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Chapter 33

ENTERTAINMENT ORDINANCE, 2000

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LAWS OF SARAWAK

Chapter 33

ENTERTAINMENT ORDINANCE, 2000

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section
1. Short title, commencement and application
2. Interpretation

PART II
ADMINISTRATION

3. Administration of Ordinance
4. Protection of officers

PART III
CONTROL OF ENTERTAINMENT

5. Requirement for licence
6. Application for licence
7. Power to require information
8. Duration of licence
9. Licence to be exhibited
10. Licence not renewable as of right
11. Security
12. Suspension or revocation of licence
13. Appeal
PART IV
SALE OF TICKETS FOR ENTERTAINMENT

Section
14. Prohibition to sell, etc., tickets for an entertainment and to advertise or publicize before licence is obtained
15. Exemption

PART V
GENERAL

16. Power of entry and investigation
17. Power of closure
17A. Enforcement of closure order
18. Power to demand particulars
19. Power of arrest
20. Search
21. Power to seize, remove and detain
22. Things seized liable to forfeiture
23. Court to order release or forfeiture of things seized
24. Things seized in respect of which there is no prosecution deemed to be forfeited if not claimed within two months
25. Obstruction
26. Liability of director, etc.
27. Conduct of prosecution in court
28. Compounding of offences
29. General penalty
30. Punishment under other laws, etc.
31. Power to make by-laws
32. Repeal and saving

FIRST SCHEDULE — Scheduled Entertainment
SECOND SCHEDULE — Entertainments By-laws
LAWS OF SARAWAK

Chapter 33

ENTERTAINMENT ORDINANCE, 2000

An Ordinance to provide for the licensing and regulation of entertainment and places of entertainment and matters incidental thereto.

Enacted by the Legislature of Sarawak

PART I
PRELIMINARY

Short title, commencement and application

1.—(1) This Ordinance may be cited as the Entertainment Ordinance, 2000, and shall come into force on such date as the Minister may, by notification in the *Gazette, appoint.

(2) This Ordinance shall not apply—

(a) to any entertainment provided by; or

(b) to any place of entertainment operated or managed by or under,

any department of the federal or State Government or any local authority.

Interpretation

2. In this Ordinance—

“authorized person” means any person specially authorized by the Chief Administrative Officer of a local authority to exercise any of the powers conferred by Part V;
“Chief Administrative Officer” means the Chief Administrative Officer of a local authority;

“entertainment” includes—

(a) plays, dramas, operas, variety shows, concerts, dances, beauty contests, playing of music and songs (whether with live band or other instruments or equipment), providing facilities like lounges, pubs or bars, with or without the sale or supply of alcoholic drinks or food;

(b) displays of fireworks, set pieces, commemorative decorations and representations of real or mythical creatures;

(c) circuses and exhibitions of animals;

(d) exhibitions of models, reading matters, pictures, photographs or of statuary or other forms of representation of human or animal figures;

(e) exhibitions of cinematograph films, video recordings and puppet-shows;

(f) reproductions or transmissions otherwise than in association with a cinematograph film, by any means whatsoever other than telephony or radio telephony, of any music, song or speech;

(g) machines and devices by the manipulation of which chances are given of obtaining prizes in money or kind;

(h) pin-tables;

(i) video games;

(j) bowling alleys, skating rinks, billiards or snooker;
(k) amusement centres and fun fairs;
(l) any combination of any of the above forms of entertainment; or
(m) any other entertainment which the Minister may, from time to time by order in the Gazette, declare,
in any place to which members of the public are admitted with or without payment of money or other consideration;

“exhibition of cinematograph film” means an exhibition of moving pictures produced on a screen by means of a cinematograph or other similar apparatus, and includes the production of any music, speech, noise or other sound whatsoever, which accompanies the projection;

“local authority” means any local authority constituted under or named in the First Schedule to the Local Authorities Ordinance, 1996 [Cap. 20];

“Minister” means the Minister having responsibilities for local authorities;

