10 Mei 2022
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P.U. (A) 154

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN PERDAGANGAN STRATEGIK (PENGKOMPAUNAN KESALAHAN) 2022

STRATEGIC TRADE (COMPOUNDING OF OFFENCES) REGULATIONS 2022

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PERDAGANGAN STRATEGIK 2010

PERATURAN-PERATURAN PERDAGANGAN STRATEGIK
(PENGKOMPAUNAN KESALAHAN) 2022

PADA menjalankan kuasa yang diberikan oleh subseksyen 50A(1) Akta Perdagangan Strategik 2010 [*Akta 708*], Menteri, dengan keizinan Pendakwa Raya, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Perdagangan Strategik (Pengkompaunan Kesalahan) 2022**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Jun 2022.

Kesalahan yang boleh dikompaun

2. (1) Kesalahan yang dinyatakan dalam Jadual Pertama ditetapkan sebagai kesalahan yang boleh dikompaun.

(2) Kesalahan yang boleh dikompaun itu boleh dikompaun dengan keizinan secara bertulis Pendakwa Raya dalam Borang 1 Jadual Kedua.

Tatacara mengkompaun

3. (1) Apabila menerima apa-apa maklumat atau aduan bahawa suatu kesalahan yang boleh dikompaun telah dilakukan, pegawai diberi kuasa boleh mengeluarkan tawaran untuk mengkompaun kesalahan itu dalam Borang 2 Jadual Kedua.

(2) Suatu tawaran untuk mengkompaun suatu kesalahan adalah sah bagi tempoh tiga puluh hari bermula dari tarikh tawaran itu diterima oleh orang yang kepadanya tawaran itu dibuat atau apa-apa tempoh lanjutan yang boleh diberikan oleh pegawai diberi kuasa, dan jika pembayaran penuh bagi jumlah yang ditawarkan itu dibuat pada atau sebelum habis tempoh tiga puluh hari atau apa-apa tempoh lanjutan yang diberikan itu, tiada prosiding selanjutnya boleh diambil terhadap orang yang telah melakukan kesalahan itu.

Penyetujuterimaan kompaun

4. Seseorang yang menyetuju terima tawaran untuk mengkompaun suatu kesalahan yang boleh dikompaun hendaklah menyetuju terima tawaran itu dalam Borang 3 Jadual Kedua dan mengembalikan Borang 3 itu kepada pegawai diberi kuasa.

Pembayaran kompaun

5. (1) Jika suatu tawaran untuk mengkompaun suatu kesalahan disetuju terima oleh orang yang kepadanya tawaran itu dibuat, dia hendaklah membayar kompaun itu kepada atau atas nama—

(a) Ketua Pengarah Kastam atau mana-mana pegawai kastam diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Pengarah Kastam;

(b) Ketua Polis Negara atau mana-mana pegawai polis diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Polis Negara;

(c) Ketua Pengarah Agensi Penguatkuasaan Maritim Malaysia atau mana-mana pegawai Agensi Penguatkuasaan Maritim Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Pengarah Agensi Penguatkuasaan Maritim Malaysia;

(d) Pengerusi Suruhanjaya Komunikasi dan Multimedia Malaysia atau mana-mana pegawai Suruhanjaya Komunikasi dan Multimedia Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengerusi Suruhanjaya Komunikasi dan Multimedia Malaysia;

(e) Pengerusi Lembaga Pelesenan Tenaga Atom atau mana-mana pegawai Lembaga Perlesenan Tenaga Atom diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengerusi Lembaga Pelesenan Tenaga Atom;

(f) Pengarah Perkhidmatan Farmasi atau mana-mana pegawai Bahagian Perkhidmatan Farmasi, Kementerian Kesihatan diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengarah Perkhidmatan Farmasi;

(g) Gabenor Bank Negara Malaysia atau mana-mana pegawai Bank Negara Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Gabenor Bank Negara Malaysia;

