



LAWS OF MALAYSIA

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Act 221

MALAYSIA CIVIL DEFENCE FORCE ACT 1951

As at 15 October 2016

MALAYSIA CIVIL DEFENCE FORCE ACT 1951

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SCHEDULE

LAWS OF MALAYSIA**Act 221****MALAYSIA CIVIL DEFENCE FORCE ACT 1951**

An Act to provide for the establishment of the Malaysia Civil Defence Force and to provide for its functions and powers and related matters.

*[Peninsular Malaysia – 24 March 1952;
Sabah – 30 October 1964, L.N. 201/1965;
Sarawak – 10 November 1964, L.N. 201/1965]*

Short title

1. This Act may be cited as the Malaysia Civil Defence Force Act 1951.

Interpretation

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

“auxiliary member” means any person appointed by the Chief Commissioner under subsection 4H(1);

“Chief Commissioner” means the Chief Commissioner for the Force appointed under subsection 4(1);

“civil defence” includes any measures not amounting to actual combat for affording defences against any form of hostile attack or for depriving any form of hostile attack of the whole or part of its effect, whether the measures are taken before, at or after the time of the attack;

“civil defence services” means any service rendered or task undertaken by the Force in connection with civil defence functions;

“disaster” means a catastrophe, mishap or grave occurrence in any area, arising from natural, or man-made causes whether or not attributable to an attack by an enemy or to any warlike act, or by accident or negligence, which results in substantial loss of life or human suffering, or damage to, or destruction of, property, or damage to, or degradation of, environment or that in any way endangers the safety of the public;

“disaster management”, in relation to civil defence, means a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for—

- (a) prevention of danger or treat of any disaster;
- (b) mitigation or reduction of risk of any disaster or its severity or consequences;
- (c) capacity building;
- (d) preparedness to deal with any disaster;
- (e) prompt response to any threatening disaster situation or disaster;
- (f) evacuation, rescue and relief; and
- (g) rehabilitation and reconstruction;

“employer” means any employer who is within the definition of “employer” in the Employment Act 1955 [*Act 265*], Labour Ordinance [*Sabah Cap. 67*], Labour Ordinance [*Sarawak Cap. 76*] or Industrial Relations Act 1967 [*Act 177*];

“Force” means the Malaysia Civil Defence Force established under section 2A;

“Minister” means the Minister charged with the responsibility for civil defence;

“regular member” means any person employed on a full-time service in the Force;

“volunteer member” means any person enrolled in the Force under section 4G.

Establishment of Malaysia Civil Defence Force

2A. The Malaysia Civil Defence Force is established which shall consist of regular members, volunteer members and auxiliary members.

Functions of the Force

2B. The functions of the Force are to carry out civil defence duties as follows:

- (a) to carry out disaster management;
- (b) to perform humanitarian services;
- (c) to instruct the civilian population regarding civil defence and to equip them for the purposes of such defence;
- (d) to train the following persons for civil defence purposes:
 - (i) civil defence forces;
 - (ii) police force;
 - (iii) fire officer; and
 - (iv) employees of statutory and other bodies, whether corporate or unincorporate, employed primarily for purposes other than for civil defence purposes;
- (e) to requisition, purchase and hire land, buildings, materials, property and goods required for civil defence purposes;
- (f) to provide advice to the Minister on matters relating to civil defence;
- (g) to identify hazards and risks that the Chief Commissioner considers are of national significance;
- (h) to train and equip the civilian population to cope and assist with any civil defence purposes;

- (i) to inform and advise the civilian population relating to civil defence;
- (j) to rescue and to transfer endangered persons to areas of safety;
- (k) to set up emergency and first-aid posts and provide first-aid to casualties and to transfer the casualties to hospitals or areas of safety;
- (l) to assist relevant public authorities and other agencies to provide for the relief of distress and for welfare generally, including the accommodation of the homeless and the conserving and supplying of food, fuel, clothing, first-aid and medical supplies and other necessities;
- (m) to assist relevant public authorities to undertake measures for the disposal of the dead in the event of emergency;
- (n) to assist relevant public authorities to carry out clean-up works, clear streets, roads and other public places and remove and dispose of dangerous structures and materials;
- (o) to assist relevant public authorities to carry out repairs to essential utilities and government buildings in the event of emergency;
- (p) to control and coordinate lighting and the distribution of clean water and other essential supplies;
- (q) to provide, maintain, control and operate prescribed public warning devices;
- (r) to manage all shelters including air-raid shelters and temporary shelters in the event of emergency;
- (s) to provide and maintain emergency ambulance service;
- (t) to take lawful measures in order to protect life and property in case of fire by providing auxiliary fire service; and
- (u) to execute such other duties as may be imposed on it by this Act or any other written law.

