LAWS OF MALAYSIA

REPRINT

Act 170

MARTIAL ARTS SOCIETIES ACT
1976

Incorporating all amendments up to 1 January 2006
MARTIAL ARTS SOCIETIES ACT 1976

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LAWS OF MALAYSIA

Act 170

MARTIAL ARTS SOCIETIES ACT 1976

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FIRST SCHEDULE
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MARTIAL ARTS SOCIETIES ACT 1976

An Act to provide for the establishment of the Martial Arts Supervisory Council, for the registration of martial arts societies and matters connected therewith.

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, commencement and application

1. (1) This Act may be cited as the Martial Arts Societies Act 1976, and shall come into force on such date as the Minister may by notification in the Gazette appoint.

(2) This Act shall apply throughout Malaysia.

Interpretation

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

“martial arts” or “any form of martial arts” means any of the martial arts specified in the First Schedule or any combination thereof and any other form of physical training, the study or practice of which will enable the doer to acquire the skills to physically defend himself against armed or unarmed attack:

Provided that notwithstanding the definition of “martial arts” the Minister may by order published in the Gazette amend the First Schedule;
“Minister” means the Minister charged with the responsibility for sports;

“place of instruction” means the place of instruction registered under section 16 other than a place of study, where any form of martial arts is instructed to members of martial arts societies by a registered instructor;

“place of study” means the place of study registered under section 13 where any form of martial arts will be studied by a martial arts society;

“study” means the study of any form of martial arts whether under an instructor or otherwise and includes practising any of the exercises of any form of martial arts.

Registrar of Martial Arts Societies

3. The Registrar of Societies shall be the Registrar of Martial Arts Societies and the Deputy Registrars and Assistant Registrars of Societies shall correspondingly be the Deputy Registrars and Assistant Registrars of Martial Arts Societies.

PART II

MARTIAL ARTS SUPERVISORY COUNCIL

Establishment of Martial Arts Supervisory Council

4. (1) A body by the name of Martial Arts Supervisory Council is established, whose functions shall be—

(a) generally to advise the Minister on matters pertaining to martial arts; and

(b) to advise the Minister on any matter referred to the Council by the Minister.

(2) The Council shall consist of the following members who shall be appointed by the Minister:

(a) a Chairman;

(b) a Deputy Chairman;
(c) not less than eight but not more than fifteen members from amongst persons nominated by the various bodies concerned with martial arts or if no nominations are made within three months of the coming into operation of this Act, from amongst persons the Minister thinks fit;

(d) not less than five but not more than eight members from Ministries which the Minister considers necessary to be represented.

(3) The Minister may in respect of each member appointed under paragraph (2)(c) appoint one person to be an alternate member to attend in place of the member at meetings of the Council that the member is for any reason unable to attend.

(4) When attending meetings of the Council an alternate member shall for all purposes be deemed to be a member of the Council. An alternate member shall unless he sooner resigns or his appointment is sooner revoked cease to be an alternate member when the member in respect of whom he was an alternate member ceases to be a member of the Council.

Terms and conditions of appointment, revocation and resignation

5. (1) A member of the Council shall hold office for such term and subject to such conditions as the Minister may specify in the instrument appointing him.

(2) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(3) A member may at any time resign his office by letter addressed to the Minister.

Office deemed vacated

6. (1) The office of a member of the Council shall be deemed vacated—

(a) if he dies;

(b) if there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;
(ii) an offence under any law relating to corruption;

(iii) any other offence punishable with imprisonment
(in itself only or in addition to or in lieu of a fine)
for more than two years;

(c) if he becomes bankrupt;

(d) if he is of unsound mind or is otherwise incapable of
performing his duties;

(e) if he absents himself from three consecutive meetings
without leave of the Council;

(f) in the event of his resignation being accepted by the
Minister; or

(g) if his appointment is revoked.

(2) Where any member ceases to be a member by reason of any
of the provisions of this Act, a person shall be appointed in his
place in accordance with the provisions applying.