“pin-table” means any coin or disc operated table, board or other appliance designed to enable the operator to play a game, success in which is measured by the propulsion of one or more movable objects towards targets or goals or by the attainment of a number of points or by both;

“place of entertainment” means any place on which there is any erection or structure, any premises or building whether temporary or permanent or any water-borne craft or other place in or at which an entertainment is provided and to which the public are admitted with or without payment for admission, and includes any amusement park;

“scheduled entertainment” means any of the entertainments listed in the First Schedule;
“video games” include any other similar games whether operated mechanically, electrically or by any other means;

“video recording” means any disc, magnetic tape or solid state recording device containing information by the use of which one or more series of visual images may be produced electronically and shown as a moving picture.

[Am. Cap. A117.]

PART II

ADMINISTRATION

Administration of Ordinance

3.—(1) Subject to any general or special direction issued by the Minister after consultation with the Majlis Mesyuarat Kerajaan Negeri, this Ordinance shall, in any area of Sarawak, be administered by the local authority having jurisdiction in that area.

[Am. Cap. A117.]

(2) Without prejudice to the generality of subsection (1), any direction issued by the Minister may impose or specify—

(a) terms, conditions or restrictions for the grant of any licence under this Ordinance;

(b) special conditions or requirements to be complied with in regard to licences for scheduled entertainments;

(c) the locality or area or premises where certain types of entertainment shall not be held; or
(d) the special requirements for having certain types of entertainment in any locality, area or premises having regard to the public interests.

(3) A local authority shall, in the administration of this Ordinance, give full effect to any direction issued by the Minister under this section.

Protection of officers

4. Nothing done by the Chief Administrative Officer, any police officer or any authorized person for the purpose of carrying out any duty or provision of this Ordinance shall subject that officer or person personally to any action, liability, claim or demand whatsoever.

PART III
CONTROL OF ENTERTAINMENT

Requirement for licence

5.—(1) No entertainment shall be provided in any place of entertainment unless the local authority has granted—

(a) a licence to provide such entertainment; and

(b) a licence to operate such place of entertainment.

(2) Nothing in this section shall be deemed to authorize a local authority to issue any licence for any entertainment listed in the First Schedule without compliance with any special direction issued by the Minister pursuant to section 3.
(3) Any person who contravenes this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

[Am. Cap. A117.]

Application for licence

6.—(1) An application for a licence under section 5(1) shall be made in the prescribed form and shall be submitted to the local authority having jurisdiction over the area where such entertainment is to be held or where the place of such entertainment is situated.

(2) The local authority may, in its discretion, grant a licence with or without attaching any conditions thereto, or refuse to grant such a licence.

(3) Where a licence is granted, such licence shall be issued upon payment of the prescribed fee.

(4) No entertainment licence shall be granted under this Ordinance unless a prior licence has been obtained from the local authority to operate the place of entertainment at which that entertainment is going to be provided:

Provided that where upon request of the applicant the local authority may issue a composite licence under section 5(1)(a) and (b).

Power to require information

7.—(1) For the purpose of considering an application for an entertainment licence, the Chief Administrative Officer may require the applicant to furnish such information as he may specify relating to the following matters:

(a) particulars of persons concerned in the promotion of the entertainment and the interests represented by those persons;
(b) particulars of the persons who have agreed to participate or have participated in the entertainment or have been invited to do so and the interests represented by those persons; and

(c) the purpose to which any profits from the entertainment are intended to be or have been applied.

(2) For the purpose of considering an application for a licence to operate a place of entertainment, the Chief Administrative Officer may require the applicant to furnish to him such additional information as he may require.

Duration of licence

8. A licence issued under this Ordinance shall be for such period as the local authority may determine.

Licence to be exhibited

9. A licence issued under this Ordinance shall at all times be exhibited at a conspicuous place in the place of entertainment.

Licence not renewable as of right

10. A licence issued under this Ordinance shall not be renewable as of right and an application to renew a licence shall be treated as an application for a licence.

