

RESTRICTED

**POWERS OF SEARCH,
SEIZURE AND ARREST
UNDER
EMERGENCY REGULATIONS**

ISSUED BY THE DIRECTOR OF OPERATIONS

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PRINTED AT THE GOVERNMENT PRESS BY G. A. SMITH,
GOVERNMENT PRINTER

1954

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POWERS OF SEARCH, SEIZURE AND ARREST UNDER EMERGENCY REGULATIONS

1. **Food Denial.**—Food denial is the most important weapon we have against the Communist Terrorists and each member of the Security Forces has a vital part to play in food denial operations.

2. **Legal Powers.**—This pamphlet tabulates the various powers held by the Security Forces, outlines elementary principles for gate checks and gives hints on how to search.

3. **Police Officer.**—This includes constables, both Regular, Special and Auxiliary.

4. **NCO (Non-Commissioned Officer).**—This includes the rank, rating, or appointment of leading rate in the Navy, Lance-Corporal and above but below Warrant Officer in the Army; Flight Sergeant, Sergeant and Corporal in the RAF, and Sergeant, Corporal and Lance-Corporal in the Home Guard.

5. **Local Forces.**—The term local forces includes members of the Naval, Military and Air Forces raised under the legislation of the Federation of Malaya and Home Guards.

6. **Security Forces.**—These include all members of H.M.'s Imperial and Colonial Naval, Military and Air Forces, Local Forces, including Home Guard when on duty, Regular and Special Police and Volunteer Police when on duty.

7. **Distribution.**—The pamphlet should be issued to members of the Security Forces as considered necessary and also to volunteers taking part in food denial operations.

PART I
POWERS OF SEARCH

Who or what is to be searched	Who is entitled to search
	E.R. 17EA (7)
1. Persons leaving or entering a Food Restricted Area or found in a Food Prohibited Area	Any Police Officer Any member of the Navy, Army, RAF and Local Forces excluding HG unless so authorised by OCPD Any woman HG authorised by OCPD
	E.R. 17EA (16)
2. Vehicles for restricted articles	Any Police Officer Any member of the Navy, Army, RAF and Local Forces excluding HG unless so authorised by OCPD
	E.Rs. 18 (3) and 19 (2)
3. Persons found in protected places and special areas	Any Police Officer Any member of the Navy, Army, RAF and Local Forces
	E.R. 17EA (20)
4. Parcels in possession of railway passengers for restricted articles	Any Police Officer Any Guard, Under-Guard or Ticket Collector
	E.R. 29 (1)
5. Premises if it is suspected that evidence of the commission of an offence is likely to be found	Police Sergeant and above NCO and above of the Navy, Army, RAF and Local Forces excluding HG unless so authorised by OCPD
	E.R. 29 (1)
6. Vehicles, individuals if it is suspected that evidence of the commission of an offence is likely to be found	Any Police Officer Any member of the Navy, Army, RAF and Local Forces excluding HG unless so authorised by OCPD
	E.Rs. 30 (1) and 27
7. Premises, vessels, vehicles, individuals for offensive weapons of any nature	Any Police Officer Any member of the Navy, Army, RAF and Local Forces, excluding HG unless so authorised by OCPD Watchman in a protected place Guard or Watchman generally authorised by a Chief Police Officer
	E.Rs. 30A and 27A
8. Stop, board and search any vessel not being a navy vessel for the commission of any offence	Any Police Officer (on duty) authorised by an Inspector or above Senior Customs Officer and above

Who or what is to be searched**Who is entitled to search**

Deputy Assistant Controller of Immigration and above
Any member of the Navy, Army, RAF and Local Forces when on duty excluding HG unless authorised by OCPD

9. Premises if it is suspected that rice or any other food liable to seizure is likely to be found

E.R. 31 (2)
Police Sergeant and above
NCO and above of the Navy, Army, RAF, Local Forces excluding HG unless so authorised by OCPD

10. Vessels, vehicles, individuals if it is suspected that rice or any other food liable to seizure is likely to be found

E.R. 31 (2)
Any Police Officer
Any member of the Navy, Army, RAF and Local Forces excluding HG unless so authorised by OCPD

11. A woman may only be searched by a woman

POWERS OF SEIZURE**Article****Who may seize**

12. Rice and any other food suspected by its quantity or situation to be intended for CTs

E.R. 31 (1)
Police Sergeant and above
NCO and above, Navy, Army, RAF, Local Forces excluding HG unless so authorised by OCPD

13. Premises believed to have been or about to be used by CTs

E.R. 32 (1)
Police Sergeant and above
NCO and above, Navy, Army, RAF, Local Forces excluding HG unless so authorised by OCPD

14. Printing press premises and equipment used for seditious purposes

E.R. 33 (1)
Police Inspector and above

NOTE.—This does not include duplicators.