(h) Pengerusi Lembaga Suruhanjaya Sekuriti Malaysia atau mana-mana pegawai Suruhanjaya Sekuriti Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengerusi Lembaga Suruhanjaya Sekuriti Malaysia;

(i) Ketua Pengarah Lembaga Perkhidmatan Kewangan Labuan atau mana-mana pegawai Lembaga Perkhidmatan Kewangan Labuan diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Pengarah Lembaga Perkhidmatan Kewangan Labuan; dan

(j) Pengawal Perdagangan Strategik atau mana-mana pegawai awam dan mana-mana pegawai lain diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengawal Perdagangan Strategik,

mengikut mana-mana yang berkenaan, sama ada secara tunai, melalui kiriman wang, wang pos, pesanan juruwang, cek jurubank atau draf bank dipalang dengan perkataan "Akaun Penerima Sahaja", kad kredit atau apa-apa pemindahan wang secara elektronik yang lain.

(2) Pembayaran yang dibuat di bawah subperaturan (1)—

(a) secara tunai hendaklah diserahkan sendiri ke alamat yang dinyatakan dalam Borang 2 Jadual Kedua;

(b) secara kiriman wang, wang pos, pesanan juruwang, cek jurubank atau draf bank hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar ke alamat yang dinyatakan dalam Borang 2 Jadual Kedua; atau

(c) melalui kad kredit atau apa-apa pemindahan wang secara elektronik yang lain ke dalam akaun rasmi Jabatan, Agensi, Suruhanjaya, Lembaga atau Pihak Berkuasa yang disebut dalam subperaturan (1), mengikut mana-mana yang berkenaan.

(3) Pegawai yang disebut dalam subperaturan (1) hendaklah menyebabkan dikeluarkan suatu resit rasmi bagi tiap-tiap pembayaran yang diterima di bawah subperaturan (1) kepada orang yang kepadanya tawaran untuk mengkompaun itu telah dibuat.

(4) Bagi maksud subperaturan (3), "resit rasmi" termasuklah apa-apa resit elektronik yang dikeluarkan oleh pegawai diberi kuasa jika bayaran dibuat melalui apa-apa pemindahan wang secara elektronik yang lain.

Pendakwaan boleh dimulakan jika tiada pembayaran dibuat

6. Jika tiada pembayaran bagi kompaun yang ditawarkan itu dibuat dalam tempoh yang dinyatakan dalam subperaturan 3(2), pendakwaan boleh dimulakan tanpa notis selanjutnya.

JADUAL PERTAMA

[Subperaturan 2(1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

(a) kesalahan yang dilakukan di bawah peruntukan Akta Perdagangan Strategik 2010 seperti yang berikut:

(i) subperenggan 9(4)*(a)*(ii)

(ii) subperenggan 9(4)*(b)*(ii)

(iii) subperenggan 9(5)*(a)*(ii)

(iv) subperenggan 9(5)*(b)*(ii)

(v) subperenggan 9(6)*(a)*(ii)

(vi) subperenggan 9(6)*(b)*(ii)

(vii) subperenggan 12(4)*(a)*(ii)

(viii) subperenggan 12(4)*(b)*(ii)

(ix) subseksyen 18(2)

(x) subseksyen 21(3)

(xi) subseksyen 21(4)

(xii) subseksyen 23(2)

(xiii) subseksyen 24(4)

(xiv) subseksyen 40(1)

(xv) subseksyen 40(2)

(b) kesalahan yang dilakukan di bawah peruntukan Peraturan-Peraturan Perdagangan Strategik (Resolusi Majlis Keselamatan Pertubuhan Bangsa-Bangsa Bersatu) 2010 [*P.U. (A) 481/2010*] seperti yang berikut:

(i) perenggan 3(2)*(a)*

(ii) perenggan 3(2)*(b)*

(iii) perenggan 3(2)*(c)*

(iv) perenggan 3(2)*(d)*

JADUAL KEDUA

BORANG 1

[Subperaturan 2(2), 3(1) dan peraturan 4]