Remuneration and allowances

7. There shall be paid to members of the Council or any other
person such salaries, remuneration or allowances as the Minister
may determine.

Meetings

8. (1) The Council shall meet at least once in every six months.

(2) The quorum of the Council shall be the Chairman or Deputy
Chairman and seven other members.

(3) At all meetings of the Council the Chairman or, in his
absence, the Deputy Chairman shall preside.

(4) If on any question to be determined by the Council there
is an equality of votes, the Chairman or Deputy Chairman shall
have a casting vote in addition to his deliberative vote.

(5) Subject to the provisions of this Act, the Council shall
determine its own procedure.
Council may invite others to meetings

9. The Council may request any person (not being member of the Council) to attend any meeting or deliberation of the Council for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

Minutes

10. (1) The Chairman or Deputy Chairman, as the case may be, shall cause minutes of all meetings of the Council to be maintained and kept in a proper form.

   (2) Any minutes made of meetings of the Council shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every meeting of the Council in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

Validity of acts and proceedings

11. No act done or proceeding taken under this Act shall be questioned on the ground—

   (a) of any vacancy in the membership or of any defect in the constitution of the Council;

   (b) of the contravention by any member of the Council relating to the disclosure of interest by such member; or

   (c) of any omission, defect or irregularity not affecting the merits of the case.

PART III

REGISTRATION

National controlling bodies

12. (1) There shall be formed, in respect of each form of martial arts, a national controlling body.
(2) The name and constitution of the national controlling body and the procedure to be followed in electing or appointing the persons to the national controlling body shall be determined by the majority of representatives of martial arts societies studying that form of martial arts, each society sending only one representative.

(3) Where on the date of coming into operation of this Act, there is already, in respect of any form of martial arts, a national controlling body, such body shall be deemed to have been formed and shall function as if formed under this Act.

(4) Where on the date of coming into operation of this Act, there are, in respect of any form of martial arts, more than one national controlling body, the Registrar may within three months thereof, by notice served on each of such bodies, require them to form one national controlling body.

(5) Where on the date of coming into operation of this Act, there is, in respect of any form of martial arts, no national controlling bodies or there are more than one national controlling bodies and such bodies have failed to form a national controlling body within the period of three months, the Minister may establish a national controlling body which shall be deemed to be the national controlling body in respect of that form of martial arts.

(6) A national controlling body established by the Minister shall consist of—

(a) seven members who shall be appointed by the Minister from members of the various martial arts societies studying that form of martial arts;

(b) three members who shall be appointed by the Minister from Ministries the Minister considers necessary to be represented.

(7) It shall be the function and duty of national controlling body—

(a) to hold and control the holding of exhibitions and examinations;

(b) to classify and control the classification of grades and the conduct of examination;
(c) to determine the code of conduct and discipline of every student of that form of martial arts and may for that purpose establish disciplinary bodies as it deems fit;

(d) to determine the persons who may participate at internationally organized functions or games but when so determining shall consult the Ministry charged with the responsibility for sports;

(e) to promote and coordinate the activities of all martial arts societies studying that form of martial arts; and

(f) to carry on all activities, the carrying on whereof appears to be requisite or advantageous for the advancement of that form of martial arts.

(8) Every member of a national controlling body shall be a Federal citizen and where a non-citizen has been elected or appointed, his election or appointment shall be deemed to be void.

Registration of martial arts societies

13. (1) Subject to subsection (2), no society registered under the Societies Act 1966 [Act 335] or body of persons other than a company, business, partnership or firm shall have as one of its objects or activities the study by its members of any form of martial arts unless it is registered as a martial arts society under this Act.

(2) Where on the date of coming into force of this Act any society registered under the Societies Act 1966 has as one of its objects or activities the study by its members of any form of martial arts, such society shall, within three months thereof, apply for registration as a martial arts society under this Act.