POWERS OF ARREST**Offence****Who may arrest**

15. (a) Any person suspected of the commission of any offence under ERs

E.Rs. 23 and 27
Any Police Officer
Any member of the Navy, Army, RAF and Local Forces

Offence	Who may arrest
(b) Any person suspected of being an escaped detainee	Guard or Watchman at Protected Places Guard or Watchman generally authorised by Chief Police Officer
E.Rs. 24 (1) and 27	
16. Any person against whom it is believed there are grounds which would justify his detention	Any Police Officer Any member of the Navy, Army, RAF and Local Forces Guard or Watchman at Protected Places Guard or Watchman generally authorised by Chief Police Officer
E.Rs. 25 (1) and 27	
17. Any person acting suspiciously who fails to satisfy as to his identity or presence in any place	Any Police Officer Any member of the Navy, Army, RAF and Local Forces Guard or Watchman at Protected Places Guard or Watchman generally authorised by Chief Police Officer

THE USE OF LETHAL WEAPONS

When firearms may be used	By whom
18. (a) As a last resort in self-defence (b) Against armed CTs who are resisting the Security Forces	Any person Any member of Security Forces
E.R. 28 (1)	
(c) As a last resort to overcome resistance to arrest for the following offences or as a last resort to prevent the escape of any person reasonably suspected of committing any of the following offences:	Any Police Officer Any member of the Navy, Army, RAF and Local Forces In a Protected Place any Guard or Watchman specially or generally authorised by Chief Police Officer
(i) Carrying firearms, ammunition or explosives without authority. (E.R. 4)	
(ii) Consorting with a person carrying firearms, ammunition or explosives without authority. (E.R. 5)	
(iii) Consorting with or harbouring persons acting in a manner prejudicial to public safety. (E.R. 6A)	

When firearms may be used

- (iv) Failing to stop on being challenged in a Protected Place or a Special Area [E.Rs. 18 (5) and 19 (2)]
- (v) Being in a Danger Area, not being a member of the Security Forces. [E.R. 19A (3)]

PART II**HINTS ON SEARCHING—GATES, INDIVIDUALS, VEHICLES****1. Procedure for Opening Gates—**

- (a) In dangerous areas the Gate Check Party should not be less than four, including where possible, a woman searcher.
- (b) An outer screening patrol should make a preliminary search of the inner perimeter adjacent to the gate.
- (c) After this search, one member of the gate party, covered by the others, should open the gates when there is sufficient daylight to prevent surprise by CTs.
- (d) While the gate check party takes up covering positions the outer patrol should advance through the gates in open order and search and occupy any cover outside the gate, remaining there until the public have all passed through.
- (e) Procedure and timings should be varied as frequently as possible.
- (f) While these precautions are being taken, the public should be kept at least 20 yards from the gates which should remain closed but not locked until both parties are in position.
- (g) Similar precautions for the closing of gates at night should be taken.
- (h) The public must be funnelled through to the check point in orderly fashion.
- (i) The bodies of women must only be searched by women in the searching hut or other private place.
- (j) The possibility of persons passing food through the wire whilst Police are engaged at the gates must not be overlooked.
- (k) Gate search drill must be practised by all Security Forces normally taking part.
- (l) It is not normally practicable to search all persons leaving a Food Restricted Area in the early morning. Selected individuals should be searched quickly and politely.

2. Searching of Vehicles—

- (a) All persons in a vehicle should be made to get out and stand some distance away. Women should be directed to the female searching enclosure.
- (b) Men should then be searched for offensive weapons and documents should be examined.
- (c) To avoid accusations of malpractice while the vehicle is being searched, one passenger should be permitted to be close enough to watch the whole search.
- (d) If it is suspected that restricted articles are concealed in parts of the vehicle which would have to be stripped, this should only be done by a skilled mechanic or at the nearest Police Station under orders from the OCPD.
- (e) On no account will damage be done to vehicles during search.

3. Likely Places of Concealment—

- (a) *Pedestrians:*
Inner part of the thighs, legs, round the waist. False bottoms of or at the bottom of pig swill, latex and night soil buckets.
Bamboo poles.
Bottles of liquid (examine contents).
- (b) *Bicycles and Trishaws:*
Handlebars and tubular frame work.
Under saddles and seats and parts bearing signs of repair, roofs, floor boards and luggage shelf.
- (c) *Motor Cycles:*
Petrol Tank, false section.
Toolbox.
Lamps, mudguards, tubular framework and footrests.
- (d) *Motor Cars and Goods Vehicles:*
Sun visors, dashboard pockets, behind dashboards, door pockets.
Under floorboards of luggage boots, behind and under seats and mats.
Between upholstery and roof.
Under mudguard, in chassis, exhaust pipe.
Behind the radiator, in engine compartment.
Luggage, umbrellas, newspapers.
Concealed panels, between twin rear wheels.
Hollowed out wooden chocks.

4. Concealed Documents—

CT documents are usually rolled into small tight packets easily concealed in a cigarette, matchbox or up a man's nose.

Unless there is specific information against an individual, search parties should not normally spend time on looking for concealed documents. Nevertheless, search parties should always be alert to the possibility of a CT courier drawing attention to himself by carelessness, over-confidence or nervousness.