Security

11.—(1) The local authority may require any person to whom a licence is granted to furnish security in such form as it may determine to ensure that the conditions or restrictions of the licence and the provisions of this Ordinance or its by-laws are duly observed.
(2) The local authority may by notice in writing addressed to the licensee, forfeit the security or any part thereof if it is satisfied that there has been any breach of the conditions or restrictions of the licence or a contravention of the provisions of this Ordinance or its by-laws:

Provided that—

(a) before a decision is made to forfeit the deposit or any part thereof, the local authority shall give to the licensee an opportunity to make representations in writing to the local authority as to why the deposit or any part thereof shall not be forfeited; and

(b) nothing in this section shall be construed so as to preclude any person from liability to prosecution.

(3) An appeal against the decision of a local authority to forfeit the deposit or any part thereof under this section may be made to the Minister in accordance with section 13.

Suspension or revocation of licence

12.—(1) The local authority may at any time suspend or revoke an entertainment licence or a licence to operate a place of entertainment or both if there has been a breach of the conditions or restrictions of the licence or licences or a contravention of any of the provisions of this Ordinance or its by-laws:

Provided that before a decision is made to suspend or revoke a licence, the local authority shall give to the licensee an opportunity to make representations in writing to the local authority as to why his licence shall not be suspended or revoked.

[Am. Cap. A117.]
(2) Service of a notice of suspension or revocation of a licence shall be effected by—

(a) affixing a copy thereof at the place of entertainment; or

(b) serving a copy thereof on the person who appears to have the care and management of the place of entertainment; or

(c) serving a copy thereof on the licensee himself in the case where the licensee and person referred to in paragraph (b) is not the same person; or

(d) if any of the above means of service cannot be effected, then the local authority may effect service of the notice by publication thereof in a local newspaper.

[Am. Cap. A117.]

Appeal

13. An applicant whose application for the grant of an entertainment licence or a licence to operate a place of entertainment under this Ordinance is refused, or a holder of a licence which is suspended or revoked, or any person aggrieved by the imposition of any conditions or restrictions on or subject to which a licence is granted or any person who is aggrieved by the forfeiture of security or any part thereof under section 11, may, within thirty days after being informed in writing of the refusal, suspension or revocation, or the imposition of the conditions or restrictions, or forfeiture, as the case may be, appeal against such decision to the Minister, who shall confirm, vary or set aside the decision of the local authority; and the decision of the Minister shall be final and shall not be questioned or reviewed in any court.

[Am. Cap. A117.]
PART IV
SALE OF TICKETS FOR ENTERTAINMENT

Prohibition to sell, etc., tickets for an entertainment and to advertise or publicize before licence is obtained

14.—(1) It shall be unlawful for any person—

(a) to give, distribute, sell or offer for sale any ticket for admission to, or invite any person to any entertainment or to cause to be made such gift, distribution, sale, offer or invitation; or

(b) in any manner whatsoever to advertise or publicize or to cause to be advertised or publicized any entertainment to be performed in a place of entertainment, unless there has been a licence granted under section 5 in respect of that entertainment.

(2) Any person who contravenes this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Exemption

15. The local authority may, at its discretion, exempt any entertainment or class of entertainment or place of entertainment or class of places of entertainment intended exclusively for religious, educational, recreational, social, welfare or charitable purpose from any of the provisions of this Ordinance or its by-laws.
PART V
GENERAL

Power of entry and investigation

16.—(1) The Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person may without warrant enter any place of entertainment at which an entertainment is being provided or is intended to be provided for the purpose of ascertaining whether the provisions of this Ordinance or its by-laws or the conditions or restrictions of any licence granted under this Ordinance are being complied with, and may make such investigation and inspection of the place of entertainment and call any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as the Chief Administrative Officer, police officer not below the rank of Inspector or the authorized person may consider necessary for the purpose:

Provided that any person not in uniform purporting to exercise any powers under this section shall on demand produce his written authority to exercise these powers to any person lawfully demanding the same.

