



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

MALAYSIA

Communicated by the Government of Malaysia

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

Act A766

DANGEROUS DRUGS (SPECIAL PREVENTIVE MEASURES) (AMENDMENT) ACT 1990

An Act to amend the Dangerous Drugs (Special Preventive Measures) Act 1985¹ and to provide for matters connected therewith.

Date of Royal Assent 2nd April 1990
Date of Publication in 31st March 1990
Gazette

WHEREAS action which is prejudicial to public order in Malaysia has been taken and further similar action is being threatened by a substantial body of persons both inside and outside Malaysia;

AND WHEREAS Parliament considers it necessary to stop such action;

***Note by the Secretariat:** The present document is a direct reproduction of the text communicated to the Secretariat.

Note by the Secretariat:
1/E/NL.1991/20

NOW, THEREFORE, pursuant to Article 149 of the Constitution, BE IT ENACTED by the Duli Yang Maha Mulia 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:

1. This Act may be cited as the Dangerous Drugs (Special Preventive Measures) (Amendment) Act 1990. Short title.

2. Section 6 of the Dangerous Drugs (Special Preventive Measures) Act 1985, which is referred to in this Act as the "principal Act", is amended, in subsection (1), by deleting the words "from the date of such order". Amendment of section 6. Act 316.

3. (1) Section 6A of the principal Act is amended— Amendment of section 6A.

(a) by renumbering section 6A as subsection (1) of section 6A; and

(b) by inserting, after subsection (1), the following subsection:

"(2) No fresh detention order or fresh restriction order referred to in subsection (2) of section 11B shall be invalid or inoperative by reason that no fresh report has been submitted under subsection (3) of section 3 and subsection (4) of section 5 or that that detention order or restriction order was made on the same ground as the previous detention order or restriction order."

(2) Subsection (2) of section 6A of the principal Act, which has been inserted by subsection (1), shall be deemed to have been an integral part of that section as from the date of commencement of that section.

Amendment of section 11B. 4. Section 11B of the principal Act is amended, in subsection (2), by substituting for the words "order or to give a fresh direction as is mentioned under subsection (1)" the words "detention order under subsection (1) of section 6 or a fresh restriction order under subsection (3) of section 6 or a fresh direction under subsection (1) of section 11A".

Validation of
detention
orders and
detentions,
and indemnity:

5. (1) Where a detention order was made under subsection (1) of section 6 of the principal Act against any person during the period between the commencement of the principal Act and the commencement of this Act (hereinafter referred to as the “transitional period”), the detention order and the detention effected in pursuance thereof during the transitional period, and its continuation thereafter, if any, are hereby declared lawful and valid, and shall be deemed to be, and to have always and at all times been, lawful and valid, notwithstanding that—

- (a) the period for which it was directed by that order that such person be detained commenced from a date other than the date on which the detention order was made; or
- (b) the detention order was a fresh detention order made after the revocation of a previous detention order against such person.

(2) No action, suit, prosecution or other legal proceeding whatsoever of any description or in any form shall be brought, instituted or maintained in any court on any ground after the commencement of this Act or, if brought or instituted before the commencement of this Act, shall continue to be maintained, for or on account of, or in respect of, anything lawfully done in relation to the detention order or the detention declared lawful and valid under subsection (1), save that the provisions of this subsection shall not apply to any such legal proceeding which had concluded and the final decision of the court in respect of which had been given before the commencement of this Act, or to any appeal in respect of such final decision.