30 September 2020
*30 September 2020*
P.U. (A) 287

# WARTA KERAJAAN PERSEKUTUAN

# *FEDERAL GOVERNMENT GAZETTE*

## PERATURAN-PERATURAN MATA WANG (PENGKOMPAUNAN KESALAHAN) 2020

## *CURRENCY (COMPOUNDING OF OFFENCES) REGULATIONS 2020*

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AKTA MATA WANG 2020

PERATURAN-PERATURAN MATA WANG (PENGKOMPAUNAN KESALAHAN) 2020

PADA menjalankan kuasa yang diberikan oleh subseksyen 57(1) Akta Mata Wang 2020 [*Akta 827*], Menteri, atas syor Bank, dengan kelulusan Pendakwa Raya, membuat peraturan-peraturan yang berikut:

**Nama**

1. Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Mata Wang (Pengkompaunan Kesalahan) 2020**.

**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 Pendakwa Raya dalam Borang MW 1 Jadual Kedua.

**Tatacara mengkompaun**

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

(2) Suatu tawaran untuk mengkompaun suatu kesalahan adalah bagi tempoh tiga puluh hari atau apa-apa masa lanjutan sebagaimana yang diberikan oleh Gabenor dan jika pembayaran penuh bagi jumlah yang ditawarkan itu dibuat pada atau sebelum habis tempoh tiga puluh hari atau apa-apa masa lanjutan sebagaimana yang diberikan oleh Gabenor, tiada prosiding selanjutnya boleh diambil terhadap orang yang telah melakukan kesalahan itu.


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**Penyetujuterimaan kompaun**

4. Seseorang yang menyetuju terima suatu tawaran untuk mengkompaun suatu kesalahan yang boleh dikompaun hendaklah menyetuju terima tawaran itu dalam Borang MW 3 Jadual Kedua.

**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 dengan mendepositkan bayaran kompaun ke dalam akaun yang dinyatakan dalam Borang MW 2 Jadual Kedua melalui mana-mana bank berlesen di Malaysia.

(2) Selepas orang yang kepadanya tawaran itu dibuat membayar kompaun di bawah subperaturan (1), dia hendaklah mengemukakan Borang MW 3 Jadual Kedua bersama-sama dengan bukti pembayaran kompaun itu kepada Gabenor.

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

**Pendakwaan boleh dimulakan jika tiada pembayaran dibuat**

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


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JADUAL PERTAMA

[Subperaturan 2(1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan di bawah peruntukan Akta Mata Wang 2020 yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

*(a)* subseksyen 19(2)
*(b)* subseksyen 20(3)
*(c)* subseksyen 21(4)
*(d)* subseksyen 24(2)
*(e)* subseksyen 26(3)
*(f)* subseksyen 36(4)
*(g)* subseksyen 38(3)
*(h)* subseksyen 41(4)
*(i)* subseksyen 44(3)
*(j)* subseksyen 45(2)
*(k)* subseksyen 54(1)*

*Nota: Kesalahan di bawah peruntukan ini boleh dikompaun dengan syarat bahawa kesalahan yang dilakukan itu adalah berhubung dengan kesalahan yang dilakukan di bawah perenggan *(a)* hingga *(j)* Jadual ini.



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JADUAL KEDUA

[Subperaturan 2(2) dan 3(1), peraturan 4 dan subperaturan 5(1) dan 5(2)]

BORANG MW 1

[Subperaturan 2(2)]

AKTA MATA WANG 2020

PERATURAN-PERATURAN MATA WANG (PENGKOMPAUNAN KESALAHAN) 2020

KEIZINAN UNTUK MENGKOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 57(1) Akta Mata Wang 2020 [*Akta 827*] 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*



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BORANG MW 2

[Subperaturan 3(1) dan 5(1)]

AKTA MATA WANG 2020

PERATURAN-PERATURAN MATA WANG (PENGKOMPAUNAN KESALAHAN) 2020

TAWARAN UNTUK MENGKOMPAUN KESALAHAN

Apabila menjawab sila nyatakan:
Nombor rujukan: ………………………………..........
Tarikh: ..………………………………………………….

Gabenor
Bank Negara Malaysia
……………………………………………………….....
……………………………………………………….....

Kepada:
……………………………………………………….....
……………………………………………………….....
……………………………………………………….....

*Tuan/Puan,

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

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

dan anda didapati telah melakukan kesalahan di bawah Akta Mata Wang 2020 [*Akta 827*] dengan butir-butir yang berikut:

*(a)* peruntukan Akta yang berkaitan: ..........................................................................................
..................................................................................................................................................