(2) The Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person in carrying out an investigation under this Ordinance or its by-laws may examine orally any person supposed to be acquainted with the facts and circumstances of the case and shall reduce into writing any statement made by the person so examined.

(3) The person referred to in subsection (2) shall be bound to answer all questions relating to the case put to him by the Chief Administrative Officer, police officer not below the rank of Inspector or any authorized person:

Provided that the person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge, penalty or forfeiture.
(4) A person making a statement under this section shall be legally bound to state the truth, whether or not the statement is made wholly or partly in answer and questions.

(5) The Chief Administrative Officer, police officer not below the rank of Inspector or any authorized person in examining a person under this section shall first inform the person of the provision of subsections (3) and (4).

(6) A statement made by a person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb-print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish, and the Chief Administrative Officer, police officer not below the rank of Inspector or any authorized person shall endorse thereon under his hand the fact of the refusal and the reasons for it, if any, as stated by the person examined.

Power of closure

17.—(1) The Chief Administrative Officer, any police officer not below the rank of Superintendent or any authorized person may, without prejudice to the exercise of any other powers conferred under this Ordinance, take such steps as he may consider necessary to close any place of entertainment—

(a) where the licence to operate such place of entertainment or the entertainment licence in respect thereof has been suspended or revoked;

(b) to facilitate investigation into any crime or criminal activities that have been suspected to have been committed on the premises;

(c) where there has been a contravention of any of the provisions of this Ordinance or its by-laws;
(d) where there has been a breach of any of the conditions or restrictions of the licence granted under this Ordinance; or

(e) where the premises in which the entertainment is held is found to be unsafe or likely to endanger human life.

(2) The closure order signed by any of the persons referred to in subsection (1) shall be for such period or duration as may be stipulated in the order or may be for an indefinite period.

(3) Any person who is not satisfied with the closure order may, within twenty-one days from the date on which the closure order is served on him, appeal in writing to the Minister whose decision shall be final.

Enforcement of closure order

17A.—(1) Where a closure order is made and during the currency thereof, it shall be lawful for the Chief Administrative Officer or any police officer not below the rank of Superintendent or any authorized officer upon posting or exhibiting a copy of the closure order outside the premises, to seal off or lock up or otherwise secure the premises to ensure that the premises would not be used for any entertainment or any activities connected therewith:

Provided that the Chief Administrative Officer or any police officer not below the rank of Superintendent or any authorized officer may permit any person to enter the premises on such terms and conditions as he may impose, to recover or remove or inspect any property or things which lawfully belongs to him.

(2) Upon issue of the closure order, the Chief Administrative Officer may, by notice to any authority, body or corporation providing electricity, water or telecommunication services to the premises affected by the closure order, order to cease the supply of such services thereto for such period as may be specified in the notice or until and unless notification is received from the Chief Administrative Officer to resume supply of such services.
(3) Any person who—

(a) without permission granted under the proviso to subsection (1):

(i) enters or remains in any premises in respect of which a closure order has been issued; or

(ii) removes anything therefrom; or

(b) removes, destroys or damages any seal, lock or other appliance or thing used, placed or affixed to secure the premises subject to a closure order in accordance with subsection (1), shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

[Ins. Cap. A117.]

Power to demand particulars

18. The Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person may require any person whom he reasonably believe to have committed an offence under this Ordinance or its by-laws to give his name, identity card number and address.

Power of arrest

19.—(1) The Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person may arrest without warrant—

(a) any person reasonably believed to have committed an offence against this Ordinance or its by-laws; or

(b) any person who refuses to give his name and address when it is requested for or if there is reason to doubt the accuracy of the name and the address given.
(2) Every person who is arrested under this section shall be taken to a police station and shall thereafter be dealt with in accordance to the provisions of the Criminal Procedure Code. \[Act 593]\.

[Sub. Cap. A117.]