AKTA PERDAGANGAN STRATEGIK 2010

PERATURAN-PERATURAN PERDAGANGAN STRATEGIK
(PENGKOMPAUNAN KESALAHAN) 2022

KEIZINAN UNTUK MENGKOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 50A(2) Akta Perdagangan Strategik 2010 [*Akta 708*] dan subseksyen 376(3) Kanun Tatacara Jenayah [*Akta 593*], saya ....(*nama*) dengan ini memberikan keizinan untuk mengkompaun ....(*nama orang yang kepadanya tawaran kompaun itu dibuat*) bagi kesalahan yang dilakukan di bawah ....yang dikatakan telah dilakukan pada ....(*tarikh*) di...(*tempat*).

Bertarikh:

....

Pendakwa Raya/
Timbalan Pendakwa Raya

BORANG 2

[Subperaturan 3(1)]

AKTA PERDAGANGAN STRATEGIK 2010

PERATURAN-PERATURAN PERDAGANGAN STRATEGIK
(PENGKOMPAUNAN KESALAHAN) 2022

TAWARAN UNTUK MENGKOMPAUN KESALAHAN

No. rujukan : ....

Tarikh : ....

....

....

....

Kepada:

....

....

....

*Tuan/Puan,

Suatu penyiasatan telah dijalankan terhadap anda …………………...

....

....

(*nyatakan nama *syarikat/perniagaan/badan lain, jika ada*)

dan anda telah didapati telah melakukan suatu kesalahan di bawah Akta Perdagangan Strategik 2010 [*Akta 708*]/peraturan-peraturan yang dibuat di bawah Akta dengan butir-butir yang berikut:

(a) peruntukan **Akta/peraturan-peraturan yang berkaitan:

……………………………………………………………………………………………………

(b) tarikh : ……………………………………………………………………

(c) masa : ……………………………………………………………………

(d) tempat atau premis : ……………………………………………………………………

(e) butir-butir kesalahan : ……………………………………………………………………

……………………………………………………………………………………………………

2. Menurut subseksyen 50A(2) Akta Perdagangan Strategik 2010, dengan keizinan secara bertulis Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM………………………………… (………………………………………………ringgit sahaja).

3. Sekiranya tawaran untuk mengkompaun suatu kesalahan disetuju terima, bayaran hendaklah dibuat kepada atau atas nama—

(a) Ketua Pengarah Kastam atau mana-mana pegawai kastam diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Pengarah Kastam;

(b) Ketua Polis Negara atau mana-mana pegawai polis diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Polis Negara;

(c) Ketua Pengarah Agensi Penguatkuasaan Maritim Malaysia atau mana-mana pegawai Agensi Penguatkuasaan Maritim Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Pengarah Agensi Penguatkuasaan Maritim Malaysia;

(d) Pengerusi Suruhanjaya Komunikasi dan Multimedia Malaysia atau mana-mana pegawai Agensi Penguatkuasaan Maritim Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengerusi Suruhanjaya Komunikasi dan Multimedia Malaysia;

(e) Pengerusi Lembaga Pelesenan Tenaga Atom atau mana-mana pegawai Lembaga Perlesenan Tenaga Atom diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengerusi Lembaga Pelesenan Tenaga Atom;

(f) Pengarah Perkhidmatan Farmasi atau mana-mana pegawai Bahagian Perkhidmatan Farmasi, Kementerian Kesihatan diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengarah Perkhidmatan Farmasi;

(g) Gabenor Bank Negara Malaysia atau mana-mana pegawai Bank Negara Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Gabenor Bank Negara Malaysia;

(h) Pengerusi Lembaga Suruhanjaya Sekuriti Malaysia atau mana-mana pegawai Suruhanjaya Sekuriti Malaysia diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengerusi Lembaga Suruhanjaya Sekuriti Malaysia;

(i) Ketua Pengarah Lembaga Perkhidmatan Kewangan Labuan atau mana-mana pegawai Lembaga Perkhidmatan Kewangan Labuan diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Ketua Pengarah Lembaga Perkhidmatan Kewangan Labuan; dan