Overlapping of functions

2c. (1) Where there is any overlapping of functions relating to handling of disaster between the Force and any agency or authority, such overlapping of functions shall be resolved and dealt with administratively.

(2) For the purpose of this section, “any agency or authority” includes the police force and fire officer.

Minister may make rules for civil defence

3. (1) Whenever it appears to the Minister necessary or expedient so to do he may make such rules as appear to him to be necessary or expedient for the civil defence of Malaysia.

(2) Without prejudice to the generality or scope of the powers conferred by subsection (1) such rules may provide for—

- (a) the organization, formation, maintenance, equipment, training and discipline of the Force;
- (b) the organization, equipment and training for civil defence purposes of the police force, fire brigades and employees of statutory and other bodies, whether corporate or unincorporate, employed primarily for purposes other than civil defence purposes;
- (c) the instruction of members of the public in civil defence and their equipment for the purposes of civil defence;
- (d) the provision, storage and maintenance of commodities and things required for civil defence;
- (e) the provision, construction, maintenance and alteration of premises, structures and excavations for civil defence purposes;

- (f) the requisition, purchase and hire of land, buildings, materials, property and goods required for civil defence purposes;
- (g) the assessment and payment of remuneration or compensation in respect of all matters done including work done and services rendered and damage and injury suffered in consequence of powers conferred by or under this Act;
- (h) the payment of compensation in respect of any physical injury arising out of and in the performance by a member of the Force of his duties as such member;
- (i) the constitution of bodies and the appointment of officers for the purposes of this Act and the delegation to such bodies and officers of all or any of the powers conferred by or under this Act;
- (j) the imposition of penalties for any act or omission in contravention of any rule provided that no such penalty shall exceed a fine of ten thousand ringgit or imprisonment for a term of five years or both; and
- (k) the duties, powers and privileges of a civil defence auxiliary member and the area in which such duties, powers and privileges may be exercised or enjoyed by such members.

(3) *(Deleted by Act A1513).*

Appointment of Chief Commissioner, Deputy Chief Commissioner, etc.

4. (1) The Yang di-Pertuan Agong may appoint a Chief Commissioner for the Force.

(2) The Yang di-Pertuan Agong may appoint such number of Deputy Chief Commissioners, Commissioners, Deputy Commissioners, Assistant Commissioners, Colonel and civil defence officers from among regular members and volunteer members as he may consider necessary for the purposes of this Act.

Functions of Chief Commissioner

4A. (1) The Chief Commissioner shall—

- (a) be responsible for the general conduct, administration and management of the Force; and
- (b) carry out any other functions conferred by or under this Act and perform any other functions that are supplemental, incidental or consequential to any of the functions specified in this section or in furtherance of the functions of civil defence.

(2) The Chief Commissioner may in writing, subject to such conditions, limitations or restrictions as he thinks fit to impose, delegate all or any of his functions under this Act to the Deputy Chief Commissioner or to any other civil defence officer.

(3) The delegation under subsection (2) shall not affect the performance of such functions by the Chief Commissioner at any time.

Chief Commissioner's Standing Orders

4B. The Chief Commissioner may make and issue orders, to be known as the Chief Commissioner's Standing Orders, consistent with this Act or any subsidiary legislation made under this Act for the carrying out of or giving full effect to the provisions of this Act.

Powers of member of the Force

4C. (1) In exercising any function under this Act, a member of the Force shall have the following powers:

- (a) to take any measures as appear to him to be necessary or expedient for the protection of life and property;

- (b) to order the evacuation of any area, building or place, and the exclusion of persons from any area, building or place and in the exercise of that power may remove or cause to be removed a person who does not comply with a direction to evacuate a person who enters or is found in any area, building or place in respect of which a direction for the exclusion of persons has been given;
- (c) to remove any person interfering by his presence or actions with the operations of the Force;
- (d) to remove from a place, any vehicle, any structure or anything that is impeding civil defence emergency management operations and in order to facilitate its removal may use such force as is reasonably necessary or may break into such place, vehicle, structure or thing;
- (e) to enter upon and, if necessary, break into any place, building, premises or land where he believes on reasonable grounds that it is necessary to do so for saving life or preventing injury or rescuing injured or endangered persons or for facilitating the carrying out of any urgent measures in respect of the relief of suffering and distress; and
- (f) to restrict the movement of persons and close to the traffic any road, street and any place to which the public have access.