Search

20. The Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person exercising the power of entry and investigation under section 16 may, if he has good grounds for believing that by reason of any delay in obtaining a search warrant the object of the search is likely to be frustrated, with or without assistance, enter any place of entertainment if he has reasonable grounds to believe that an offence under this Ordinance or its by-laws has been committed; and he may search any such place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment or to be a servant or agent of the promoter or of the proprietor of such place:

Provided that no female shall be searched except by a female.

Power to seize, remove and detain

21.—(1) The Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person exercising the power of entry and investigation under section 16 may seize, remove and detain any goods, equipment, document or any other thing which is used in the conduct of any entertainment in respect of which he reasonably believes to be or has been used in the commission of an offence under this Ordinance or its by-laws or to contain evidence relating to such an offence:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the Criminal Procedure Code \[Act 593\].
(2) The Chief Administrative Officer, police officer not below the rank of Inspector or the authorized person seizing, removing or detaining any goods, equipment, document or any other thing under subsection (1) shall prepare a list thereof and forthwith deliver a copy of the list signed by him to the occupier or proprietor of the place of entertainment or his servant or agent present at such place:

Provided that a court, the Chief Administrative Officer or any police officer not below the rank of Superintendent, may release any thing so seized under this section upon the furnishing of a bond or security sufficient to cover the value of the goods, equipment, document or any other thing seized, or to produce such goods, equipment, document or any other thing in court as and when required.

(3) Any goods, equipment, document or any other thing seized, removed or detained under subsection (1) may—

(a) be dealt with or disposed of in accordance with by-laws made under section 31; or

(b) be dealt with or disposed of in such manner as a court may order.

Things seized liable to forfeiture

22. Subject to sections 23 and 24, all things seized under this Ordinance shall be liable to forfeiture.

Court to order release or forfeiture of things seized

23.—(1) An order for the forfeiture or release of any thing seized shall be made by the court before which the prosecution with regard thereto has been held, but the court shall order forfeiture if it is proved to its satisfaction that an offence against any provision of this Ordinance or its by-laws has been committed and that the things seized were the subject matter of or were used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.
(2) All things forfeited shall be delivered to the Chief Administrative Officer or to a police officer, as the case may be and shall be disposed of in accordance with the directions of the Chief Administrative Officer or the police officer.

Things seized in respect of which there is no prosecution deemed to be forfeited if not claimed within two months

24.—(1) If there be no prosecution with regard to any thing seized under this Ordinance, such things shall be taken and deemed to be forfeited at the expiration of two calendar months from the date of seizure unless a claim thereto is made before that date in the manner hereinafter set forth.

(2) Any person asserting that he is the owner of any thing seized under this Ordinance and that it is not liable to forfeiture may, either personally or by his agent authorized in writing, give written notice to the Chief Administrative Officer that he claims the same.

(3) On receipt of a notice under subsection (2), the Chief Administrative Officer may direct that such things be released or he may direct that the matter be referred to a Magistrate.

(4) The Magistrate shall issue a summons requiring the person asserting that he is the owner of the things seized and the person from whom they were seized to appear before him, and upon their appearance or default to appear, due service of the summons being proved, the Magistrate shall proceed to the examination of the matter and on proof that an offence against this Ordinance or its by-laws has been committed and that such things were the subject matter or were used in the commission of such offence, shall order the same to be forfeited or, in the absence of such proof, shall order its release.
Obstruction

25. Any person who—

(a) obstructs the Chief Administrative Officer, any police officer not below the rank of Inspector or any authorized person lawfully exercising any powers conferred on him by or under section 16 in entering or inspecting any place of entertainment or delays in producing any articles, books, accounts, tickets, or other documents or things which he has been called upon by the Chief Administrative Officer, police officer or authorized person to produce and which are or ought to be in the ordinary course of business in his power to produce;

(b) refuses to furnish any information which he may be required to furnish by the Chief Administrative Officer, police officer or authorized person, or who being required to furnish information by the Chief Administrative Officer, police officer not below the rank of Inspector or authorized person, furnishes false or misleading information; or

(c) obstructs the seizure of any document or other thing under section 21, or the closure of any place of entertainment under section 17,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Liability of director, etc.