(3) An application for registration as a martial arts society shall—

(a) be signed by the Chairman or President and Secretary of the society or body of persons;

(b) specify the form of martial arts that will be studied by its members;

(c) be accompanied by a list of members who shall be studying and instructors who shall be instructing that form of martial arts, giving their full names, identity card numbers, citizenship status, addresses and vocation and such other information as may be required by the Registrar;
(d) specify the place at which the martial arts specified in paragraph (b) will be studied by its members; and

(e) in the case of a body of persons other than a society registered under the Societies Act 1966, be accompanied by—

(i) the minutes of the inaugural meeting;

(ii) its constitution; and

(iii) a list of persons who attended that inaugural meeting.

(4) The Registrar may approve or reject the application without assigning any reason therefor.

(5) Where the Registrar approves the application he shall register the society or body of persons as a martial arts society and shall issue a certificate of registration in the prescribed form.

(6) The place specified in the application for registration as the place at which martial arts will be studied shall be registered as the place of study.

(7) Any society registered under the Societies Act 1966 or body of persons which contravenes subsection (1) shall be guilty of an offence under this Act and shall be liable to a fine not exceeding two thousand ringgit.

New members, instructors and cessation from instruction or membership

14. (1) Every martial arts society shall, within two weeks of the occurrence of the event, inform the Registrar of—

(a) the full name, identity card number, citizenship status, address and vocation of every new member who applies to study or practise the form of martial arts studied or practised by other members of that martial arts society;

(b) the name of every person who ceases to be a member;

(c) the name, identity card number, citizenship status, address and particulars of registration of the instructor, and of any new or additional instructor;

(d) the name of the person who ceases to be an instructor and the date of cessation.
(2) A martial arts society shall not except with prior permission of the Registrar change or add to the form of martial arts to be studied by its members.

(3) Any martial arts society which fails to comply with the requirements of subsection (1) or (2) shall be guilty of an offence under this Act and shall be liable to a fine not exceeding two thousand ringgit.

Restriction on place of study

15. No martial arts society shall change its place of study without the prior permission of the Registrar and such change endorsed on the certificate of registration.

Registration of instructors

16. (1) No person shall instruct another person in any form of martial arts unless—

(a) he is registered as an instructor under this Act;

(b) the place where instruction is carried out is a place of instruction of martial arts or is a place of study of a martial arts society; and

(c) the person instructed is a member of a martial arts society.

(2) An application for registration as an instructor shall—

(a) contain the name, identity card number, address and, if he is not a full-time instructor, the vocation of the applicant;

(b) specify the form of martial arts that the applicant intends to instruct;

(c) specify the period of study undergone by the applicant, the grade obtained and the examining authority which awarded his grade; and

(d) specify the place at which he intends to instruct the form of martial arts.
(3) The Registrar may, if satisfied that the applicant has the necessary qualifications and is a fit and proper person to be an instructor, register him as an instructor and shall issue a certificate of registration in the prescribed form.

(4) The place specified in the application for registration as the place at which the instructor intends to instruct the form of martial arts shall be registered as the place of instruction and shall not be changed without the prior written permission of the Registrar.

(5) A registered instructor shall from time to time inform the Registrar in writing of—

(a) the martial arts society or societies to which he is an instructor;

(b) if his students, during any session of instruction at his registered place of instruction, is a composite group of persons who are members of more than one martial arts society the names of such students, their identity card numbers, addresses and vocations and the names of the respective martial arts society of which they are members; and

(c) the names of such persons who, being listed under paragraph (b), cease being his students, the date of cessation and the grade obtained by such persons.

Cancellation or suspension of instructor’s registration

17. (1) The Registrar may cancel or suspend the registration of an instructor—

(a) if he is satisfied that the instructor—

(i) has ceased to provide instruction in any form of martial arts to which the registration relates;

(ii) has improperly obtained his instructor’s certificate contrary to the provisions of this Act or any regulations thereunder;

(iii) is no longer a fit and proper person to continue to be registered as an instructor; or
(iv) is contravening or has contravened any of the provisions of this Act or the regulations made thereunder; or

(b) if he considers it in the public interest to do so.

