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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN PEKERJA (PENGGOMPAUNAN KESALAHAN) 2021

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND AMENITIES (COMPOUNDING OF OFFENCES) REGULATIONS 2021

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ATTORNEY GENERAL'S CHAMBERS

AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN
KEMUDAHAN PEKERJA 1990

PERATURAN-PERATURAN STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN
KEMUDAHAN PEKERJA (PENGKOMPAUNAN KESALAHAN) 2021

PADA menjalankan kuasa yang diberikan oleh subseksyen 28A(1) Akta Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja 1990 [*Akta 446*], Menteri, dengan kelulusan Pendakwa Raya, membuat peraturan-peraturan yang berikut:

Nama

1. Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja (Pengkompaunan Kesalahan) 2021**.

Kesalahan yang boleh dikompaun

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

(2) Kesalahan yang disebut dalam subperaturan (1) 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, Ketua Pengarah boleh mengeluarkan tawaran untuk mengkompaun kesalahan itu dalam Borang 2 Jadual Kedua.

(2) Suatu tawaran untuk mengkompaun suatu kesalahan adalah sah bagi tempoh empat belas hari bermula dari tarikh tawaran itu diterima oleh orang yang tawaran itu dibuat atau apa-apa tempoh lanjutan yang boleh diberikan oleh Ketua Pengarah dan jika pembayaran penuh bagi jumlah yang ditawarkan itu dibuat pada atau sebelum habis tempoh empat belas 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 suatu tawaran untuk mengkompaun suatu kesalahan yang boleh dikompaun hendaklah menyetuju terima tawaran itu dalam Borang 3 Jadual Kedua dan mengembalikan Borang 3 itu kepada Ketua Pengarah.

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—

(a) secara wang pos, perintah juruwang, arahan bank atau draf bank dipalang dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Ketua Pengarah; atau

(b) melalui pemindahan wang secara elektronik ke akaun yang ditentukan.

(2) Ketua Pengarah hendaklah mengeluarkan suatu resit rasmi untuk tiap-tiap pembayaran yang diterima di bawah subperaturan (1) kepada orang yang kepadanya tawaran untuk mengkompaun itu telah dibuat.

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:

1. Semua kesalahan yang dilakukan di bawah Akta Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja 1990
2. Semua kesalahan yang dilakukan di bawah Peraturan-Peraturan Standard-Standard Minimum Perumahan dan Kemudahan Pekerja 1990 [P.U. (A) 411/1990]
3. Semua kesalahan yang dilakukan di bawah Peraturan-Peraturan Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja (Penginapan dan Penginapan Berpusat) 2020 [P.U. (A) 250/2020]
4. Semua kesalahan yang dilakukan di bawah Peraturan-Peraturan Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja (Pusat Asuhan Kanak-kanak) 1990 [P.U. (A) 413/1990]
5. Semua kesalahan yang dilakukan di bawah Peraturan-Peraturan Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja (Kadar Sewa Atau Caj Maksimum bagi Penginapan) 2020 [P.U. (A) 249/2020]

JADUAL KEDUA

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

BORANG 1

[Subperaturan 2(2)]

AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN
PEKERJA 1990

PERATURAN-PERATURAN STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN
KEMUDAHAN PEKERJA (PENGKOMPAUNAN KESALAHAN) 2021

KEIZINAN UNTUK MENGGOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 28A(2) Akta Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja 1990 [Akta 446] 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*).

Tarikh:

.....

Pendakwa Raya/Timbalan Pendakwa Raya

BORANG 2

[Subperaturan 3(1)]

AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN
PEKERJA 1990

PERATURAN-PERATURAN STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN
KEMUDAHAN PEKERJA (PENGKOMPAUNAN KESALAHAN) 2021

TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Nombor rujukan :

Tarikh :

Ketua Pengarah Tenaga Kerja

.....
.....
.....

Kepada:

.....
.....
.....

*Tuan/Puan,

Suatu penyiasatan telah dijalankan terhadap anda

.....