26. (1) Where an offence under this Ordinance or its by-laws has been committed by a body of persons, corporate or incorporate, any person who at the time of the commission of such offence was a director, manager, secretary or other similar officer of the body of persons, or who was purporting to act in such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and he has exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
(2) Any person who would have been guilty of an offence if anything had been done or omitted by him personally shall be guilty of the offence and liable to the same penalty if such thing had been done or omitted by his partner, agent or servant in the course of partnership business or in the course of his employment, as the case may be, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing or omission to do such thing:

Provided that nothing herein shall relieve the partner, agent or servant from liability to prosecution.

Conduct of prosecution in court

27. Prosecution of any offence committed under this Ordinance or its by-laws may be instituted and conducted by the Public Prosecutor or any persons duly authorized by him under section 377(b) of the Criminal Procedure Code [Act 593].

Compounding of offences

28. The Chief Administrative Officer or an authorized person may accept from any person reasonably suspected of having committed any offence under this Ordinance or its by-laws, a sum of money not exceeding one-half of the maximum fine prescribed for such offence.

General penalty

29. Any person who commits an offence under this Ordinance or its by-laws for which no specific penalty is expressly provided shall be liable, on conviction, to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.
Punishment under other laws, *etc.*

30. Nothing in this Ordinance shall prevent any person from being charged or prosecuted under any written law for any act or omission which constitutes an offence under this Ordinance or its by-laws or being liable under that written law to any other higher punishment or penalty than that prescribed by this Ordinance or its by-laws:

Provided that no person shall be charged, prosecuted or punished twice for the same or similar offence.

Power to make by-laws

31. The Majlis Mesyuarat Kerajaan Negeri may make by-laws necessary for carrying out the provisions of this Ordinance, and, in particular, may make provisions for—

(a) prescribing such fees as may be necessary for the purposes of this Ordinance;

(b) prescribing the forms for application of licences and the licences to be issued under this Ordinance;

(c) prescribing the procedures for the compounding of offences, seizure of goods and other things, forfeiture and disposal of goods and other things seized, under this Ordinance or its by-laws;

(d) prescribing the entertainment or classes of entertainment or places of entertainment or classes of places of entertainment that are exempted from any provision of this Ordinance or its by-laws; and

(e) providing for the regulation and inspection of places of entertainment.
Repeal and saving

32.—(1) The Public Entertainment (Prohibited Machines) Ordinance, 1982 [*Ord. No. 9/82*], is repealed:

Provided that—

(a) nothing contained in this Ordinance shall affect any person’s liability to be charged and prosecuted or punished for the offences committed under the repealed Ordinance before the coming into operation of this Ordinance; and

(b) any action, suit or proceedings pending before the coming into operation of this Ordinance shall be continued under the repealed Ordinance as if this Ordinance had not been made.

(2) Paragraphs (i) and (n) of section 91 of the Local Authorities Ordinance, 1996 [*Cap. 20*], are repealed.

(3) The Entertainments By-laws specified in the Second Schedule and any licences issued thereunder shall continue to remain in force until revoked by the by-laws to be made under this Ordinance or the expiry of such licences.
FIRST SCHEDULE

(Section 2)

SCHEDULED ENTERTAINMENT

(a) Entertainment in a pub/bar/lounge/discotheque/dance hall
(b) Cabaret
(c) Billiards or snooker
(d) Computer games or video games
(e) Any other entertainment as may be specified by the Minister by a notification in the Gazette.

