection (1), the Minister may, if so requested by the appropriate authority of that country, from time to time by general or special orders direct members of Malaysian forces to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country, and to hand him over to such Service authority of that country as may be designated by or under such orders.

### **Restriction as respects certain offences, of trial of offenders connected with visiting force**

7. (1) No prosecution for an offence alleged to have been committed by a member of a visiting force shall be instituted in any court of Malaysia unless—

(a) the Public Prosecutor certifies—

- (i) that the offence is one in relation to which the Malaysian authorities have the right to exercise exclusive jurisdiction or the primary right to exercise jurisdiction under any treaty, agreement or arrangement to which the Government of Malaysia is a party; and
- (ii) that such authorities have not waived their right of jurisdiction in respect of that offence; or

(b) the Public Prosecutor certifies that, although the offence is one in respect of which the Service authorities of the visiting force have the primary right to exercise jurisdiction

under such a treaty, agreement or arrangement, that right has been waived in respect of the offence by such authorities or by the Government of the country to which such visiting force belongs.

(2) Where a person has been tried by a Service court of a country under the powers referred to in subsection 6(1) duly exercised in accordance with any treaty, agreement or arrangement between Malaysia and such country, he shall not be tried for the same offence by any court of Malaysia.

(3) The Yang di-Pertuan Agong may by order direct that subsection (1) shall apply in like manner as they apply to members of a visiting force to such other persons or class of persons having a relevant association with a visiting force as he may by such order specify.

(4) Subject to section 9, a person charged with an offence may, notwithstanding this section, be arrested or a warrant for his arrest may be issued or executed, and any such person may be remanded in custody or on bail notwithstanding that the Public Prosecutor has not given a certificate under subsection (1), but the case shall not be further prosecuted until such a certificate has been given.

### **Malaysian courts to have regard to sentences of Service courts**

8. Where a person who has been convicted by a Service court under the powers referred to in subsection 6(1) is convicted by a court of Malaysia, and it appears to that court that the conviction by the Service court was wholly or partly in respect of acts or omissions in respect of which he is convicted by the court of Malaysia, that court shall have regard to the sentence of the Service court.

### **Arrest, custody, etc., of offenders against Malaysian law**

9. (1) Neither section 7 nor section 8 shall affect—

- (a) any powers of arrest, search, entry, seizure or custody exercisable under any law of Malaysia with respect to offences committed or believed to have been committed against that law; or

- (b) any obligation of any person in respect of a bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or
- (c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

(2) Where a person to whom this section applies is taken into custody by a police officer for any offence referred to in subsection (1), and is not released, and—

- (a) it is apparent that he has a relevant association with a visiting force of a country to which this section applies, then he shall as soon as practicable thereafter, be delivered or remanded into the custody of a Service authority of that country;
- (b) it is not apparent but there are reasonable grounds for believing that in accordance with section 6 he is subject to the jurisdiction of the Service courts of a country to which this section applies, then with a view of its being determined whether he is to be dealt with for that offence under the law of Malaysia or by the Service courts of that country, as the case may be, he may be detained in custody for a period not exceeding twenty-four hours: but if within that period he is not delivered into the custody of a Service authority of that country he shall be released on bail or brought before a Magistrate.

(3) Where a prosecution for an offence alleged to have been committed by a person to whom this section applies is instituted pursuant to subsection 7(1) in any court of Malaysia, such person shall be delivered or remanded into the custody of a Service authority of that country until he is brought to trial by the Malaysian authorities.

(4) A person detained in custody in accordance with the foregoing provisions of this section shall be deemed to be in lawful custody for all purposes.

(5) This section applies to—

- (a) members of a visiting force; and
- (b) any other persons who have a relevant association with a visiting force.

**Restriction on proceedings in respect of service of members, etc., of visiting force**

**10.** No proceedings shall be entertained by any court of Malaysia with regard to the pay of any person in respect of service as a member of a visiting force or as a member of a civilian component of such a force, with regard to the terms of such service or with regard to a person's discharge from such service.

**Provisions as to Magistrates' or Coroners' inquests and as to removal of bodies of deceased persons**

**11.** (1) If any Magistrate or Coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with a visiting force, then unless the Minister otherwise directs the Magistrate or Coroner shall not hold the inquest or, if the inquest has been begun but not completed, shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury.

