

A BILL

intituled

An Act to amend the Control of Supplies Act 1961.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Control of Supplies (Amendment) Act 1990. Short title.

2. Section 2 (1) of the Control-of Supplies Act 1961, which in this Act is referred to as "the principal Act", is amended— Amendment of section 2. Ac' 122.

(a) by substituting for the definition of "licensed premises", the following:

' "licensed premises" means any premises specified in a licence issued by the Controller under this Act or any regulations made thereunder;'; and

(b) by inserting, immediately after the word "Act" in the definition of "prescribed", the words "or any regulations made thereunder".

3. Section 5 of the principal Act is amended by substituting for the words "Yang di-Pertuan Agong", the word "Minister". Amendment of section 5.

New
section SA.

4. The principal Act is amended by inserting, immediately after section 5, the following new section 5A:

-Power to exempt 5A. The Minister may by order exempt, subject to any conditions as he may deem fit to impose, any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder."

Amendment
of section 6

5. Section 6 (2) of the principal Act is amended—

- (a) by deleting the word "and" appearing at the end of paragraph (n);
- (b) by substituting the full stop appearing at the end of paragraph (o) with a semicolon and the word "and"; and
- (c) by inserting, immediately after paragraph (o), the following new paragraph (p):

"(p) prescribing the offences under this Act which may be compounded, the amount of such compound and the procedure to be followed in compounding."

Amendment
of section
7.

6. Section 7 of the principal Act is amended—

- (a) by inserting, immediately after the word "Act" in subsection (1), the words "or any regulations made thereunder";
- (b) by inserting, immediately after the word "Act" in line 1 of subsection (4), the words "or any regulations made thereunder"; and
- (c) by inserting, immediately after the word "Act" in subsection (5), the words "or any regulations made thereunder".

Amendment
of section
13

7. Section 13 of the principal Act is amended by inserting, immediately after the word 'Act' in subsection (1), the words "or any regulations made thereunder".

8. Section 16 of the principal Act is amended by substituting—for the words "in accordance with section 7", the words "under this Act or any regulations made thereunder".

Amendment
of section
16.

9. Section 16A of the principal Act is amended—

Amendment
of section
16A

- (a) by inserting, immediately after the words "any controlled article," in subsection (1), the words "or any person exempted from the requirement of holding such a licence,"; and
- (b) by inserting, immediately after the words "any controlled article" in subsection (3), the words "or the servant or agent of any person exempted from the requirement of holding such a licence".

10. Section 17 (1) of the principal Act is amended by substituting for the words "in accordance with section 7", the words "under this Act or any regulations made thereunder".

Amendment
of section
17.

11. Section 18 of the principal Act is amended by inserting, immediately after the word "Act" in line 2 of subsection (1), the words "or any regulations made thereunder".

Amendment
of section
18

12. Section 22 of the principal Act is amended by substituting for the words "section 7" in subsection (3), the words "this Act or any regulations made thereunder".

Amendment
of section
22.

13. The principal Act is amended by inserting immediately after section 22, the following new section 22A:

New section
22A.

"Com-
pounding of
offences.

22A. (1) The Controller of Supplies or, in his absence, the Deputy Controller of Supplies may compound any offence which is prescribed to be a compoundable offence by collecting from the person reasonably suspected of having committed such offence a sum of money not exceeding such amount as may be prescribed.

(2) Upon receipt of the payment under subsection (1), no further proceedings shall be taken against such person in respect of such offence and where possession has been taken of any controlled article or any vehicle, vessel or other article or the proceeds of sale of any controlled article under this Act or any regulations made thereunder in connection with such offence, such controlled article, vehicle, vessel or other article or the proceeds of sale of any controlled article may be released, subject to such conditions as may be imposed.

(3) Where any person has compounded an offence under this Act or any regulations made thereunder, evidence of the notice of acceptance of the offer to compound shall, on production to any court, be treated as proof of the commission of the offence by that person and of the matters set out therein.

(4) The power to compound offences under subsection (1) shall be exercised by the Controller of Supplies or the Deputy Controller of Supplies personally."

Amendment
of section
23.

14. Section 23 of the principal Act is amended by inserting, immediately after the word "Act" in line 1, the words "or any regulations made thereunder".

Amendment
of section
24.

15. Section 24 of the principal Act is amended by inserting, immediately after the word "Act" in subsection (1), the words "or any regulations made thereunder".

Amendment
of section
24A,

16. Section 24A of the principal Act is amended by inserting, immediately after the word "Act" in line 6, the words "or any regulations made thereunder".

17. The principal Act is amended by substituting for section 27, the following: Amendment
of section
27.

"Jurisdiction of courts. 27. Notwithstanding anything to the contrary contained in any other written law, a court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Act and to award the full punishment for any such offence."

18. Section 29 of the principal Act is amended by inserting, immediately after the word "Act" in subsection (1), the words "or any regulations made thereunder". Amendment
of section
29.

EXPLANATORY STATEMENT

This Bill seeks to make various amendments to the Control of Supplies Act 1961.

2. *Clause 2* seeks to amend the definition of "licensed premises" to extend its meaning to include both premises licensed under the Act as well as premises licensed under regulations made thereunder.

3. *Clause 3* seeks to amend section 5 of the Act to substitute the Minister for the Yang di-Pertuan Agong as the authority to declare any article or food to be a controlled article or to be a rationed article.

4. *Clause 4* seeks to introduce a new section 5A to enable the Minister to exempt any person or class of persons from all or any of the provisions of the Act or any regulations made thereunder.

5. *Clause 5* seeks to introduce a new paragraph (p) to section 6 to empower the Minister to make regulations to prescribe the types of offences which may be compounded, the amount of such compound and the procedure to be followed in compounding.

6. *Clauses 6, 7, 11, 14, 15, 16 and 18* seek to amend the Act to include a reference to regulations made under the Act.

7. *Clauses 8, 10 and 12* seek to amend the Act to widen the scope of sections 16, 17 (1) and 22 (3) to include situations where licences were issued under regulations made under the Act.

8. *Clause 9* seeks to amend section 16A to widen its scope so that a person who has been exempted from the requirement of holding a licence will also be guilty of an offence if he commits the acts specified in paragraphs (a) and (b) of subsection (1).

9. *Clause 13* seeks to introduce a new section 22A to empower the Controller of Supplies or the Deputy Controller of Supplies to compound offences which are prescribed to be compoundable. This power is to be exercised by them personally.

10. *Clause 17* seeks to amend section 27 of the Act to enable the court of a Magistrate of the First Class to try offences under the Act and to award the full punishment for such offence.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure. [PN. (U) 1557.]