(j) Pengawal Perdagangan Strategik atau mana-mana pegawai awam dan mana-mana pegawai lain diberi kuasa secara bertulis dengan nama atau jawatan bagi maksud itu oleh Pengawal Perdagangan Strategik,

mengikut mana-mana yang berkenaan, sama ada secara tunai, melalui kiriman wang, wang pos, pesanan juruwang, cek jurubank atau draf bank dipalang dengan perkataan "Akaun Penerima Sahaja", kad kredit atau apa-apa pemindahan wang secara elektronik yang lain.

Pembayaran yang dibuat—

(a) secara tunai hendaklah diserahkan sendiri ke alamat yang dinyatakan dalam Borang 2 Jadual Kedua;

(b) secara kiriman wang, wang pos, pesanan juruwang, cek jurubank atau draf bank hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar ke alamat yang dinyatakan dalam Borang 2 Jadual Kedua; atau

(c) melalui kad kredit atau apa-apa pemindahan wang secara elektronik yang lain ke dalam akaun rasmi Jabatan, Agensi, Suruhanjaya, Lembaga atau Pihak Berkuasa, mengikut mana-mana yang berkenaan.

4. Suatu resit rasmi akan dikeluarkan apabila pembayaran kompaun itu diterima.

5. Tawaran untuk mengkompaun ini sah sehingga ....

6. Jika tiada bayaran diterima dalam tempoh yang disebut dalam perenggan 5, pendakwaan bagi kesalahan itu boleh dimulakan terhadap anda/...
(*nyatakan nama* syarikat/perniagaan/badan lain, jika ada*) tanpa notis selanjutnya.

....

Pegawai diberi kuasa
Nama:
Tarikh:
Cap rasmi:

** Potong mana-mana yang tidak berkenaan*

*** Masukkan nama perundangan yang berkaitan*

BORANG 3

[Peraturan 4]

AKTA PERDAGANGAN STRATEGIK 2010

PERATURAN-PERATURAN PERDAGANGAN STRATEGIK
(PENGKOMPAUNAN KESALAHAN) 2022

PENYETUJUTERIMAAN TAWARAN UNTUK MENGKOMPAUN KESALAHAN

Nombor laporan : ....

Kepada:

....

....

....

*Tuan/Puan,

Saya merujuk kepada Tawaran untuk Mengkompaun Kesalahan dengan nombor rujukan ………..........…….. dan bertarikh …….........…………… .

2. Saya menerima tawaran untuk mengkompaun kesalahan itu dan disertakan bersama-sama ini pembayaran *secara tunai atau kiriman wang/wang pos/ pesanan juruwang/cek jurubank/draf bank No. .... dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada pegawai diberi kuasa atau melalui pemindahan wang secara elektronik bagi jumlah wang sebanyak RM.. (... ringgit sahaja) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Tawaran untuk Mengkompaun Kesalahan.

Tandatangan : ....

Nama *(huruf besar)* : ....

*No. Kad Pengenalan/No. Pasport : ....

Nama Jawatan (*jika berkenaan*) : ....

Bagi pihak : ....
(jika berkenaan) *(nama *syarikat/perniagaan/badan lain)*

Meterai Syarikat/Cap Perniagaan
badan lain* (*jika berkenaan*) : ....

No. Pendaftaran Syarikat/
No. Lesen/
No. Permit* (*jika berkenaan*) :……………………………………………………………………..…

Alamat : ....
....

Tarikh : ....

** Potong mana-mana yang tidak berkenaan*

UNTUK KEGUNAAN PEJABAT
Tarikh Bayar: ………………………………………….
No. Resit Rasmi: ……………………………………….