(2) Subject to subsection (1), if on an inquest touching a death the Magistrate or Coroner is satisfied—

- (a) that a person who in accordance with section 6 is subject to the jurisdiction of the Service courts of a country to which this section applies has been charged before a court of that country with causing the death of the deceased person, whether or not that charge has been dealt with; or
- (b) that such a person is being detained by an authority of that country with a view to being so charged,

then unless the Minister otherwise directs the Magistrate or Coroner shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury, and shall furnish the registrar of deaths with a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquest.

(3) Where an inquest is adjourned under this section the Magistrate or Coroner shall not resume it except on the direction of the Minister and, if he does resume it, shall proceed in all respects as

if the inquest had not previously been begun, except that it shall not be obligatory on the Magistrate or Coroner to view the body or to furnish the registrar of deaths with any certificate or further certificate, as the case may be.

(4) Any law in force in Malaysia restricting the removal out of Malaysia of the body of a deceased person shall not apply to the body of a person who at the time of his death had a relevant association with a visiting force:

Provided that this subsection shall not apply as respects the body of a person concerning whose death, by virtue of a direction of the Minister under subsection (1) or (3), an inquest is required to be held or, if begun, is required to be resumed.

(5) Notwithstanding anything in any law of Malaysia relating to certificates to be given to persons giving information concerning deaths, a certificate shall not be given under such law to the person giving information concerning a death if that person states that the body is one as respects which subsection (4) has effect and that it is proposed to remove the body out of Malaysia.

### **Application to visiting forces of law relating to Malaysian forces**

**12.** (1) Where under any written law a power is exercisable by any authority or person—

- (a) as respects any of the Malaysian forces or their members or Service courts or other persons in any way connected therewith; or
- (b) as respects any property used or to be used for the purposes of any of the Malaysian forces, or for taking possession of any property to be so used, or for acquiring (whether by agreement or compulsorily) any property so used or to be so used,

the Yang di-Pertuan Agong may by order make provision for securing that subject to any conditions specified by or under the order the power shall be exercisable by that authority or person in the case of any visiting force to which the order applies to any extent to which it would be exercisable if the visiting force were a part of any of the Malaysian forces.

(2) The Yang di-Pertuan Agong may by order made as respects any visiting force for the purpose of implementing any treaty, agreement or arrangement between Malaysia and the country to which such force belongs—

- (a) exempt that force or members or Service courts or other persons (including, any authorized Service organization) in any way connected therewith or property used or to be used for the purposes thereof from the operation of any written law specified in the order;
- (b) confer on that force or any such members, courts, persons or property as aforesaid any other power, privilege or immunity which would be enjoyed or would be capable of being conferred on the force, members, courts, persons or property if the force were part of any of the Malaysian forces.

(3) Where by any written law the doing of anything is prohibited, restricted or required in relation to—

- (a) any of the Malaysian forces or their members or Service courts or other persons in any way connected therewith;
- (b) any property used or to be used for the purposes of any of the Malaysian forces,

the Yang di-Pertuan Agong may by order make provision for securing that the prohibition, restriction or requirement shall have effect in the case of any visiting force to which the order applies to any extent to which it so would have effect if the visiting force were a part of any of the Malaysian forces.

(4) An order under this section—

- (a) may contain such incidental, consequential and supplementary provisions as appear to the Yang di-Pertuan Agong expedient for the purposes of the order, including provisions for applying, modifying, adapting or suspending any written law;
- (b) may make financial provision in respect of the exercise of any power, or the discharge of any duty, conferred or imposed by the order.

(5) In this section “property” includes both movable and immovable property.



(6) Subsections (1) and (3) apply whether the power in question is exercisable, or the prohibition, restriction or requirement in question is imposed, by provision expressly relating to the Malaysian forces or by more general provision.

### **Settlement of claims against visiting forces**

**13.** (1) The Minister may make arrangements whereby claims in respect of acts or omissions of members of visiting forces, or of other persons or organizations connected therewith to whom the arrangements relate, being acts or omissions of any description to which the arrangements relate, will be satisfied by payments made by the Minister of such amounts as may be adjudged by any court of Malaysia or as may be agreed between the claimant and the Minister or such other authority as may be provided by the arrangements; and any expenses of the Minister incurred in satisfying claims in pursuance of any such arrangements or otherwise in connection with the arrangements shall be defrayed out of moneys provided by Parliament.

(2) The Minister shall take such steps as may be requisite for securing that persons concerned with any arrangements made by him under this section shall be informed of the nature and operation of the arrangements.

