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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN PEMBANGUNAN MINERAL (PENGKOMPAUNAN KESALAHAN) 2019

MINERAL DEVELOPMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2019

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AKTA PEMBANGUNAN MINERAL 1994

PERATURAN-PERATURAN PEMBANGUNAN MINERAL
(PENGKOMPANAN KESALAHAN) 2019

PADA menjalankan kuasa yang diberikan oleh perenggan 63(2)(j) Akta Pembangunan Mineral 1994 [*Akta 525*], Menteri membuat peraturan-peraturan yang berikut:

Nama

1. Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pembangunan Mineral (Pengkompunan Kesalahan) 2019**.

Kesalahan yang boleh dikompun

2. (1) Kesalahan yang dilakukan di bawah peruntukan Akta atau Peraturan-Peraturan yang dibuat di bawah Akta sebagaimana yang dinyatakan dalam Jadual Pertama ditetapkan sebagai kesalahan yang boleh dikompun.

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

Tawaran dan penyetujuterimaan kompun

3. (1) Suatu tawaran untuk mengkompun kesalahan yang disebut dalam subperaturan 2(1) hendaklah dibuat dalam Borang 2 Jadual Kedua.

(2) Seseorang yang menyetujui terima tawaran untuk mengkompun suatu kesalahan yang disebut dalam subperaturan 2(1) hendaklah menyetujui terima tawaran itu dalam Borang 3 Jadual Kedua.

Pembayaran kompun

4. (1) Jika suatu tawaran untuk mengkompun kesalahan disetujui terima oleh orang yang kepadanya tawaran itu dibuat, dia hendaklah membayar kompun itu melalui kiriman wang, wang pos, pesanan juruwang, draf bank atau pesanan bank dipalang

dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Ketua Pengarah Jabatan Mineral dan Geosains.

(2) Pembayaran kompaun di bawah subperaturan (1) hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar bayar dahulu ke alamat yang dinyatakan dalam Borang 2 Jadual Kedua.

(3) Ketua Pengarah Jabatan Mineral dan Geosains 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.

JADUAL PERTAMA

[Subperaturan 2(1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

- (a) kesalahan yang dilakukan di bawah Akta Pembangunan Mineral 1994 seperti yang berikut:

seksyen 39

seksyen 43

- (b) kesalahan yang dilakukan di bawah Peraturan-Peraturan Pembangunan Mineral (Peletupan) 2013 [*P.U. (A) 343/2013*] seperti yang berikut:

subperaturan 3(1) dan (9) dibaca bersama peraturan 31

subperaturan 4(1), (2) dan (3) dibaca bersama peraturan 31

subperaturan 5(1) dibaca bersama peraturan 31

peraturan 7 dibaca bersama peraturan 31

subperaturan 26(1) dibaca bersama peraturan 31

subperaturan 27(1) dan (2) dibaca bersama peraturan 31

peraturan 28 dibaca bersama peraturan 31

peraturan 29 dibaca bersama peraturan 31

subperaturan 30(1) dibaca bersama peraturan 31

- (c) kesalahan yang dilakukan di bawah Peraturan-Peraturan Pembangunan Mineral (Keselamatan Semasa Penjelajahan dan Perlombongan Permukaan) 2014 [*P.U. (A) 98/2014*] seperti yang berikut:

subperaturan 3(10)

subperaturan 4(7)

subperaturan 6(1), (2) dan (4) dibaca bersama peraturan 12

subperaturan 7(1) dibaca bersama peraturan 12

peraturan 8 dibaca bersama peraturan 12

subperaturan 9(1) dibaca bersama peraturan 12

peraturan 11 dibaca bersama peraturan 12

- (d) kesalahan yang dilakukan di bawah Peraturan-Peraturan Pembangunan Mineral (Pelesenan) 2016 [*P.U. (A) 337/2016*] seperti yang berikut:

subperaturan 5(2)

subperaturan 6(4) dan (5)

subperaturan 10(2)

subperaturan 14(5)

subperaturan 15(2)

subperaturan 17(3) dan (4)

subperaturan 18(4)

subperaturan 19(3) dan (4)

subperaturan 20(2)

subperaturan 21(3)

- (e) kesalahan yang dilakukan di bawah Peraturan-Peraturan Pembangunan Mineral (Efluen) 2016 [*P.U. (A) 338/2016*] seperti yang berikut:

subperaturan 4(6)

subperaturan 5(4)

subperaturan 6(3)

subperaturan 7(2)

- (f) kesalahan di bawah peraturan 4 Peraturan-Peraturan Pembangunan Mineral (Penyata Perangkaan) 2019 [*P.U. (A) 208/2019*].