Dibuat 5 Mei 2022
[MITI/STS/(S)/536; PN(PU2)682/VII]

DATO' SERI MOHAMED AZMIN BIN ALI
Menteri Kanan
Menteri Perdagangan Antarabangsa dan Industri

Diluluskan 5 Mei 2022
[MITI/STS/(S)/536; PN(PU2)682/VII]

TAN SRI IDRUS BIN HARUN
Pendakwa Raya Malaysia

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE (COMPOUNDING OF OFFENCES)
REGULATIONS 2022

IN exercise of the powers conferred by subsection 50A(1) of the Strategic Trade Act 2010 [*Act 708*], the Minister, with the approval of the Public Prosecutor, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Strategic Trade (Compounding of Offences) Regulations 2022**.

(2) These Regulations come into operation on 1 June 2022.

Compoundable offences

2. (1) The offences specified in the First Schedule are prescribed as compoundable offences.

(2) The compoundable offences may be compounded with the consent in writing of the Public Prosecutor in Form 1 of the Second Schedule.

Procedure for compounding

3. (1) Upon receipt of any information or complaint that an offence which may be compounded has been committed, the authorized officer may issue an offer to compound the offence in Form 2 of the Second Schedule.

(2) An offer to compound an offence shall be valid for a period of thirty days starting from the date the offer is received by the person to whom offer is made or such extended period as the authorized officer may grant and if full payment of the sum offered is made on or before the expiry of thirty days or such extended time granted, no further proceedings shall be taken against the person who committed such offence.

Acceptance of compound

4. A person who accepts an offer to compound an offence which may be compounded shall accept the offer in Form 3 of the Second Schedule and return the Form 3 to the authorized officer.

Payment of compound

5. (1) If an offer to compound an offence is accepted by the person to whom the offer is made, he shall make payment to or in the name of—

(a) the Director General of Customs or any customs officer authorized in writing by name or by office in that behalf by the Director General of Customs;

(b) the Inspector General of Police or any police officer authorized in writing by name or by office in that behalf by the Inspector General of Police;

(c) the Director General of the Malaysian Maritime Enforcement Agency or any officer of the Malaysian Maritime Enforcement Agency authorized in writing by name or by office in that behalf by the Director General of the Malaysian Maritime Enforcement Agency;

(d) the Chairman of the Malaysian Communications and Multimedia Commission or any officer of the Malaysian Communications and Multimedia Commission Agency authorized in writing by name or by office in that behalf by the Chairman of the Malaysian Communications and Multimedia Commission;

(e) the Chairman of the Atomic Energy Licensing Board or any officer of the Atomic Energy Licensing Board authorized in writing by name or by office in that behalf by the Chairman of the Atomic Energy Licensing Board;

(f) the Director of Pharmaceutical Services or any officer of the Pharmaceutical Services of Ministry of Health authorized in writing by name or by office in that behalf by the Director of Pharmaceutical Services;

(g) the Governor of the Central Bank of Malaysia or any officer of the Central Bank of Malaysia authorized in writing by name or by office in that behalf by the Governor of the Central Bank of Malaysia;

(h) the Chairman of the Board of Securities Commission Malaysia or any officer of the Securities Commission Malaysia authorized in writing by name or by office in that behalf by the Chairman of the Board of Securities Commission Malaysia;

(i) the Director General of the Labuan Financial Services Authority or any officer of the Labuan Financial Services Authority authorized in writing by name or by office in that behalf by the Director General of the Labuan Financial Services Authority; and

(j) the Strategic Trade Controller or any public officer and any other officer authorized in writing by name or by office in that behalf by the Strategic Trade Controller,

as the case may be, either by cash, money order, postal order, cashier's order, banker's cheque or bank draft crossed with the words "Account Payee Only", credit card or any other electronic fund transfers.

(2) The payment made under subregulation (1)—

(a) in cash shall be delivered personally to the address specified in Form 2 of the Second Schedule;

(b) by money order, postal order, cashier's order, banker's cheque or bank draft may be delivered personally or sent by prepaid registered post addressed to the address specified in Form 2 of the Second Schedule; or

(c) through credit card or any other electronic fund transfer into an official account of the Department, Agency, Commission, Board or Authority referred to in subregulation (1), as the case may be.