(2) Any person who does not comply with any order given under this section commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Execution of duties and powers

4D. Every member of the Force shall perform such duties and exercise such powers as are by this Act imposed or conferred upon a member of the Force and shall obey all orders in respect of the

execution of his office which he may from time to time receive from his superior officers in the Force.

Service outside Malaysia

4E. The Minister may, if he thinks it expedient, order any member of the Force to serve outside Malaysia.

Attachment of member of the Force outside Malaysia

4F. The Minister may attach temporarily any member of the Force to any foreign civil defence forces or any organization outside Malaysia.

Volunteer member of the Force

4G. (1) The Chief Commissioner may enrol persons to serve voluntarily as a member of the Force.

(2) The enrolment under subsection (1) may be made in the prescribed manner.

(3) The volunteer member of the Force shall not be entitled to any remuneration for such service, save for such allowances as may be prescribed by the Minister from time to time in relation to specific duties.

Auxiliary member of the Force

4H. (1) The Chief Commissioner may, with the concurrence of the Minister, appoint any person to serve as an auxiliary member of the Force and may prescribe the area in which such auxiliary member shall serve.

(2) An auxiliary member of the Force shall serve voluntarily and shall not be entitled to any remuneration for such service, save for such allowances as may be prescribed by the Minister from time to time in relation to specific duties.

Establishment of Civil Defence Cadet Corps

4I. The Minister may establish a body to be known as the Civil Defence Cadet Corps for any area in Malaysia.

Member of Civil Defence Cadet Corps

4J. (1) The following persons may apply to be a member of the Civil Defence Cadet Corps:

- (a) any person not below the age of twelve years and not above the age of thirty years who is in possession of such qualifications as the Minister may determine;
- (b) any pupil of any secondary school as defined under the Education Act 1996 [*Act 550*], as the Minister may determine, upon consultation with the Minister charged with the responsibility for education; or
- (c) any person who is a registered student of any training or educational institution following a course of study or training on a full-time or part-time basis in such training or educational institution, as the Minister may determine, upon consultation with the Minister charged with the responsibility for such training or educational institution.

(2) An application under subsection (1) may be made in the prescribed manner.

Chief Commissioner may make regulations

5. The Chief Commissioner may make regulations consistent with this Act and any rules made thereunder providing generally for details connected with the organization and personnel of the Force,

for civil defence services and for the duties, equipment and training and instruction of persons to whom such rules apply.

Members to be public servants

6. Members of the Force shall be deemed to be public servants for the purposes of the Penal Code [*Act 574*].

Public Authorities Protection Act 1948

6A. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any suit, action, prosecution or proceedings against the Chief Commissioner, Deputy Chief Commissioner, Commissioner, Deputy Commissioner, Assistant Commissioner, Colonel, officers or any member of the Force in respect of any act, neglect or default done or committed by him in good faith or any omission by him in good faith, in such capacity.

Yang di-Pertuan Agong may call out the Force for service

7. (1) The Yang di-Pertuan Agong may by proclamation, call out for service the whole or any part of the Force.

(2) A member of the Force called out under subsection (1) shall report for service at such time and place as the Chief Commissioner may by notification in the *Gazette* or otherwise appoint.

Refusal, retirement or resignation during call out by the Yang di-Pertuan Agong

7A. (1) No member of the Force shall refuse to serve, retire or resign, as the case may be, during call out by the Yang di-Pertuan Agong under subsection 7(1).

(2) Notwithstanding subsection (1), a member of the Force may be allowed to retire or resign, as the case may be, if so recommended by the Chief Commissioner.

Resignation while pending disciplinary proceedings

7B. No member of the Force shall, without the permission in writing of the Chief Commissioner, retire or resign, as the case may be, from the Force during the pendency of any disciplinary proceedings or prosecution instituted against him in respect of any offence of which he may be charged.