### **Evidence for purposes of Part II**

**14.** (1) For the purposes of this Part a certificate issued by or on behalf of the appropriate authority of a country, stating that at a time specified in the certificate a person so specified either was or was not a member of a visiting force of that country, shall in any proceedings in any court in Malaysia be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Part a certificate issued by or on behalf of the appropriate authority of a country, stating, as respects a person specified in the certificate—

- (a) that on a date so specified he was sentenced by a Service court of that country to such punishment as is specified in the certificate; or

- (b) that he is, or was at a time so specified, detained in custody in pursuance of a sentence passed upon him by a Service court of that country or pending or during the trial by such a court of a charge brought against him; or
- (c) that he has been tried, at a time and place specified in the certificate, by a Service court of that country for a crime so specified,

shall in any proceedings in any court of Malaysia be conclusive evidence of the facts so stated.

(3) For the purposes of section 4 the following provisions shall have effect in any proceedings in any court of Malaysia, that is to say:

- (a) a document purporting to be a passport issued by or on behalf of a Government and to be so issued in respect of a person bearing the name in which a person is referred to in the proceedings (whether as a party thereto or otherwise) shall, unless the contrary is proved, be deemed to have been issued by that Government and to relate to the person so referred to;
- (b) an entry in a passport containing such a statement as is mentioned in paragraph 4(1)(b) and purporting to be made by or on behalf of the appropriate authority of the sending country shall, unless the contrary is proved, be deemed to have been so made; and
- (c) a mark or indication in a passport purporting to be made by or on behalf of the Minister shall, unless the contrary is proved be deemed to have been so made.

(4) For the purposes of this Part, the production of an uncanceled entry made by or on behalf of the appropriate authority of the sending country in a document purporting to be a passport issued by a Government (other than Malaysia) stating that the person mentioned therein (not being a citizen of Malaysia or ordinarily resident therein) is a dependant of a member of a visiting force of that country or of a civilian component of that Force shall in any proceedings in any court of Malaysia be sufficient evidence of the fact so stated unless the contrary is proved.

(5) Where a person is charged with an offence against the law of Malaysia and at the time when the offence is alleged to have been committed he was a member of a visiting force or a member of a civilian component of such a force, a certificate issued by or on behalf of the appropriate authority of the sending country, stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force or component, as the case may be, shall in any such proceedings as aforesaid be sufficient evidence of that fact unless the contrary is proved.

(6) For the purposes of subsection 7(1) any certificate of the Public Prosecutor given thereunder shall in any proceedings be conclusive evidence of the facts stated therein.

### PART III

#### DESERTERS AND ABSENTEES WITHOUT LEAVE

#### **Apprehension and disposal of deserters and absentees without leave**

**15.** (1) Subject to this section, sections 64 and 93 of the Armed Forces Act 1972 [*Act 77*] (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the Malaysian Armed Forces) shall within Malaysia apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the Malaysian Armed Forces.

(2) The powers conferred by the said sections 64 and 93 as applied by subsection (1) shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.

(3) In sections 64 and 93 of the Armed Forces Act 1972 as applied by subsection (1)—

- (a) references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, at such place in Malaysia as may be designated by the appropriate authority of that country; and

- (b) references to the General Officer Commanding the Malaysian Army shall be construed as references to the appropriate authority of the country to which such person belongs.

(4) In this section references to the country to which a person belongs are references to the country from whose forces he is suspected of being or (where he has surrendered himself) appears from his confession to be a deserter or absentee without leave.

### **Evidence for purposes of section 15**

**16.** For the purposes of any proceedings under or arising out of any provision of the Armed Forces Act 1972 as applied by the last foregoing section—

- (a) a document purporting to be a certificate under the hand of the Minister, stating that a request has been made for the exercise of the powers mentioned in subsection 15(2), and indicating the effect of the request, shall be sufficient evidence, unless the contrary is proved, that the request has been made and of its effect; and
- (b) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any of the forces of a country to which this section applies, stating that a person named and described therein was at the date of the certificate a deserter, or absentee without leave, from those forces shall be sufficient evidence, unless the contrary is proved, of the facts appearing from the document to be so certified.