(3) The officer referred to in regulation (1) shall cause to be issue an official receipt for every payment received under subregulation (1) to the person to whom the offer to compound is made.

(4) For the purposes of subregulation (3), "official receipt" includes any electronic receipt issued by the authorized officer if the payment is made by any other electronic fund transfers.

Prosecution may be instituted if no payment made

6. If no payment of the compound offered is made within the period specified in subregulation 3(2), prosecution may be instituted without further notice.

FIRST SCHEDULE

[Subregulation 2(1)]

COMPOUNDABLE OFFENCES

The following offences are prescribed to be offences which may be compounded:

(a) the offences committed under the Strategic Trade Act 2010 as follows:

(i) subparagraph 9(4)*(a)*(ii)
(ii) subparagraph 9(4)*(b)*(ii)
(iii) subparagraph 9(5)*(a)*(ii)
(iv) subparagraph 9(5)*(b)*(ii)
(v) subparagraph 9(6)*(a)*(ii)
(vi) subparagraph 9(6)*(b)*(ii)
(vii) subparagraph 12(4)*(a)*(ii)
(viii) subparagraph 12(4)*(b)*(ii)
(ix) subsection 18(2)
(x) subsection 21(3)
(xi) subsection 21(4)
(xii) subsection 23(2)
(xiii) subsection 24(4)
(xiv) subsection 40(1)
(xv) subsection 40(2)

(b) the offences committed under the Strategic Trade (United Nations Security Council Resolutions) Regulations 2010 [*P.U. (A) 481/2010*] as follows:

(i) paragraph 3(2)*(a)*
(ii) paragraph 3(2)*(b)*
(iii) paragraph 3(2)*(c)*
(iv) paragraph 3(2)*(d)*

SECOND SCHEDULE

FORM 1

[Subregulations 2(2), 3(1) and regulation 4]

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE (COMPOUNDING OF OFFENCES) REGULATIONS 2022

CONSENT TO COMPOUND OFFENCE

IN exercise of the powers conferred by subsection 50A(2) of the Strategic Trade Act 2010 [*Act 708*] and subsection 376(3) of the Criminal Procedure Code [*Act 593*], I ……..(*name*) give consent to compound ....(*name of the person to whom the offer to compound is made*) for the offence/offences committed under .... which is/are said to have been committed on .... (*date*) at .... (*place*).

Date:

....

Public Prosecutor/

Deputy Public Prosecutor

FORM 2

[Subregulation 3(1)]

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE (COMPOUNDING OF OFFENCES)
REGULATIONS 2022

OFFER TO COMPOUND OFFENCES

Reference no. : ....
Date : ....

....
....
…………………………………….....

To:
....
....
…………………………………….....

*Sir/Madam,

An investigation has been conducted against you …………………..
....
....

(*state name of *company/business/other body, if any*)

and you are found to have committed the offence under the Strategic Trade Act 2010 [*Act 708*]/regulations made under the Act with the following particulars:

(a) relevant provision of the **Act/regulations:
....

(b) date : ....

(c) time : ....

(d) place or premises : ....

(e) particulars of offence : ....

....

2. Pursuant to subsection 50A(2) of Strategic Trade Act 2010, with the written consent of the Public Prosecutor, you are offered a compound for the offence/offences stated above for the sum of RM.. (... ringgit only).

