

**SUBSIDIARY LEGISLATION**

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**INTERNAL SECURITY ACT  
(CHAPTER 133)**

**INTERNAL SECURITY  
(DETAINED PERSONS ADVISORY BOARD) RULES**

**S 70/05**

**REVISED EDITION 2008**

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**SUBSIDIARY LEGISLATION**

**INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES**

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**Rule**

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**SUBSIDIARY LEGISLATION**

Rules made under section 5(1B)

**INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES***Commencement: 8th December 2005***Citation.**

1. These Rules may be cited as the Internal Security (Detained Persons Advisory Board) Rules.

**Interpretation.**

2. In these Rules —

“chairman” means any person appointed by His Majesty the Sultan and Yang Di-Pertuan under section 5(2) to be the chairman of an advisory board;

“detention order” means any order made under section 3(1) whereby it is directed that any person shall be detained;

“place of detention” means any place directed by the Minister under section 3(4).

**Duty of officer-in-charge of place of detention.**

3. (1) It shall be obligatory for the officer-in-charge of any place of detention to inform every person arriving thereat in pursuance of a detention order as soon as practicable after his arrival that he has the right to make representations in connection with the detention order by forwarding his representations, within 14 days of his being so informed, to a chairman.

(2) Any representations forwarded under sub-rule (1) shall be in Form I in the Schedule and shall forthwith be forwarded by the officer-in-charge to a chairman.

(3) The chairman, upon receiving any such representations, shall thereupon, after reference to the Director of Internal Security, appoint a time and place for the consideration of the representations by an advisory board and shall cause notice thereof in Form II in the Schedule to be served on the person making the representations.

**Notice to appear.**

4. (1) Any person upon whom a notice has been served in accordance with rule 3(3) may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears personally or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the detention order.

[Subsidiary]

(2) Any person who does not desire to appear personally or by an advocate and solicitor, or by an agent, may cause to be delivered to the chairman a written memorandum signed by him or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the chairman at or before the time and date specified in the notice referred to rule 3(3).

(3) Any chairman may, by arrangement with any other chairman, transfer the hearing of any oral representations or the consideration of any written representations to an advisory board presided over by that chairman.

**Proceedings to be in camera.**

5. All proceedings before an advisory board shall be dealt with in camera.

**Notice that advisory board will sit to review order.**

6. (1) Before the review under section 6A of any detention order under which any person is detained in a place of detention, the chairman of the advisory board which is to hold the review shall cause notice to be given to the person so detained of the time and place where the advisory board will sit for the purpose of reviewing the detention order and the person so detained may appear before the advisory board either personally or by an agent authorised by him in writing and shall, whether he appears personally or not, be entitled to be represented by an advocate and solicitor.

(2) The advisory board may by notice in writing addressed to the officer-in-charge of any place of detention require the production before it of any person detained therein under a detention order and the officer shall cause such person to be produced in accordance with the notice.

(3) Any person taken outside a place of detention in pursuance of sub-rule (2) shall, while outside such place of detention, be deemed to be in lawful custody for the purposes of the Penal Code (Chapter 22).

**Procedure at meeting of advisory board.**

7. All questions before an advisory board shall be determined by a majority of votes of the chairman and of any member present and voting. In case of an equality of votes the chairman shall have a casting vote.

SCHEDULE

FORM I

(rule 3(2))

INTERNAL SECURITY ACT  
(CHAPTER 133)

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES

PRESENTATIONS IN CONNECTION WITH DETENTION ORDER

To the chairman, Advisory Board

- \* Name in full .....
- Race .....
- Language in which representations will be made .....
- Occupation .....
- Permanent residence .....
- Place of detention .....
- Date and place of arrest .....

I, the above-named ....., hereby make representations regarding the order for my detention made under section 3 of the Internal Security Act as follows —

Dated this ..... day of ..... 14..... Hijriah corresponding to the ..... day of ..... 20.....

.....  
*Signature or mark*

\* If the detainee is known by more than one name, each of such names must be inserted in full.

FORM II

(rule 3(3))

INTERNAL SECURITY ACT  
(CHAPTER 133)

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES

NOTICE OF HEARING OF REPRESENTATIONS

To .....

Take notice that at ..... am/pm on the ..... day of ..... 20 ....., an advisory board will sit at ..... for the purpose of hearing representations by detained persons in connection with the orders for their detention and will at that sitting hear your representations in connection with the detention order made against you.

You have the right to make such representations in the manner provided in rule 4 of the Internal Security (Detained Persons Advisory Board) Rules, which reads as follows —

Notice to appear.

4. (1) Any person upon whom a notice has been served in accordance with rule 3(3) may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears personally or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the detention order.

(2) Any person who does not desire to appear personally or by an advocate and solicitor, or by an agent, may cause to be delivered to the chairman a written memorandum signed by him or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the chairman at or before the time and date specified in the notice referred to in rule 3(3).

Dated this ..... day of ..... 14..... Hijriah corresponding to the ..... day of ..... 20.....

.....  
Chairman