(nyatakan nama *individu/syarikat/perniagaan/badan lain)

dan anda didapati telah melakukan kesalahan di bawah Akta Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja 1990 [Akta 446]/peraturan-peraturan yang dibuat di bawah Akta itu sebagaimana butir-butir yang berikut:

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

.....

(b) tarikh :

(c) masa :

(d) tempat :

(e) butir-butir kesalahan:

.....

2. Menurut subseksyen 28A(2) Akta Standard Minimum Perumahan, Penginapan dan Kemudahan Pekerja 1990 [*Akta 446*], dengan keizinan bertulis Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah sebanyak RM.....
 (*dalam perkataan*) ringgit sahaja).

3. Sekiranya tawaran kompaun diterima, bayaran hendaklah dibuat—

(a) secara *wang pos/perintah juruwang/arahan bank/draf bank dipalang dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Ketua Pengarah Tenaga Kerja dan dihantar secara serahan tangan atau pos berdaftar ke alamat berikut:

.....
; atau

(b) melalui pemindahan wang secara elektronik ke akaun berikut:

.....

4. Suatu resit rasmi akan dikeluarkan apabila pembayaran kompaun itu diterima.
5. Tawaran untuk mengkompaun ini adalah sah sehingga.....
6. Jika tiada bayaran diterima dalam tempoh yang disebut dalam perenggan 5, pendakwaan bagi kesalahan itu boleh dimulakan terhadap anda tanpa notis selanjutnya.

Ketua Pengarah Tenaga Kerja

*Potong mana-mana yang tidak berkenaan

BORANG 3

[Peraturan 4]

AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN
PEKERJA 1990

PERATURAN-PERATURAN STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN
KEMUDAHAN PEKERJA (PENGKOMPAUNAN KESALAHAN) 2021

PENYETUJUTERIMAAN TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Kepada:

.....
.....
.....

*Tuan/Puan,

Saya merujuk kepada Tawaran untuk Mengkompaun Kesalahan dengan nombor rujukan bertarikh

2. Saya mengaku bahawa saya telah melakukan kesalahan ini dan saya menerima tawaran kompaun itu dan disertakan bersama dengan ini pembayaran secara *wang pos/perintah juruwang/arahan bank/draf bank dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Ketua Pengarah Tenaga Kerja bagi jumlah sebanyak RM.....(.....
(dalam perkataan) 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 :
Untuk dan bagi pihak (jika berkenaan) :
(nama *syarikat/perniagaan/badan lain)

Cop rasmi *syarikat/perniagaan/badan lain (jika berkenaan):

.....

Alamat:

.....
.....
.....

Tarikh:

*Potong mana-mana yang tidak berkaitan

Dibuat 25 Februari 2021
[KSM/PUU(S)600-1/2/16/5; PN(PU2)376/III]

DATUK SERI M. SARA VANAN
Menteri Sumber Manusia

Diluluskan 25 Februari 2021
[KSM/PUU(S)600-1/2/16/5; PN(PU2)376/III]

TAN SRI IDRUS BIN HARUN
Pendakwa Raya Malaysia

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS
AND AMENITIES ACT 1990

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES (COMPOUNDING OF OFFENCES) REGULATIONS 2021

IN exercise of the powers conferred by subsection 28A(1) of the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 [Act 446], the Minister, with the approval of the Public Prosecutor, makes the following regulations:

Citation

1. These regulations may be cited as the **Employees' Minimum Standards of Housing, Accommodations and Amenities (Compounding of Offences) Regulations 2021**.

Offences which may be compounded

2. (1) The offences specified in the First Schedule are prescribed as offences which may be compounded.

(2) The offences referred to in subregulation (1) 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 Director General 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 fourteen days starting from the date the offer is received by the person whose offer is made or such extended period as the Director General may grant and if full payment of the sum offered is made on or before the expiry of fourteen days or such extended period 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 Form 3 to the Director General.

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 pay the compound—

(a) by postal order, cashier's order, banker's order or bank draft crossed with the words "Account Payee Only" made payable to the Director General; or

(b) through an electronic fund transfer to a designated account.