JADUAL KEDUA

BORANG 1
[Subperaturan 2(2)]

AKTA PEMBANGUNAN MINERAL 1994

PERATURAN-PERATURAN PEMBANGUNAN MINERAL
(PENGKOMPANAN KESALAHAN) 2019

KEIZINAN UNTUK MENKOMPAN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 55(1) Akta Pembangunan Mineral 1994 [*Akta 525*] dan subseksyen 376(3) Kanun Tatacara Jenayah [*Akta 593*], saya(*nama*)..... dengan ini memberikan keizinan untuk mengkompun(*nama orang yang kepadanya tawaran itu dibuat*)..... bagi kesalahan yang dilakukan di bawah yang dikatakan telah dilakukan pada(*tarikh*)...(*masa*)..... di(*tempat*)..... .

Bertarikh.....hari bulan20.....

.....
Pendakwa Raya

BORANG 2
[Subperaturan 3(1)]

AKTA PEMBANGUNAN MINERAL 1994

PERATURAN-PERATURAN PEMBANGUNAN MINERAL
(PENGKOMPAUNAN KESALAHAN) 2019

TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Nombor rujukan :

Tarikh :

Kepada:

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

Tuan/ Puan*,

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

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

dan anda didapati telah melakukan suatu kesalahan di bawah Akta Pembangunan Mineral 1994 [Akta 525]/ 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:

(e) butir-butir kesalahan:

.....

2. Menurut subseksyen 55(1) Akta Pembangunan Mineral 1994, dengan keizinan secara bertulis daripada Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM..... (..... ringgit sahaja).

3. Sekiranya tawaran kompaun diterima, bayaran hendaklah dibuat melalui kiriman wang/ wang pos/ pesanan juruwang/ draf bank/ pesanan bank* dipalang dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Ketua Pengarah Jabatan Mineral dan Geosains, dan boleh diserahkan sendiri atau dihantar melalui pos berdaftar bayar dahulu ke alamat yang berikut:

Ketua Pengarah

Jabatan Mineral dan Geosains

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

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/ tanpa notis selanjutnya

(nama syarikat/perniagaan/badan lain)

.....
*Ketua Pengarah
Jabatan Mineral dan Geosains*

* Potong mana-mana yang tidak berkenaan

** Masukkan nama perundangan yang berkaitan

BORANG 3
[Subperaturan 3(2)]

AKTA PEMBANGUNAN MINERAL 1994

PERATURAN-PERATURAN PEMBANGUNAN MINERAL
(PENGKOMPAUNAN KESALAHAN) 2019

PENYETUJUTERIMAAN TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Kepada:

Ketua Pengarah Jabatan Mineral dan Geosains

.....

.....

Tuan/ Puan*,

Saya merujuk kepada Tawaran untuk Mengkompaun Kesalahan dengan nombor rujukan

..... dan bertarikh

2. Saya menerima tawaran untuk mengkompaun itu dan disertakan bersama-sama ini pembayaran melalui kiriman wang/ kiriman wang pos/ pesanan juruwang/ draf bank atau pesanan bank* dipalang dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Ketua Pengarah Jabatan Mineral dan Geosains bagi jumlah wang sebanyak RM..... (..... ringgit sahaja) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Tawaran untuk Mengkompaun Kesalahan itu.

Tandatangan :

Nama (*huruf besar*) :

No. Kad Pengenalan/ No. Passport* :

Nama jawatan :

(*jika berkenaan*)

Bagi pihak :

(nyatakan nama syarikat/ perniagaan/ badan lain*) (*jika berkenaan*)

Meterai Syarikat/ Cap Perniagaan atau badan lain*:

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

Alamat :

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

Tarikh:

*Potong mana-mana yang tidak berkenaan

Dibuat 5 Disember 2019

[KATS/PUU 100-1/3; PN(PU2)597/V]

DR. XAVIER JAYAKUMAR A/L ARULANANDAM

Menteri Air, Tanah dan Sumber Asli

MINERAL DEVELOPMENT ACT 1994

MINERAL DEVELOPMENT (COMPOUNDING OF OFFENCES)
REGULATIONS 2019

IN exercise of the powers conferred by paragraph 63(2)(j) of the Mineral Development Act 1994 [Act 525], the Minister makes the following regulations:

Citation

1. These regulations may be cited as the **Mineral Development (Compounding of Offences) Regulations 2019**.

Compoundable offences

2. (1) The offences committed under the provisions of the Act or the Regulations made under the Act as specified in the First Schedule are prescribed to be 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.

Offer and acceptance of compound

3. (1) An offer to compound an offence referred to in subregulation 2(1) shall be made in Form 2 of the Second Schedule.

(2) A person who accepts an offer to compound an offence referred to in subregulation 2(1) shall accept the offer in Form 3 of the Second Schedule.

Payment of compound

4. (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 money order, postal order, cashier's order, bank draft or banker's order crossed with the words "Account Payee Only" made payable to the Director General of Department of Mineral and Geoscience.

(2) The payment of the compound under subregulation (1) shall be delivered personally or sent by prepaid registered post to the address specified in Form 2 of the Second Schedule.