(2) The Registrar shall, before cancelling or suspending the registration of an instructor under subsection (1), give the instructor concerned a notice in writing of his intention to do so, specifying a date, not less than fourteen days after the date of the notice, upon which such cancellation or suspension shall be made and calling upon the instructor to show cause to the Registrar why such registration should not be cancelled or suspended.

(3) If before the date referred to in subsection (2) the instructor fails to show cause to the Registrar why his registration should not be cancelled or suspended, his registration shall be cancelled or suspended but if the instructor shows cause, the Registrar shall decide and shall inform the instructor in writing of his decision.

(4) If an instructor, after showing cause, is aggrieved by the decision of the Registrar he may within fourteen days after the receipt of the decision of the Registrar appeal to the Minister charged with the responsibility for registration of societies in writing whose decision shall be final.

(5) Notwithstanding that an appeal had been made the decision of the Registrar shall take effect until it is reversed or varied by such Minister.

Restriction on study of martial arts

18. (1) No two or more persons shall congregate to study any form of martial arts unless they are registered instructors or members of a society or body of persons which is registered as a martial arts society.

(2) Notwithstanding subsection (1), the Registrar may exempt from the provisions of this Act, any organization or association in respect of which there is for the time being in force a certificate (which may be granted, refused or cancelled at his discretion) by a person or authority appointed under the provisions of the written
(3) Any person who falls within any of the classes of persons mentioned in the Second Schedule shall not—

(a) join as a member of a body of persons which is registered as a martial arts society; or

(b) if he is a member of a society which is registered as a martial arts society, study any form of martial arts,

except with the prior written permission of the Registrar.

(4) The Minister charged with the responsibility for registration of societies may by order published in the Gazette amend the Second Schedule as he thinks fit.

(5) Any person who contravenes subsection (1) or (3) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment not exceeding five years or to both.

Use of weapons

19. Instructors of martial arts and members of martial arts societies may in the course of the study of any form of martial arts at any place of study or place of instruction use for the purpose of the study of that form of martial arts only the weapon specified in their registration or permitted in writing by the Registrar.

Prohibition

20. (1) Notwithstanding anything in this Act, the Minister may by order published in the Gazette prohibit the practice or instruction of any form of physical training which falls within the definition of “martial arts”.

(2) Any person who contravenes any order made under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment not exceeding one year or to both.
Application of Societies Act 1966 to this Act

21. (1) The provisions of the Societies Act 1966 and regulations made thereunder and this Act shall be read as one; and any body of persons other than a society registered under the Societies Act 1966 which—

(a) applies for registration as a martial arts society; or

(b) subsequent to its application, is registered as a martial arts society under this Act,

shall in addition to the requirements of this Act, comply with the provisions of the Societies Act 1966:

Provided that no separate application shall be required for registration of a body of persons as a society under the Societies Act 1966 and that upon the registration of such body of persons as a martial arts society under this Act, it shall be deemed to have been also registered as a society under the Societies Act 1966.

(2) The expression “society” in the Societies Act 1966 shall, unless the context of this Act otherwise requires, be deemed to include a martial arts society registered under this Act and the power of the Minister charged with the responsibility for registration of societies to make regulations under section 67 of the Societies Act 1966 shall be deemed to extend to and to include martial arts societies registered under this Act.

Effect of cancellation under Societies Act and this Act on societies and martial arts societies

22. (1) Where in exercise of any of the provisions of the Societies Act 1966, the registration of any society registered under that Act has been cancelled, the registration of such society as a martial arts society under this Act shall be deemed to have been also cancelled.

(2) Where the registration of a martial arts society under this Act has been cancelled, such cancellation shall not, if it was a society registered under the Societies Act 1966 and subsequent to such registration was registered as a martial arts society under this Act, affect its registration as a society under that Act.
Restrictions on registration and licensing of societies, business, etc.