*(b)* tarikh: ..........................................................................................................................



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*(c)* masa: ..........................................................................................................................................

*(d)* tempat: .......................................................................................................................................

*(e)* butir-butir kesalahan: ........................................................................................................

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

2. Menurut subseksyen 57(2) Akta Mata Wang 2020, dengan keizinan Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM .............................................................................................................. (…………………………………………………………. ringgit sahaja).

3. Sekiranya tawaran kompaun ini diterima, bayaran hendaklah dibuat dengan mendepositkan bayaran kompaun ke dalam akaun Akauntan Negara [nombor akaun: ……………………………………………………………] melalui mana-mana bank berlesen di Malaysia.

4. Suatu resit rasmi akan dikeluarkan apabila Borang MW 3 dan bukti pembayaran kompaun itu diterima.

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

6. Sekiranya tiada bayaran diterima dalam masa yang disebut dalam perenggan 5, pendakwaan bagi kesalahan itu boleh dimulakan terhadap anda tanpa notis selanjutnya.

Tarikh: ……………………………………………

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

*Gabenor*

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*Potong mana-mana yang tidak berkenaan



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BORANG MW 3

[Peraturan 4 dan subperaturan 5(2)]

AKTA MATA WANG 2020

PERATURAN-PERATURAN MATA WANG (PENGKOMPAUNAN KESALAHAN) 2020

PENYETUJUTERIMAAN TAWARAN UNTUK MENGKOMPAUN KESALAHAN

Kepada:

Gabenor

Bank Negara Malaysia

………………………………………………………………......

………………………………………………………………......

*Tuan/Puan,

Saya merujuk kepada Borang MW 2 dengan nombor rujukan …………………………………….. bertarikh ………………………………………..

2. Saya menerima tawaran kompaun itu dan disertakan bukti pembayaran bagi jumlah wang sebanyak RM ………………………….. (........................................................................ ringgit sahaja) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Borang MW 2.

| | |
|---|---|
| Tandatangan | : ………………………………………………………………..……………….. |
| Nama *(huruf besar)* | : ……………………………………………………………………………….... |
| Nombor kad pengenalan | : ……………………………………………………………………………….... |
| Jawatan *(jika berkenaan)* | : ……………………………………………………………………………….... |
| Untuk dan bagi pihak *(jika berkenaan)* | : …………………………………………………………………….............<br>*(nama* syarikat/perniagaan/badan lain)* |
| Nombor pendaftaran syarikat *(jika berkenaan)* | : ……………………………………………………………………………….... |



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Cap rasmi *syarikat/perniagaan/ badan lain *(jika berkenaan)* : ……………………………………………………………………………...

Alamat : ……………………………………………………………………………...

……………………………………………………………………………...

……………………………………………………………………………...

Tarikh : ……………………………………………………………………………...

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*Potong mana-mana yang tidak berkenaan

Dibuat 28 September 2020
[MOF(S)100-1/2/38(2); PN(PU2)295]

DATO' SRI TENGKU ZAFRUL BIN TENGKU ABDUL AZIZ
*Menteri Kewangan*

Diluluskan 28 September 2020
[MOF(S)100-1/2/38(2); PN(PU2)295]

TAN SRI IDRUS BIN HARUN
*Pendakwa Raya Malaysia*


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CURRENCY ACT 2020

CURRENCY (COMPOUNDING OF OFFENCES) REGULATIONS 2020

IN exercise of the powers conferred by subsection 57(1) of the Currency Act 2020 [*Act 827*], the Minister, on the recommendation of the Bank, with the approval of the Public Prosecutor, makes the following regulations:

**Citation**

1. These regulations may be cited as the **Currency (Compounding of Offences) Regulations 2020**.

**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 of the Public Prosecutor in Form MW 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 Governor may issue an offer to compound the offence in Form MW 2 of the Second Schedule.

(2) An offer to compound an offence is for a period of thirty days or such extended time as the Governor may grant and if full payment of the sum offered is made on or before the expiry of thirty days or such extended time as the Governor may grant, 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 MW 3 of the Second Schedule.


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**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 by depositing the payment of compound into the account specified in Form MW 2 of the Second Schedule through any licensed bank in Malaysia.

(2) After the person to whom the offer is made paid the compound under subregulation (1), he shall submit Form MW 3 of the Second Schedule together with the proof of payment of compound to the Governor.

(3) The Governor 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 time specified in subregulation 3(2), prosecution may be instituted without further notice.


