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PART IV

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THE KUCHING MUNICIPAL ORDINANCE
THE CITY OF KUCHING SOUTH (ELECTION ADVERTISEMENT)
BY-LAWS, 1990
(Made under section 103)

In exercise of the powers conferred by section 103 of the Kuching Municipal Ordinance as extended to apply to the City of Kuching South under section 4 of the City of Kuching Ordinance, 1988, the Yang di-Pertua Negeri in Council has made the following By-laws: Cap. 116.
Ord. No. 2/88.

Citation,
commence-
ment and
application.

1.—(1) These By-laws may be cited as the **City of Kuching South (Election Advertisement) By-laws, 1990**, and shall come into force on the 6th day of September, 1990.

(2) These By-laws shall apply only to the area of the Council of the City of Kuching South.

Interpre-
tation.

2. In these By-laws—

“area of the Council of the City of Kuching South” means the area under the jurisdiction of the Council of the City of Kuching South as described in the First Schedule to the Kuching Municipal Ordinance; Cap. 116.

“Council” means the Council of the City of Kuching South established under section 3 of the Kuching Municipal Ordinance; Cap. 116.

“election” means an election of a member to the Dewan Rakyat or Dewan Undangan Negeri;

"election advertisement" means any flag, ensign, banner, slogan, poster or label exhibited as or for the purpose of political propaganda;

"permit" means a permit to exhibit election advertisements issued under by-law 4;

"political party" has the same meaning as in the Societies Act 335, Act 1966;

"polling day", in relation to an election, means the day appointed in the writ for that election for the polling to take place;

"Secretary" means the person for the time being holding the office of Secretary of the Council of the City of Kuching South appointed under section 31 of the Kuching Municipal Ordinance Cap. 116.

"writ" means a writ for an election issued under section 19, 12 of the Elections Act 1958.

Prohibition
on exhibition
of election
advertisement.

3. No person shall exhibit or cause to be exhibited any election advertisement in any street or place within the area of the Council of the City of Kuching South except under and in accordance with a permit issued by the Secretary.

Application
for permit.

4.—(1) An application for a permit to exhibit any election advertisement shall be made to the Council—

(a) by the political party to which the person seeking to contest the election is affiliated; or

(b) where the person seeking to contest the election has no political affiliation, by the person himself.

(2) An application under paragraph (1) shall be made in such form, and shall be accompanied by such particulars, as the Council may determine.

(3) On receipt of the application, the Secretary shall, upon payment of a sum of fifty ringgit as deposit for the observance of the conditions of the permit and the provisions of these By-laws, issue to the applicant a permit to exhibit election advertisements in the areas specified in the permit.

(4) Notwithstanding the requirement as specified in subparagraph (a) of paragraph (1) above, the permit shall be issued in the name of the person whose signature appears in the application form.

(5) The Council may attach to any permit issued under paragraph (3) such conditions as it may think fit to impose.

(6) The permit holder shall comply with all the conditions attached to the permit.

Form and
duration
of permit.

5. A permit issued under by-law 4 shall be in such form as the Council may determine and shall expire on the day next following the last polling day.

Register
of permit.

6. The Council shall cause to be kept and maintained in such form and manner as it may determine, a register of all permits issued under by-law 4.

Removal of
election
advertis-
ment after
polling day.

7. Every permit holder shall, within fourteen days after the polling day, remove all election advertisements exhibited, and all bill boards or other structures erected, by him.

Removal of
election
advertis-
ment by the
Council.

8.—(1) The Council may remove any election advertisement or any bill board or other structure erected for the purpose of exhibiting such election advertisement if—

(a) the permit holder fails to comply with the requirements of by-law 7; or

(b) the Council is satisfied that such election advertisement is exhibited without a permit.

(2) All expenses incurred by the Council in carrying out the powers conferred by paragraph (1) shall be deemed to be a debt due to the Council from the permit holder or, where the election advertisement is exhibited without a permit, from the person who caused the election advertisement to be so exhibited, and shall be recoverable accordingly in a court.

Forfeiture
of deposit.

9.—(1) Without prejudice to the other provisions of these By-laws, where—

(a) there is a breach of any condition of the permit; or

(b) there is any contravention of or non-compliance with any of the provisions of these By-laws,

the Council shall forfeit the deposit paid under by-law 4 if, after giving the permit holder an opportunity of being heard, he failed to satisfy the Council as to why the same should not be forfeited.

(2) Any deposit which is not forfeited under paragraph (1) shall be refunded to the permit holder without any interest after fourteen days from the expiry of the permit.

Manner of
exhibiting
election
advertis-
ment.

10. An election advertisement shall only be exhibited in any of the following manner:

(a) by affixing it on a bill board or other structure erected or placed by the permit holder;

(b) by hanging it along any street, on poles erected by the permit holder;

(c) by planting the support of the election advertisement into any ground other than paved footway or pavement;

(d) by such other manner as the Council may specify in the permit.

Prohibition
against
exhibiting
an election
advertis-
ment
in certain
places.

11. No person shall—

(a) exhibit any election advertisement or construct or erect any bill board or other structure in such manner that it covers or conceals any traffic sign, directive sign or decorative light;

(b) exhibit any election advertisement on or across any street; or

(c) exhibit any election advertisement on any public building or other structure by means of any nail, gum or other adhesives, or by any other means that will damage or disfigure the surface of such building or structure.

Offences
and general
penalty.

12.—(1) Any person who contravenes or fails to comply with any provisions of these By-laws shall be guilty of an offence under these By-laws.

(2) Any person guilty of an offence under these By-laws shall, on conviction, be liable to a fine not exceeding two thousand ringgit.

(3) In any proceeding under any provision of these By-laws which involves a permit holder, such proceeding shall be instituted only against the person to whom the permit has been issued.

Made by the Yang di-Pertua Negeri in Council this 25th day of August, 1990.

KIT SU LEN,
Clerk to Majlis Mesyuarat Kerajaan Negeri

Swk. L.G. 34

THE LOCAL AUTHORITY ORDINANCE

THE LOCAL AUTHORITIES (ELECTION ADVERTISEMENT)
BY-LAWS, 1990

(Made under sections 30 and 8(2))

In exercise of the powers conferred by section 30 of the Local Authority Ordinance and vested in the Yang di-Pertua Negeri in Council by virtue of section 8(2) of that Ordinance, the Yang di-Pertua Negeri in Council has made the following By-laws: Cap. 117.

Citation,
commence-
ment and
application.

1.—(1) These By-laws may be cited as the **Local Authorities (Election Advertisement) By-laws, 1990**, and shall come into force on the 6th day of September, 1990.

(2) These By-laws shall apply only to any local authority area under the jurisdiction of any local authority constituted by section 3 of the Local Authority Ordinance. Cap. 117.

Interpre-
tation.

2. In these By-laws—

“appropriate local authority” means the local authority within whose local authority area the matter arose or the occurrence took place, as the case may be;