## **PART IV**

### **ATTACHMENT OF PERSONNEL AND MUTUAL POWERS OF COMMAND**

#### **Attachment of personnel and mutual powers of command**

**17.** (1) The Armed Forces Council—

- (a) may attach temporarily to a Malaysian force any member of the forces of any country to which this section applies who is placed at the disposal of the Government of Malaysia for the purpose by the service authorities of that country;

- (b) subject to anything to the contrary in the conditions applicable to his service, may place any member of a Malaysian force at the disposal of the Service authorities of any country to which this section applies for the purpose of being attached temporarily by those authorities to a force of that country:

Provided nevertheless that the power conferred by paragraph (b) of this subsection shall not be exercisable in relation to any person without his consent.

(2) While a member of any force of a country to which this section applies is by virtue of this section attached temporarily to a Malaysian force he shall be treated and shall have the like powers of command and punishment over members of the Malaysian force to which he is attached and shall be subject in all respects to the law relating to discipline and administration of that force as if he were a member of the force of relative rank:

Provided that the Yang di-Pertuan Agong may by order direct in relation to members of a force of any such country specified in the order, that such law shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.

(3) When a Malaysian force and a force of a country to which this section applies (in this subsection referred to as “the other force”) are serving together whether alone or not—

- (a) any member of the other force shall be treated and shall have over members of the Malaysian force the like powers of command as if he were a member of the Malaysian force of relative rank; and
- (b) if the forces are acting in combination, any officer of the other force appointed by the Yang di-Pertuan Agong or in accordance with regulations made by or by authority of the Yang di-Pertuan Agong, to command the combined force, or any part thereof, shall be treated and shall have over members of the Malaysian force the like powers of command and punishment and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the Malaysian force of relative rank and holding the same command.

(4) For the purpose of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Yang di-Pertuan Agong and the relative rank of members of the Malaysian forces and of other forces shall be such as may be prescribed by regulations made by the Yang di-Pertuan Agong.

## PART V

### SUPPLEMENTARY PROVISIONS

#### **Provisions as to proof of facts by certificate**

**18.** (1) For the purposes of this Act—

- (a) a certificate issued by or on behalf of the appropriate authority of a country, stating that a body, contingent or detachment of the forces of that country is, or was at a time specified in the certificate, present in Malaysia, shall in any proceedings in any court of Malaysia be conclusive evidence of the fact so stated; and
- (b) where in any such proceedings it is admitted or proved (whether by means of a certificate under the foregoing paragraph or otherwise) that a body, contingent or detachment of the forces of a country is or was at any time present in Malaysia, it shall be assumed in those proceedings, unless the contrary is shown, that the body, contingent or detachment is or was at that time lawfully present in Malaysia.

(2) Where in any certificate issued for the purposes of this Act reference is made to a person by name, and in any proceedings in a court of Malaysia reference is made to a person by that name (whether as a party to the proceedings or otherwise), the references in the certificate and in the proceedings respectively shall, unless the contrary is proved, be deemed to be references to one and the same person.

(3) Any document purporting to be a certificate issued for the purposes of this Act, and to be signed by or on behalf of an authority specified therein, shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that authority; and where under the provision

in question a certificate is required to be issued by or on behalf of the appropriate authority of a country, and the document purports to be signed by or on behalf of an authority of that country, that authority shall, unless the contrary is proved, be deemed to be the appropriate authority of that country for the purposes of that provision.

**Repeal**

**19.** The Enactments specified in the Schedule are hereby repealed:

Provided that (without prejudice to section 77 of the Interpretation Acts 1948 and 1967 [*Act 388*] where immediately before the commencement of this section a person was imprisoned or detained in pursuance of any provision of those Enactments or of any order made thereunder, the said repeal shall not affect the operation of any such provision in relation to his continued imprisonment or detention.

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## SCHEDULE

## [Section 19]

F.M.S. Enactment No. 19 of 1940	Visiting Forces Enactment 1940
Johore Enactment No. 2 of 1941	Visiting Forces Enactment 1941
Kedah Enactment No. 6 of 1360	Visiting Forces (British Commonwealth) Enactment 1360
Trengganu Enactment No. 2 of 1360	Visiting Forces (British Commonwealth) Enactment 1360
Perlis Enactment No. 3 of 1360	Visiting Forces (British Commonwealth) Enactment 1360

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**LAWS OF MALAYSIA**  
**Act 432**  
**VISITING FORCES ACT 1960**

**LIST OF AMENDMENTS**

Amending law

Short title

In force from

– NIL –

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**LAWS OF MALAYSIA****Act 432****VISITING FORCES ACT 1960****LIST OF SECTIONS AMENDED**

Sections	Amending authority	In force from
	– NIL –	

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