(3) The Director General of Department of Mineral and Geoscience shall issue an official receipt for every payment received under subregulation (1) to the person to whom the offer to compound is made.

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 Mineral Development Act 1994 as follows:

section 39

section 43

- (b) the offences committed under the Mineral Development (Blasting) Regulations 2013 [*P.U. (A) 343/2013*] as follows:

subregulations 3(1) and (9) read together with regulation 31

subregulations 4(1), (2) and (3) read together with regulation 31

subregulation 5(1) read together with regulation 31

regulation 7 read together with regulation 31

subregulation 26(1) read together with regulation 31

subregulations 27(1) and (2) read together with regulation 31

regulation 28 read together with regulation 31

regulation 29 read together with regulation 31

subregulation 30(1) read together with regulation 31

- (c) the offences committed under the Mineral Development (Safety In Exploration and Surface Mining) Regulations 2014 [*P.U. (A) 98/2014*] as follows:

subregulation 3(10)

subregulation 4(7)

subregulations 6(1), (2) and (4) read together with regulation 12

subregulation 7(1) read together with regulation 12

regulation 8 read together with regulation 12

subregulation 9(1) read together with regulation 12

regulation 11 read together with regulation 12

- (d) the offences committed under the Mineral Development (Licencing) Regulations 2016 [*P.U. (A) 337/2016*] as follows:

subregulation 5(2)

subregulations 6(4) dan (5)

subregulation 10(2)

subregulation 14(5)

subregulation 15(2)

subregulations 17(3) and (4)

subregulation 18(4)

subregulations 19(3) and (4)

subregulation 20(2)

subregulation 21(3)

- (e) the offences committed under the Mineral Development (Effluent) Regulations 2016 [*P.U. (A) 338/2016*] as follows:

subregulation 4(6)

subregulation 5(4)

subregulation 6(3)

subregulation 7(1)

- (f) offence under regulation 4 of the Mineral Development (Statistical Returns) Regulations 2019 [*P.U. (A) 208/2019*].

SECOND SCHEDULE

FORM 1
[Subregulation 2(2)]

MINERAL DEVELOPMENT ACT 1994

MINERAL DEVELOPMENT (COMPOUNDING OF OFFENCES)
REGULATIONS 2019

CONSENT TO COMPOUND OFFENCE

IN exercise of the powers conferred by subsection 55(1) of the Mineral Development Act 1994 [*Act 525*] 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 offences
committed under..... which is said to have been committed on
.....(*date*).....(*time*).... at(*place*)..... .

Dated.....of.....20.....

.....
Public Prosecutor

FORM 2
[Subregulation 3(1)]

MINERAL DEVELOPMENT ACT 1994

MINERAL DEVELOPMENT (COMPOUNDING OF OFFENCES)
REGULATIONS 2019

OFFER TO COMPOUND OFFENCE

Reference number:

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 Mineral Development
Act 1994 [Act 525]/ 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 55(1) of the Mineral Development Act 1994, with the consent in writing of the Public Prosecutor, you are offered a compound for the offence stated above for the sum of RM..... (..... ringgit only).

3. If the offer to compound is accepted, payment shall be made by money order/ postal order/ cashier's order/ bank draft/ banker's order* crossed with the words "Account Payee Only" made payable to the Director General of Department of Mineral and Geoscience, and may be delivered personally or sent by prepaid registered post to the following address:

Director General

Department of Mineral and Geoscience

.....

.....

.....

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 there is no payment received within period referred to in paragraph 5, the prosecution for the offence may be instituted against you/ without further notice.

(name of the company/ business/ other body)

.....
Director General
Department of Mineral and Geoscience

* Delete whichever is inapplicable

** Insert citation of relevant legislation

FORM 3
[Subregulation 3(2)]

MINERAL DEVELOPMENT ACT 1994

MINERAL DEVELOPMENT (COMPOUNDING OF OFFENCES)
REGULATIONS 2019

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

To:

Director General of Mineral and Geoscience

.....
.....

Sir/ Madam*,

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

2. I accept the offer to compound and enclosed herewith is the payment in the form of money order/ postal order/ cashier's order/ bank draft / banker's order* crossed with the words "Account Payee Only" made payable to the Director General of Department of Mineral and Geoscience 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 Card No./ Passport* No. :

Designation :

(*if applicable*)

On behalf :

(state name of the company/ business/ other body*) (*if applicable*)

Company Seal/ Business Stamp or other body*:

Company Registration Number/ License Number/ Permits Number* (*If applicable*):

.....

Address :

.....

.....

.....

Date:

**Delete whichever is inapplicable*

Made 5 December 2019

[KATS/PUU 100-1/3; PN(PU2)597/V]

DR. XAVIER JAYAKUMAR A/L ARULANANDAM
Minister of Water, Land and Natural Resources