23. (1) After the coming into force of this Act, there shall not be registered or licensed—

(a) any society under the Societies Act 1966 which has as one of its objects or activities the instruction or study of any form of martial arts;

(b) any business, partnership, proprietorship or firm under the *Registration of Businesses Act 1956 [Act 197], the Trades Licensing Ordinance of Sabah [Cap. 144], or the Businesses, Professions and Trade Licensing Ordinance of Sarawak [Cap. 33] one of whose purpose is the instruction or study of any form of martial arts; or

(c) any company under the Companies Act 1965 [Act 125] which has as one of its objects the instruction or study of any form of martial arts,

without the approval in writing of the Registrar and such applicant shall submit together with his application such approval.

(2) The registration or licensing of such society, business, partnership, proprietorship, firm or company without such approval shall be deemed to be void.

(3) Where on the date of coming into operation of this Act—

(a) any business, partnership, proprietorship or firm is registered or licensed, as the case may be, under the Registration of Businesses Act 1956, the Trades Licensing Ordinance of Sabah or the Businesses, Professions and Trade Licensing Ordinance of Sarawak and carries on as one of its business activities the instruction of any form of martial arts; or

(b) any company is registered under the Companies Act 1965 and has as one of its objects in the memorandum the instruction of any form of martial arts,

such business, partnership, proprietorship or firm or company shall, within six months thereof, apply for the written permission of the Registrar to carry on as one of its business activities or its objects, the instruction in any form of martial arts and if written permission is granted, shall be deemed to have been registered under subsection (1) with the approval of the Registrar.

*NOTE—Act 197 is applicable to Peninsular Malaysia only.
(4) No person or company shall, unless the business, partnership, proprietorship or firm or company is registered in accordance with subsection (1) or if in existence on the date of coming into operation of this Act, unless written permission is obtained from the Registrar within the period specified in subsection (3), carry on as one of his business activities or as one of its objects the instruction of any form of martial arts.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable to a fine not exceeding five thousand ringgit or to imprisonment not exceeding two years or to both.

**PART IV**

**MISCELLANEOUS**

**Criminal liability**

24. (1) If the person committing an offence under this Act is—

(a) a company, every person who at the time the offence was committed was a director, general manager, manager, secretary or other officer of the company concerned in the management of the company in Malaysia or who was purporting to act in any such capacity; or

(b) a society, every person who at the time of the commission of the offence is an office-bearer or a person managing or assisting in the management of the society,

shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

Provided that it shall be a defence for such person, if he proves that the offence was committed without his consent or connivance and that he had exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and to all other circumstances.
(2) For the purpose of this section—

(a) “company” includes—

(i) any company incorporated under the Companies Act 1965;

(ii) a firm or other association of individuals; and

(iii) a natural and individual person registered or licensed under any written law in force in Malaysia relating to the registration or licensing of businesses;

(b) “office-bearer” means any person who is the president or vice president, or secretary or treasurer of such or any branch of a society or who is a member of the committee or governing body thereof or of any branch thereof or who holds in such society or branch of a society any office or position analogous to any of those mentioned above.

(3) Where the agent or servant of a person (such person being hereinafter in this section referred to as “the principal”) does anything or omits to do anything (which if done or omitted to be done by the principal would constitute an offence under this Act) the principal shall, notwithstanding that he has no knowledge of the offence, be deemed guilty of the offence and be liable to punishment for the offence:

Provided that it shall be a defence for the principal, if he proves—

(a) that the act or omission complained of was not within the ordinary scope of the employment of the agent or servant; and

(b) that the principal did not permit or subsequently ratify such act or omission.

(4) Where the agent or servant of the principal does anything or omits to do anything (which if done or omitted to be done by the principal would constitute an offence under this Act) such agent or servant shall also be guilty of that offence.

(5) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act.
Search without warrant

25. (1) The Registrar, any Deputy Registrar or Assistant Registrar or any police officer with the rank of Inspector or above or any public officer authorized in writing by the Registrar may at any reasonable time enter and search any place of study or place of instruction or any dwelling house, shop, business premises or any other premises which he has reason to believe is kept or used by any society, business, partnership, firm or company if he has reason to believe that any offence under this Act or any regulations made thereunder is being committed, and he may—

(a) search any person found therein provided that a female may be searched only by another female;

(b) detain any person found therein until the search has been completed;

(c) inspect or make extract from or take possession of any books, accounts, writings, banners, list of members, insignia, arms, and any other articles.