3. If the offer to compound is accepted, payment shall be made to or in the name of—

(a) the Director General of Customs or any customs officer authorized in writing by name or by office in that behalf by the Director General of Customs;

(b) the Inspector General of Police or any police officer authorized in writing by name or by office in that behalf by the Inspector General of Police;

(c) the Director General of the Malaysian Maritime Enforcement Agency or any officer of the Malaysian Maritime Enforcement Agency authorized in writing by name or by office in that behalf by the Director General of the Malaysian Maritime Enforcement Agency;

(d) the Chairman of the Malaysian Communications and Multimedia Commission or any officer of the Malaysian Communications and Multimedia Commission Agency authorized in writing by name or by office in that behalf by the Chairman of the Malaysian Communications and Multimedia Commission;

(e) the Chairman of the Atomic Energy Licensing Board or any officer of the Atomic Energy Licensing Board authorized in writing by name or by office in that behalf by the Chairman of the Atomic Energy Licensing Board;

(f) the Director of Pharmaceutical Services or any officer of the Pharmaceutical Services of Ministry of Health authorized in writing by name or by office in that behalf by the Director of Pharmaceutical Services;

(g) the Governor of the Central Bank of Malaysia or any officer of the Central Bank of Malaysia authorized in writing by name or by office in that behalf by the Governor of the Central Bank of Malaysia;

(h) the Chairman of the Board of Securities Commission Malaysia or any officer of the Securities Commission Malaysia authorized in writing by name or by office in that behalf by the Chairman of the Board of Securities Commission Malaysia;

(i) the Director General of the Labuan Financial Services Authority or any officer of the Labuan Financial Services Authority authorized in writing by name or by office in that behalf by the Director General of the Labuan Financial Services Authority; and

(j) the Strategic Trade Controller or any public officer and any other officer authorized in writing by name or by office in that behalf by the Strategic Trade Controller,

as the case may be, either by cash, money order, postal order, cashier's order, banker's cheque or bank draft crossed with the words "Account Payee Only", credit card or any other electronic fund transfers.

The payment made—

(a) in cash shall be delivered personally to the address specified in Form 2 of the Second Schedule;

(b) by money order, postal order, cashier's order, banker's cheque or bank draft may be delivered personally or sent by prepaid registered post addressed to the address specified in Form 2 of the Second Schedule; or

(c) through credit card or any other electronic fund transfer into an official account of the Department, Agency, Commission, Board or Authority, as the case may be.

4. An official receipt shall be issued on receipt of the payment of the compound.

5. This offer to compound shall be valid until ....

6. If no payment is received within the period referred to in paragraph 5, the prosecution for the offence may be instituted against you/...
(*state name* of the company/business/other body, if any)* without further notice.

....
Authorized officer
Name:
Date:
Official stamp:

** Delete whichever is inapplicable*

*** Insert citation of the relevant legislation*

FORM 3

[Regulation 4]

STRATEGIC TRADE ACT 2010

STRATEGIC TRADE (COMPOUNDING OF OFFENCES) REGULATIONS 2022

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

Report number: ....

To:

....

....

....

*Sir/Madam,

I refer to the Offer to Compound Offences bearing the reference number ……...........…………… and dated …..............…………… .

2. I accept the offer to compound and enclose herewith is the payment in *cash or by money order/postal order/cashier's order/banker's cheque/bank draft No. ………………………………………………………. crossed with the words "Account Payee Only" made payable to the authorized officer or proof of payment through an electronic fund transfer for the sum of RM.. (... ringgit only) as full settlement of the sum stipulated in paragraph 2 of the Offer to Compound Offence.

Signature : ....

Name (*in capital letter*) : ....

*Identification No./Passport No. : ....

Designation (*if applicable*) : ....

On behalf : ....
(*if applicable*) *(state name of the *company/business/other body)*

*Company Seal/ Business Stamp of
other body* (*if applicable*) : ....

Registration No./
Licence No./
Permit No.* (*if applicable*) : ....

Address : ....
....

Date : ....

** Delete whichever is inapplicable*

FOR OFFICE USE
Payment Date: ………………………………………..
Official Receipt No.: …………………………………..

Made 5 May 2022
[MITI/STS/(S)/536; PN(PU2)682/VII]

DATO' SERI MOHAMED AZMIN BIN ALI
Senior Minister
Minister of International Trade and Industry

Approved 5 May 2022
[MITI/STS/(S)/536; PN(PU2)682/VII]

TAN SRI IDRUS BIN HARUN
Public Prosecutor of Malaysia