[Ins. Cap. A117.]
SECOND SCHEDULE

(Section 32(3))

ENTERTAINMENTS BY-LAWS

References to the By-laws

<table>
<thead>
<tr>
<th>References to the By-laws</th>
<th>Local Authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Page 319, Vol. X</td>
<td>Bau District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(b) Page 1973, Vol. XII</td>
<td>Betong District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Saribas District Council)</td>
</tr>
<tr>
<td>(c) Page 471, Vol. X</td>
<td>Bintulu Development Authority</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Bintulu District Council)</td>
</tr>
<tr>
<td>(d) Page 1299, Vol. XII</td>
<td>Dalat and Mukah District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Mukah District Council)</td>
</tr>
<tr>
<td>(e) Page 615, Vol. XI</td>
<td>Kanowit District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(f) Page 685, Vol. XI</td>
<td>Kapit District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(g) Page 89, Vol. X</td>
<td>Council of the City of Kuching South</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Kuching Municipal Council)</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Kuching Rural District Council)</td>
</tr>
<tr>
<td>(i) Page 805, Vol. XI</td>
<td>Lawas District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(j) Page 875, Vol. XI</td>
<td>Limbang District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(k) Page 1021, Vol. XI</td>
<td>Lubok Antu District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(l) Page 1093, Vol. XI</td>
<td>Lundu District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(m) Page 391, Vol. X</td>
<td>Maradong and Julau District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Binatang/Julau District Council)</td>
</tr>
<tr>
<td>(n) Page 171, Vol. X</td>
<td>Marudi District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Baram District Council)</td>
</tr>
<tr>
<td>(o) Page 1165, Vol. XII</td>
<td>Matu and Daro District Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td></td>
</tr>
<tr>
<td>(p) Page 1227, Vol. XII</td>
<td>Miri City Council</td>
</tr>
<tr>
<td>(Law of Sarawak 1963 Ed.)</td>
<td>(Formerly Miri Municipal Council or Miri District Council)</td>
</tr>
</tbody>
</table>
**References to the By-laws**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Page</th>
<th>Volume</th>
<th>Authoritative Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>(q)</td>
<td>543</td>
<td>X</td>
<td>Saratok District Council (Formerly Kalaka District Council)</td>
</tr>
<tr>
<td>(r)</td>
<td>1449</td>
<td>XII</td>
<td>Sarakei District Council</td>
</tr>
<tr>
<td>(s)</td>
<td>1735</td>
<td>XII</td>
<td>Serian District Council (Formerly Upper Sadong District Council)</td>
</tr>
<tr>
<td>(t)</td>
<td>1529</td>
<td>XII</td>
<td>Sibu Rural District Council</td>
</tr>
<tr>
<td>(u)</td>
<td>1589</td>
<td>XII</td>
<td>Sibu Municipal Council (Formerly Sibu Urban District Council)</td>
</tr>
<tr>
<td>(v)</td>
<td>953</td>
<td>XI</td>
<td>Simunjan District Council (Formerly Lower Sadong District Council)</td>
</tr>
<tr>
<td>(w)</td>
<td>245</td>
<td>X</td>
<td>Sri Aman District Council (Formerly Batang Lupar District Council)</td>
</tr>
<tr>
<td>(x)</td>
<td>1669</td>
<td>XII</td>
<td>Subis District Council</td>
</tr>
<tr>
<td>(y)</td>
<td>L.G. 19/89</td>
<td></td>
<td>Samarahan District Council</td>
</tr>
</tbody>
</table>

[Am. Cap. A117.]
## List of Amendments

### ENTERTAINMENT

**LAWS OF SARAWAK**

**Chapter 33**

**ENTERTAINMENT ORDINANCE, 2000**

**List of Amendments**

<table>
<thead>
<tr>
<th>Amending Law</th>
<th>Short Title</th>
<th>In force from</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swk. L.N. 108/2001</td>
<td>Date of Commencement of the Ordinance</td>
<td>1.1.2002</td>
</tr>
<tr>
<td>Cap. A117</td>
<td>Entertainment (Amendment) Ordinance, 2005</td>
<td>1.7.2005</td>
</tr>
</tbody>
</table>