Protection of employee's rights

7C. Any volunteer member or auxiliary member of the Force who, during call out by the Yang di-Pertuan Agong is absent from his usual employment by reason of carrying out duties in connection with civil defence in any capacity shall not be liable for dismissal, or loss of annual leave or other benefits to which he may be entitled under any award or agreement applicable to his usual employment, by reason only of such absence, whether or not his usual employer has consented to his absence.

Civil defence training for civilian population

7D. The Minister may from time to time make arrangements for the civilian population to be trained in matters of civil defence and for the conduct of exercises for the purposes of civil defence.

Ranks for the Force

7E. The ranks for the Force are as set out in the Schedule.

Power of Minister to amend Schedule

7F. The Minister may by order published in the *Gazette* amend the Schedule.

Honorary and Associate Commission

7G. The Minister may grant Honorary Commission and Associate Commission of the Force to any person as he deems fit.

Personation

7H. Any person not being a member of the Force who—

- (a) pretends to be a member of the Force knowing that he is not;
- (b) falsely personates a member of the Force; or
- (c) in such assumed character does or attempts to do any act under colour of being a member of the Force,

commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Civil defence forces may be ordered to perform relief and rehabilitation works

8. (1) The Chief Commissioner may with the concurrence of the Minister order the Force or any part thereof to be employed for performance of any relief work or giving protection to, or taking measures for ensuring the safety of the life, person or property of the civilian population in the event of any disaster or impending disaster or for effecting or facilitating their rehabilitation after such disaster.

(2) Members of the Force employed in pursuance of subsection (1) shall be deemed to perform civil defence duties.

Repeal of rule 28

9. Rule 28 of the Civil Defence (Civil Defence Corps) Rules 1970 [P.U. (A) 74/1970] is hereby repealed.

SCHEDULE

[Section 7E]

RANKS FOR THE FORCE

1. SENIOR OFFICERS

- (a) Chief Commissioner for the Force
- (b) Deputy Chief Commissioner for the Force
- (c) Commissioner for the Force
- (d) Deputy Commissioner for the Force
- (e) Assistant Commissioner for the Force
- (f) Colonel for the Force

2. OFFICERS

- (a) Lieutenant Colonel for the Force
- (b) Major for the Force
- (c) Captain for the Force
- (d) Lieutenant for the Force
- (e) Second Lieutenant for the Force

3. STAFF OFFICERS

- (a) Higher Staff for the Force
- (b) Senior Staff for the Force
- (c) Junior Staff for the Force

4. OTHER RANKS

- (a) Sergeant Major for the Force
 - (b) Sergeant for the Force
 - (c) Corporal for the Force
 - (d) Lance Corporal for the Force
 - (e) Private for the Force
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LAWS OF MALAYSIA**Act 221****MALAYSIA CIVIL DEFENCE FORCE ACT 1951****LIST OF AMENDMENTS**

Amending law	Short Title	In force from
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinance and Proclamation) Order 1958	13-11-1958
P.U. (B) 324/1970	Titles of Office Ordinance 1949	01-01-1971
Act A188	Civil Defence (Amendment) Act 1973	30-03-1973
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A1513	Civil Defence (Amendment) Act 2016	01-09-2016

LAWS OF MALAYSIA

Act 221

MALAYSIA CIVIL DEFENCE FORCE ACT 1951

LIST OF SECTIONS AMENDED

Section	Amending Authority	In force from
Long Title	Act A1513	01-09-2016
1	Act A1513	01-09-2016
2	L.N. 332/1958 Act A1513	13-11-1958 01-09-2016
2A - 2C	Act A1513	01-09-2016
3	L.N. 332/1958 Act 160 Act A1513	13-11-1958 29-08-1975 01-09-2016
4	L.N. 332/1958 Act A1513	13-11-1958 01-09-2016
4A - 4J	Act A1513	01-09-2016
5	Act A1513	01-09-2016
6	Act A1513	01-09-2016
6A	Act A1513	01-09-2016
7	Act A188 Act A1513	30-03-1973 01-09-2016
7A - 7H	Act A1513	01-09-2016
8	Act A188 Act A1513	30-03-1973 01-09-2016
9	Act A188	30-03-1973
Schedule	Act A1513	01-09-2016
Throughout the Act	P.U. (B) 324/1970	01-01-1971