(2) The Director General shall issue an official receipt for every payment received under subregulation (1) to the person to whom the offer to compound is made.

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)]

OFFENCES WHICH MAY BE COMPOUNDED

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

1. All offences committed under the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990
2. All offences committed under the Worker's Minimum Standards of Housing and Amenities Regulations 1990 [*P.U. (A) 411/1990*]
3. All offences committed under the Employees' Minimum Standards of Housing, Accommodations and Amenities (Accommodation and Centralized Accommodation) Regulations 2020 [*P.U. (A) 250/2020*]
4. All offences committed under the Employees' Minimum Standards of Housing, Accommodations and Amenities (Nurseries) Regulations 1990 [*P.U. (A) 413/1990*]
5. All offences committed under the Employees' Minimum Standards of Housing, Accommodations and Amenities (Maximum Rental or Charges for Accommodation) Regulations 2020 [*P.U. (A) 249/2020*]

SECOND SCHEDULE

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

FORM 1

[Subregulation 2(2)]

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES ACT 1990

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES (COMPOUNDING OF OFFENCES) REGULATIONS 2021

CONSENT TO COMPOUND OFFENCES

IN exercise of the powers conferred by subsection 28A(2) of the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 [Act 446] and subsection 376(3) of the Criminal Procedure Code [Act 593],
I (name) give consent to
compound (name of the
person to whom the compound offer is made) for the offence committed under
..... which is said to have been committed
on..... (date) at (place).

Date:

.....
Public Prosecutor/Deputy Public Prosecutor

FORM 2

[Subregulation 3(1)]

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES ACT 1990

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES (COMPOUNDING OF OFFENCES) REGULATIONS 2021

OFFER TO COMPOUND OFFENCES

Reference number :

Date :

Director General of Labour

.....
.....
.....

To:

.....
.....
.....

*Sir/Madam,

An investigation has been conducted against you.....
(state name of *individual/company/business/other body)

and you are found to have committed the offence under the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 [Act 446]/regulations made under the Act with the following particulars:

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

.....

.....
(b) date :

(c) time :

(d) place :

(e) particulars of offence:
.....
.....
.....

2. Pursuant to subsection 28A(2) of the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 [*Act 446*], with the written consent of the Public Prosecutor, you are offered a compound for the offence stated above for the sum of RM(.....
(*in words*) ringgit only).

3. If the offer to compound is accepted, payment shall be made—

(a) by *postal order/cashier's order/banker's order/bank draft crossed with the words "Account Payee Only" made payable to the Director General of Labour and sent by hand or registered post to the following address:

.....
.....; or

(b) through an electronic fund transfer to the following account:
.....

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 time referred to in paragraph 5, prosecution for the offence may be instituted against you without further notice.

Director General of Labour

*Delete whichever is inapplicable

FORM 3

[Regulation 4]

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES ACT 1990

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND
AMENITIES (COMPOUNDING OF OFFENCES) REGULATIONS 2021

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

To:

.....
.....
.....

*Sir/Madam,

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

2. I admit that I have committed this offence and I accept the offer to compound and enclosed herewith is the payment by *postal order/cashier's order/banker's order/bank draft crossed with the words "Account Payee Only" made payable to the Director General of Labour for the sum of RM
(..... *(in words)* ringgit only) as full settlement of the sum stipulated in paragraph 2 of the Offer to Compound Offences.

Signature :

Name *(in capital letter)* :

*Identification No./Passport No. :

For and on behalf *(if applicable)* :

*(name of *company/business/other body)*

Official stamp of *company/business/other body *(if applicable)*:

.....

Address:

.....
.....
.....

Date:

*Delete whichever is inapplicable

Made 25 February 2021
[KSM/PUU(S)600-1/2/16/5; PN(PU2)376/III]

DATUK SERI M. SARAVANAN
Minister of Human Resources

Approved 25 February 2021
[KSM/PUU(S)600-1/2/16/5; PN(PU2)376/III]

TAN SRI IDRUS BIN HARUN
Public Prosecutor of Malaysia