

NATIVE COURTS (CRIMINAL JURISDICTION)
BILL 1991

ARRANGEMENT OF CLAUSES

Clause

1. Short title.
2. Conferment of criminal jurisdiction.
3. Validation.

A BILL

intituled

An Act to confer on the native courts of the States of Sabah and Sarawak jurisdiction in respect of offences.

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WHEREAS, according to item 13 in List IIA of the Legislative Lists in the Ninth Schedule to the Federal Constitution, the jurisdiction of the native courts of the States of Sabah and Sarawak shall not include jurisdiction in respect of offences except in so far as conferred by federal law;

AND WHEREAS it is now expedient to confer jurisdiction in respect of offences on the native courts of those States;

NOW, THEREFORE, 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 Native Courts (Criminal Jurisdiction) Act 1991. Short title.

2. The native courts constituted in the States of Sabah and Sarawak under or by virtue of any written law are hereby conferred jurisdiction to try any offence which, under or by virtue of any written law, is punishable with imprisonment for a term not exceeding two years or with a fine not exceeding two hundred ringgit or a combination thereof or to deal with the offender in any other manner in Conferment of criminal jurisdiction.

which, under or by virtue of any such law, they may from time to time be empowered to deal:

Provided that such jurisdiction shall not be exercised in respect of such offence which is also an offence under the Penal Code.

*F.M.S.
Cap. 45.*

Validation.

3. All offences which before the commencement of this Act had been tried by any of the native courts aforesaid shall, except where it has been otherwise judicially declared, be deemed to have been validly tried as if jurisdiction in respect thereof had been conferred on those courts by federal law.

EXPLANATORY STATEMENT

This Bill is made pursuant to item 13 of List II A of the Legislative Lists in the Ninth Schedule to the Federal Constitution. It seeks to confer on the native courts in the States of Sabah and Sarawak jurisdiction to try offences punishable with imprisonment for a term not exceeding two years or with a fine not exceeding two hundred ringgit or both. However such jurisdiction does not include the trial of offences which are also offences under the Penal Code.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure. [PN. (U) 1625.]