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FIRST SCHEDULE

[Subregulation 2(1)]

OFFENCES WHICH MAY BE COMPOUNDED

The offences under the following provisions of the Currency Act 2020 are prescribed to be offences which may be compounded:

*(a)* subsection 19(2)

*(b)* subsection 20(3)

*(c)* subsection 21(4)

*(d)* subsection 24(2)

*(e)* subsection 26(3)

*(f)* subsection 36(4)

*(g)* subsection 38(3)

*(h)* subsection 41(4)

*(i)* subsection 44(3)

*(j)* subsection 45(2)

*(k)* subsection 54(1)*

*Note: The offence under this provision may be compounded provided that the offence committed is in relation to the offence committed under paragraphs *(a)* to *(j)* of this Schedule.



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SECOND SCHEDULE

[Subregulations 2(2) and 3(1), regulation 4 and subregulations 5(1) and 5(2)]

FORM MW 1

[Subregulation 2(2)]

CURRENCY ACT 2020

CURRENCY (COMPOUNDING OF OFFENCES) REGULATIONS 2020

CONSENT TO COMPOUND OFFENCES

IN exercise of the powers conferred by subsection 57(1) of the Currency Act 2020 [*Act 827*] 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/offences committed under ……………………………………………………………. which *is/are said to have been committed on …………………………………………… *(date)* at ……………………………………………… ………………………………………………………………………………………………………………. *(place)*.

Date:

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

*Public Prosecutor/*
*Deputy Public Prosecutor*

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*Delete whichever is inapplicable



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FORM MW 2

[Subregulations 3(1) and 5(1)]

CURRENCY ACT 2020

CURRENCY (COMPOUNDING OF OFFENCES) REGULATIONS 2020

OFFER TO COMPOUND OFFENCES

In reply please quote:

Reference number: ………………………………………

Date: ………………………………………………………………

The Governor

Central Bank of Malaysia

……………………………………………………………………

……………………………………………………………………

To:

……………………………………………………………………

……………………………………………………………………

……………………………………………………………………

*Sir/Madam,

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

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

*(state name of *company/business/other body and the registration number, if any)*

and you are found to have committed the offence under the Currency Act 2020 [*Act 827*] with the following particulars:

*(a)* relevant provision of the Act: …………………………………………………………………………

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

*(b)* date: ……………………………………………………………………………………………………

*(c)* time: ……………………………………………………………………………………………………



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*(d)* place: ……………………………………………………………………………………………………………...…

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

……………………………………………………………………………………………………………..……....

2. Pursuant to subsection 57(2) of the Currency Act 2020, with the consent of the Public Prosecutor, you are offered a compound for the offence stated above for the sum of RM ……………………………………………………………………………………………………… (……………………………………………………………. ringgit only).

3. If this offer to compound is accepted, payment shall be made by depositing the payment of compound into the account of the Accountant General [account number: ……..……………………………………………………..] through any licensed bank in Malaysia.

4. An official receipt shall be issued on the receipt of Form MW 3 and the proof of payment of 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.

Date: ……………………………………………

……………………………………………………………………

*Governor*

---

*Delete whichever is inapplicable



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FORM MW 3

[Regulation 4 and subregulation 5(2)]

CURRENCY ACT 2020

CURRENCY (COMPOUNDING OF OFFENCES) REGULATIONS 2020

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

To:

The Governor

Central Bank of Malaysia

……………………………………………………………………......

……………………………………………………………………......

*Sir/Madam,

I refer to Form MW 2 bearing the reference number ……………………………………….. dated ………………………………………..

2. I accept the offer to compound and enclosed is the proof of payment for the sum of RM ……………………………………….. (........................................................................ ringgit only) as full settlement of the sum stipulated in paragraph 2 of Form MW 2.

Signature : ………………………………………………………………..………………..

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

Identity card number : ……………………………………………………………………………....

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

For and on behalf *(if applicable)* : ……………………………………………………………………………....
*(name of *company/business/other body)*

Company registration number *(if applicable)* : ……………………………………………………………………………....



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

Address : ……………………………………………………………………………...

……………………………………………………………………………...

……………………………………………………………………………...

Date: : ……………………………………………………………………………..

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*Delete whichever is inapplicable

Made 28 September 2020
[MOF(S)100-1/2/38(2); PN(PU2)295]

DATO' SRI TENGKU ZAFRUL BIN TENGKU ABDUL AZIZ
*Minister of Finance*

Approved September 2020
[MOF(S)100-1/2/38(2); PN(PU2)295]

TAN SRI IDRUS BIN HARUN
*Public Prosecutor of Malaysia*


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