

Approved by the Majlis Mesyuarat Kerajaan Negeri this 20th day of January, 2011.

HAJAH SUTIN BINTI SAHMAT  
*Clerk to Majlis Mesyuarat Kerajaan Negeri*

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**Swk. L.G. 32**

THE LOCAL AUTHORITIES ORDINANCE, 1996

THE CITY OF KUCHING NORTH  
(ELECTION ADVERTISEMENT) BY-LAWS, 2011

[Made under sections 91(b) and 92]

In exercise of the powers conferred by sections 91(b) and 92 of the Local Authorities Ordinance, 1996 [*Cap. 20J*], the Commission of the City of Kuching North has, with the approval of the Yang di-Pertua Negeri, made the following By-laws:

**Citation, application and commencement**

1.—(1) These By-laws may be cited as the **City of Kuching North (Election Advertisement) By-laws, 2011**, and shall come into force on the 1st day of April, 2011.

(2) These By-laws shall apply only to the area within the jurisdiction of the City of Kuching North.

**Interpretation**

2. In these By-laws—

“by-election” means an election held for the purpose of filling a vacancy among the members of the Dewan Rakyat or a State Legislative Assembly arising otherwise than upon a dissolution thereof;

“City of Kuching North” means the area under the jurisdiction of the Commission as described in the Schedule to the City of Kuching North Ordinance, 1988 [*Cap. 49J*];

“Commission” means the Commission of the City of Kuching North established under section 4 of the City of Kuching North Ordinance, 1988 [*Cap. 49J*];

“Director” means the Director of the Commission appointed under section 8(1) of the City of Kuching North Ordinance, 1988 [*Cap. 49J*];

“election” means an election held in accordance with the provisions of any written law relating to the election of persons to be members of the Dewan Rakyat or Dewan Undangan Negeri;

“election advertisement” means any sign advertising or promoting a candidate in the Dewan Rakyat or Dewan Undangan Negeri intending to influence any person to vote for or against any candidate;

“permit” means a permit to exhibit an election advertisement issued under by-law 4;

“political party” has the same meaning as in the Societies Act 1966 [*Act 335*];

“polling day”, in relation to a by-election or an election, means the day appointed in the writ for the by-election or election for the polling to take place;

“writ” means a writ for a by-election or an election issued under section 12 of the Elections Act 1958 [*Act 19*].

#### **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 City of Kuching North except under and in accordance with a permit issued by the Commission.

#### **Application for permit**

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

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

(b) where the person seeking to contest the election or by-election have 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 Commission may determine.

(3) On receipt of the application, the Commission shall, upon payment by the applicant of a sum of Ringgit Malaysia Ten Thousand Only (RM10,000.00) in respect of election or by-election in the Dewan Rakyat and Ringgit Malaysia Five Thousand Only (RM5,000.00) in respect of election or by-election in the Dewan Undangan Negeri 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 advertisement in the areas specified in the permit.

(4) Notwithstanding the requirement as specified in sub-paragraph (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 Commission may attach to any permit issued under paragraph (3) such conditions as it may deem 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 Commission may determine and shall expire on the day next following the last polling day.

#### **Register of permit**

6. The Commission 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 advertisement after polling day**

7. Every permit holder shall, within fourteen days, after the polling day, remove all election advertisements exhibited by him.

#### **Manner of exhibiting election advertisement**

8. An election advertisement shall only be exhibited in any of the following manner—

(a) by affixing it on structure erected or placed by the permit holder other than in the areas prohibited under these by laws;

(b) by planting the support of the election advertisement at any public place other than those prohibited under these by laws; or

(c) by such other manner as the Commission may specify in the permit.

#### **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 Commission may forfeit the deposit paid under by-law 4(3), if, after giving the permit holder an opportunity of being heard, he fails to satisfy the Commission 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.

#### **Public Safety**

10. No election advertisements and their supporting structures shall be constructed, fixed or placed in a manner which will pose a danger to public safety or property.

#### **Election advertisements attached to poles, utilities, etc.**

11. The election advertisement shall not be attached to poles, street furniture or other public utilities.

#### **Traffic safety**

12.—(1) No election advertisement shall be erected or allowed to remain on across or near any roads which in the opinion of the Commission will—

- (a) obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
- (b) obstruct, obscure or impair the view of any traffic sign or signal;
- (c) resemble or be likely to be confused with any traffic sign or signal;
- (d) use reflective materials that may interfere with a road user's vision;
- (e) use flashing or revolving lights;
- (f) give rise to excessive levels of glare to a hazardous degree; or
- (g) invite drivers to turn so close to the turning point that there is no time to signal and turn safely.

(2) No election advertisement shall be placed—

- (a) on any median strip, roundabout or any other like traffic separation structure on any road;
- (b) on any traffic signals or traffic signs; or
- (c) on any kerb projection.

#### **Removal of election advertisements**

13.—(1) The Commission may remove the election advertisements if—

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

(b) the permit holder fails to comply with the requirements of other by-laws or the terms and conditions of the permit; or

(c) the Commission is satisfied that such election advertisement is exhibited without a permit.

(2) If the costs incurred by the Commission in carrying out the power conferred by paragraph (1)(a) or (b) exceed the deposit paid by the permit holder under these By-laws, the Commission shall notify the permit holder in writing, who, within thirty (30) days from the date of notification, shall pay the excess sum to the Commission. Where the election advertisement is exhibited without a permit, the costs incurred shall be recovered from the person who caused the election advertisement to be so exhibited. Any costs due to the Commission shall be recoverable as a debt in a court of competent jurisdiction.

#### **Liability to damages**

14. The provisions of these By-laws shall not be construed as relieving or limiting the responsibility or liability of the permit holder erecting or owning the election advertisements for personal injury or property damage resulting from the placing of such election advertisements or resulting from the negligence or willful acts of the permit holder, or his or her agents or employees, in the construction, erection, maintenance or removal of the election advertisements.

#### **Offences and general penalty**

15.—(1) Any person who contravenes or fails to comply with any provisions of these By-laws shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand ringgit and, where the offence is a continuing offence, a fine not exceeding one hundred ringgit for every day during which the offence continues.

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

#### **Revocation**

16. The City of Kuching North (Election Advertisements) By-laws, 1990 [*Swk. L.N 53/1990*] is revoked.

Made this 9th day of December, 2010.

MOHAMAD ATEI BIN ABANG MEDA'AN,  
*Commissioner,*  
*Commission of the City of Kuching North*

Approved by the Yang di-Pertua Negeri this 16th day of February, 2011.

By Command,

PEHIN SRI HAJI ABDUL TAIB MAHMUD,  
*Chief Minister, Sarawak*

JKM.P/SUL/MMKN/251

