

## **ENVIRONMENT PROTECTION (COMPOUNDING OF OFFENCES) RULES 2005**

In exercise of the powers conferred by paragraph 60(2) (m) of the Environment Protection Enactment 2002 [Enactment No. 12 of 2002.], the Minister makes the following rules.

### **Citation and commencement.**

1. This rules may be cited as the Environment Protection (Compounding of Offences) Rules 2005 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Interpretation.**

2. In this rules –

"Department" means the Environment Protection Department;

"Director" means the Director of the Environment Protection Department;

"Enactment" means the Environment Protection Enactment 2002;

"environmental enforcement officer" means any officer authorised by the Director under the Enactment;

"Minister" means the Minister for the time being responsible for environmental protection; and

"person" shall have the same meaning assigned to it under the Interpretation and General Clauses Enactment 1963.

**Offer to compound an offence.**

3. (1) Where the Director or any authorised environmental enforcement officer decides to compound an offence under the Enactment, he shall send or compound cause to be sent to the person having committed the offence, an offer to an offence compound in the form as prescribed in the Schedule, which may be used with such modifications as necessary depending upon the circumstances of each particular case.

(2) The offer shall state the sum for which the offence will be compounded in accordance with subsection 58(1) of the Enactment and the date by which the sum must be paid.

**Mode of payment.**

4. (1) All payment of compound shall be made –

(a) in cash; or

(b) by money order, cashier's order, postal order, banker's order, or banker's draft, and shall be payable to the Director of the Environment Protection Department and crossed with the words "Account Payee Only".

(2) An official receipt shall be issued for every payment received.

(3) Payment may be delivered personally or by post to the Department at the stated address in the compound Form.

SCHEDULE  
(Rule 3)

Form for Offer to Compound

(Address of Department)

Ref. No. ....

Date: .....

To:

.....

.....

.....

Sir/Madam, \*

OFFER TO COMPOUND OFFENCE

It has been found that upon investigation, you have committed the following offence(s) under the Environment Protection Enactment 2002:

Section(s): .....

Date and time of offence: .....

Place of offence: .....

Particulars of offence: .....

.....

.....

.....

2. You are hereby informed that under the power vested in me by subsection 58(1) of the said Enactment, I hereby offer to compound the offence for the sum of Ringgit Malaysia ..... (RM ..... ).
3. If this offer is accepted, payment shall be made in cash, or by money order, cashier's order, postal order, banker's order or banker's draft \* made payable to the Director of State Environment Protection Department, crossed with the words "Account Payee Only" and delivered to the above quoted office. An official receipt will be issued upon payment.
4. This offer to compound the offence will lapse on (date) ..... . If the sum stated above is received by this date, no further proceeding will be taken against you in respect of the offence. Otherwise, prosecution may be instituted against you without any further notice.

Signature: .....

Name: .....

Designation: .....

*(To be signed by the officer authorised to compound, and whose name and designation must appear below the signature)*

\_\_\_\_\_

Cut here

The Director  
State Environment Protection Department,  
(Address)

Sir,

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

I refer to the offer to compound offence with reference.....  
dated..... . I accept the offer and enclosed herewith  
cash/money order/cashier's order/postal order/banker's order/bank draft\* No.  
..... for the sum of RM ..... (Ringgit Malaysia:  
.....) in full settlement of the compound.

Signature: .....

Name: .....

Designation: .....

Address: .....

Date: .....

(\* Delete as appropriate)

Made this 23rd day of August 2005.

TAN SRI DATUK CHONG KAH KIAT,  
*Minister of Tourism, Culture and Environment.*