

PORTS AND HARBOURS (COMPOUNDING OF OFFENCES) REGULATIONS 2008

In exercise of the powers conferred by subsection 15(1) of the Ports and Harbours Enactment 2002 [No. 5 of 2002,] the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the Ports and Harbours (Compounding of Offences) Regulations 2008.

(2) These Regulations come into operation on a date to be appointed by the Minister by notification in the *Gazette*. [1st June 2009]

Interpretation

2. In these Regulations, unless the context otherwise requires –

“Director” means the Director of the State Department of Ports and Harbours;

“Enactment” means the Ports and Harbours Enactment 2002 [No. 5 of 2002].

Forms

3. The forms referred to in these Regulations are those contained in the Schedule.

Categories of compounding offences

4. The offences specified in subsection 8(2) and sections 12 and 14 of the Enactment and in any Regulations made under the Enactment may be compounded by the Director.

Offer to compound

5. (1) The Director may compound any offence specified in regulation 4 by making a written offer to such person to compound the offence of such amount as prescribed in the Enactment within such time as maybe specified in the offer.

(2) An offer under subregulation (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(3) Where an offence has been compounded under this regulation, no prosecution shall thereafter be instituted in respect of such offence the person to whom the offer to compound was made.

(4) An offer to compound shall be in Form A.

Mode of payment

6. (1) The sum of compound of money for any offence shall be as specified under section 13 of the Enactment.

(2) All payments of the compound sum may be made by cash, or by money order, postal order, cashier's order, banker's order or bank draft made payable to the Director.

(3) All payments of the compound sum shall be accompanied by the Form of Acceptance as prescribed in Form B and shall be delivered or sent by post or by hand to the Director.

(4) Every payment received shall be accounted for as money belonging to the State Government and official receipt shall be issued for the payment as prescribed in Form C.

SCHEDULE
FORM A
[Subregulation 5(4)]

OFFER TO COMPOUND AN OFFENCE

(Address of officer making the offer
to compound)

Ref. No.:

Date:

To:
.....
.....

*Sir/Madam,

A complain has been made that you have committed the following offence under* section/
subsection of the Ports and Harbours Enactment 2002
[No. 5 of 2002]/regulation of the
...../.....

Date of offence: Time:

Place:

Particulars of offence:
.....
.....

2. You are informed that by virtue of the powers conferred on me by regulation 4 of the
Ports and Harbours (Compounding of Offences) Regulations 2008, I am prepared to
compound this offence for the sum of Ringgit Malaysia
..... (RM

3. If this offer is accepted, payment must be made by *cash/money order/postal order/
cashier's order/banker's order/bank draft to the office quoted above and an official receipt will
be issued upon payment.

4. This offer to compound will lapse on If full
payment of the sum stated is received by the close of business on that date, no further
proceedings will be taken against you in respect of this offence. But if otherwise, prosecution
will be instituted against you without further notice.

Signature:)

Name:)

).....

.....

*Director
State Department of Ports and
Harbours Sabah*

**Delete wherever inapplicable.*

FORM B
[Subregulation 6(3)]

FORM OF ACCEPTANCE OF OFFER TO COMPOUND

Date:

To:

The Director
State Department of Ports and Harbours
F.T. Labuan

Sir,

ACCEPTANCE OF OFFER TO
COMPOUND OFFENCE

I refer to the offer Ref. No.:

Dated I accept the offer and enclose herewith *cash/money order/
postal order/cashier's order/bank draft no.: for the sum of
RM in full settlement of the compound.

Signature:)

Name)

(Block Letters):).....

Identification)

Card No.:)

Address:)

)

)

)

*Delete wherever inapplicable.

FORM C
[Subregulation 6(4)]

RECEIPT

Receipt No.:

Date:

Receive from
of the sum of
(Ringgit Malaysia) only in acceptance and payment of offer to
compound in respect of the offence referred to in Ref. No. dated
.....

Signature:)

Name:)

Designation:)

Made this 24 November 2008.

DATUK RAYMOND TAN SHU KIAH,
Minister of Infrastructure Development.