(2) Where an officer exercises the power of search pursuant to subsection (1) he shall prepare a list (signed by him) of all articles seized in the course of the search and shall without undue delay send personally or by post a copy thereof to the owner or occupier of the premises or to his representative.

(3) The officer shall permit the occupier of the premises or his representative to witness the search.

Arrest

26. Where it appears to a Magistrate upon written information under oath by the Registrar, Deputy or Assistant Registrar or any other officer authorized in writing by the Registrar that there is reasonable cause to suspect that a person has committed an offence under this Act or any regulations made thereunder, he may issue a warrant of arrest authorizing the officer to arrest the person.

Regulations

27. (1) The Minister may after consultation with the Minister charged with the responsibility for registration of societies make regulations to—

(a) prescribe the manner of training and the standards to be attained by person before he can attain any grade in any martial art or before he can be registered as an instructor;
(b) prescribe the examinations that person may be required to pass before he can qualify as instructor or can attain any grade in any martial art;

(c) specify the qualifications obtained locally or abroad that may be recognized;

(d) establish and regulate centres for the study, practice and instruction of any martial art;

(e) fix fees and exempting any person or class of persons from the payment of such fees; and

(f) prescribe the offences and provide punishments therefor, such punishment not to exceed a fine of one thousand ringgit or imprisonment not to exceed six months or to both.

(2) The Minister charged with the responsibility for registration of societies may after consultation with the Minister make regulations to—

(a) prescribe the manner of registration and the forms to be used;

(b) prohibit, restrict or regulate the use of flags, emblems, symbols, badges and any insignia by societies, companies, or any other bodies of persons and instructors registered under this Act; and

(c) prescribe offences and provide punishments therefor, such punishment not to exceed a fine of one thousand ringgit or imprisonment not to exceed six months or both.
Martial Arts Societies

FIRST SCHEDULE

[Section 2]

TYPES OF MARTIAL ARTS

1. **Chinese Wu Shu (Martial Arts).**
   (i) hsing-i
   (ii) pa-kua
   (iii) pai-hao
   (iv) shaolin
   (v) tang lang
   (vi) tai chi chiuans
   (vii) pok khik
   (viii) wu chu
   (ix) kungfu.

2. **Japanese.**
   (i) karate-do
   (ii) judo
   (iii) jujutsu
   (iv) kendo
   (v) iai-do
   (vi) aiki-do
   (vii) jodo.

3. **Korean.**
   (i) taekwan-do
   (ii) tangsu-do.

4. **Malay.**
   All forms of silat.

5. **Indonesian.**
   Pentjak-silat.

6. **Thai.**
   Toi-muay.

7. **Indian.**
   Silambam.
Persons who have been—

(a) found guilty of any offence affecting life, offence of hurt for any reason, extortion or robbery or gang robbery under any of the Penal Code [Act 574] or of an offence of attempt to commit any of the foregoing offences;

(b) subjected to an order by the Chief Police Officer under section 13 of the Public Order (Preservation) Act 1958 [Act 296] and which order have not been cancelled;

(c) registered under section 12 of the Prevention of Crime Act 1959 [Act 297];

(d) placed under police supervision under section 295 of the Criminal Procedure Code [Act 593], section 12 of the Criminal Procedure Code [S.S. Cap. 21], or section 247 of the Sabah or Sarawak Criminal Procedure Code [Sabah 4/59; Sarawak Cap. 58];

(e) detained under an order under section 8 of the Internal Security Act 1960 [Act 82] and which order have not been cancelled or revoked;

(f) subjected to restricted residence under section 2 or placed under police supervision under section 2A of the Restricted Residence Act 1933 [Act 377].
## LAWS OF MALAYSIA

### Act 170

**MARTIAL ARTS SOCIETIES ACT 1976**

**LIST OF AMENDMENTS**

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**Act 170**

**MARTIAL ARTS SOCIETIES ACT 1976**

**LIST OF SECTIONS AMENDED**

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DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA