

## LEGISLATION

### MINOR OFFENCES (AMENDMENT) ORDINANCE, 1959

By the Minor Offences (Amendment) Ordinance, 1959, the Federation of Malaya Legislative Council has, in effect, created the new offence of “excessive or too successful heckling.”

Under the Ordinance, which adds a new section 20A to the Minor Offences Ordinance, 1955, a police officer may require a person to leave a lawful public meeting if the following conditions are satisfied. One, he must be requested to do so by the chairman of the meeting, and two, he must have reasonable suspicion that the person complained of is either acting or inciting others to act in a manner likely to cause a breach of the peace or is persistently interrupting the proceedings in such a way as to prevent the transaction of the business for which the meeting is called. The police officer has no power to act under this section until he is requested to do so by the chairman of the meeting, and even then the power is a discretionary one. The words of the section are “he *may* require such person to leave,” not “he *shall* require.”

There are two grounds on which the police officer may exercise his powers under the section: likelihood of a breach of the peace, and likelihood of thwarting the aims of the meeting. The first part of the section can hardly be said to make any startling addition to the criminal law and calls for no comment. The second part, however, creates, at any rate in theory, a new head of criminal liability. As the law now stands a man may be legally required to leave a public meeting merely because his interruptions seem likely to thwart the purpose of the meeting, even although he is acting in a lawful manner and in no way causing a breach of the peace. In practice, however, it is difficult to conceive a case where such persistent and over energetic heckling would not be likely to lead to a breach of the peace.

Failure to comply with the requirement of the police officer is an offence punishable with two months’ imprisonment, one hundred dollars fine or both, and is an offence for which a police officer may arrest without warrant.

It is amusing to notice that the new section is numbered 20A, following immediately after section 20, which deals with the depositing of corpses and dying persons in a public place. It is hard to imagine what connection there can be between dumping a corpse in a public place and excessive heckling at an election meeting.

1. LL.B. (Wales); of Gray's Inn, Barrister-at-Law; Lecturer in Law in the University of Malaya in Singapore.