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WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN BEKALAN ELEKTRIK
(PENGKOMPAUNAN KESALAHAN) 2017

*ELECTRICITY SUPPLY (COMPOUNDING OF OFFENCES)
REGULATIONS 2017*

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

AKTA BEKALAN ELEKTRIK 1990

PERATURAN-PERATURAN BEKALAN ELEKTRIK
(PENGKOMPAUNAN KESALAHAN) 2017

PADA menjalankan kuasa yang diberikan oleh subseksyen 43(1) Akta Bekalan Elektrik 1990 [*Akta 447*], Menteri, dengan kelulusan Pendakwa Raya, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Bekalan Elektrik (Pengkompaunan Kesalahan) 2017**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 25 Oktober 2017.

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.

Tawaran dan penyetujuterimaan kompaun

3. (1) Suatu tawaran untuk mengkompaun kesalahan hendaklah dibuat dalam Borang 2 Jadual Kedua.

(2) Seseorang yang menyetuju terima tawaran untuk mengkompaun suatu kesalahan yang boleh dikompaun hendaklah menyetuju terima tawaran itu dalam Borang 3 Jadual Kedua.

Pembayaran kompaun

4. (1) Jika suatu tawaran untuk mengkompaun kesalahan disetuju terima oleh orang yang kepadanya tawaran itu dibuat, dia boleh membayar kompaun itu—

(a) secara tunai dan bayaran itu hendaklah diserahkan sendiri kepada Suruhanjaya; atau

(b) melalui kiriman wang, kiriman wang pos, pesanan juruwang, cek jurubank atau draf bank yang kena dibayar kepada Suruhanjaya dan dipalang dengan perkataan “Akaun Penerima Sahaja”.

(2) Jika bayaran dibuat di bawah perenggan (1)(b), ia hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar yang dialamatkan kepada Suruhanjaya.

(3) Suruhanjaya hendaklah mengeluarkan suatu resit rasmi bagi setiap pembayaran yang diterima di bawah peraturan ini kepada orang yang kepadanya tawaran untuk mengkompaun itu dibuat.

Pembatalan

5. Peraturan-Peraturan Bekalan Elektrik (Pengkompaunan Kesalahan) 2001 [*P.U. (A) 408/2001*] dibatalkan.

JADUAL PERTAMA
[subperaturan 2(1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

(a) kesalahan-kesalahan yang dilakukan di bawah Akta Bekalan Elektrik 1990 seperti yang berikut:

- (i) seksyen 8;
- (ii) subseksyen 9A(2);
- (iii) subseksyen 9B(3);
- (iv) subseksyen 9C(5);
- (v) seksyen 9D;
- (vi) seksyen 9E;
- (vii) subseksyen 21(3);
- (viii) subseksyen 21(5);
- (ix) subseksyen 22(1);
- (x) subseksyen 22(3);
- (xi) subseksyen 22A(3);
- (xii) subseksyen 22B(3);
- (xiii) subseksyen 23(2);
- (xiv) subseksyen 24(6);
- (xv) subseksyen 26(4);
- (xvi) subseksyen 26(6);
- (xvii) subseksyen 28B(2);
- (xviii) subseksyen 29(4);
- (xix) subseksyen 33(6);
- (xx) subseksyen 33A(3);
- (xxi) subseksyen 33B(4);
- (xxii) subseksyen 33C(2);
- (xxiii) subseksyen 33D(2);

- (xxiv) perenggan 37(3)(A)(i);
- (xxv) subseksyen 37(4);
- (xxvi) subseksyen 37(5);
- (xxvii) subseksyen 37(6);
- (xxviii) subseksyen 37(7);
- (xxix) subseksyen 37(8);
- (xxx) subseksyen 37(9);
- (xxxi) subseksyen 37(10);
- (xxxii) subseksyen 37(11);
- (xxxiii) perenggan 37(12)(b);
- (xxxiv) perenggan 37(13)(b);
- (xxxv) subseksyen 37(14);
- (xxxvi) seksyen 37B;
- (xxxvii) subseksyen 38(1);
- (xxxviii) subseksyen 38(1B);
- (xxxix) subseksyen 38(4);
- (xl) subseksyen 44A(6);
- (xli) subseksyen 44B(1);
- (xlii) subseksyen 45(2);
- (xliii) subseksyen 45A(4);
- (xliv) subseksyen 45A (5);
- (xlv) subseksyen 45A (6);
- (xlvi) subseksyen 48(2);
- (xlvii) subseksyen 49(5);
- (xlviii) subseksyen 50(2);
- (xlix) subseksyen 50B(1);
- (l) seksyen 50E;
- (li) subseksyen 52(5);
- (lii) subseksyen 52A(3); dan
- (liii) subseksyen 52B(4);

(b) semua kesalahan yang dilakukan di bawah Peraturan-Peraturan Elektrik 1994 [*P.U. (A) 38/1994*]; dan

- (c) semua kesalahan yang dilakukan di bawah Peraturan-Peraturan Pengurusan Tenaga Elektrik dengan Cepak 2008 [*P.U. (A) 444/2008*].

JADUAL KEDUA

[subperaturan 2(2) dan peraturan 3]

BORANG 1

KEIZINAN UNTUK MENGGOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 43(2) Akta Bekalan Elektrik 1990 [*Akta 447*] dan subseksyen 376(3) Kanun Tatacara Jenayah [*Akta 593*], saya,.....(*nama*)..... dengan ini memberi keizinan untuk mengkompaun (*nama orang yang kepadanya tawaran kompaun dibuat*)..... bagi kesalahan yang dilakukan di bawah yang dikatakan dilakukan pada(*tarikh*)..... di (*tempat*)..... .

Bertarikh hari bulan 20

.....
Pendakwa Raya/
Timbalan Pendakwa Raya

BORANG 2

AKTA BEKALAN ELEKTRIK 1990

PERATURAN-PERATURAN BEKALAN ELEKTRIK
(PENGKOMPAUNAN KESALAHAN) 2017

TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Apabila menjawab sila nyatakan:

No. rujukan:

Tarikh:

Suruhanjaya Tenaga

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

Kepada:

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

Tuan/Puan,

1. Suatu penyiasatan telah dijalankan terhadap anda
dan anda didapati telah melakukan kesalahan di bawah Akta Bekalan
Elektrik 1990/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 43(2) Akta Bekalan Elektrik 1990 [*Akta 447*], dengan keizinan secara bertulis Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM (Ringgit Malaysia sahaja).

3. Jika tawaran ini diterima, pembayaran boleh dibuat secara tunai/melalui kiriman wang/kiriman wang pos/pesanan juruwang/cek jurubank/draf bank** yang kena dibayar kepada Suruhanjaya Tenaga dan dipalang dengan perkataan “Akaun Penerima Sahaja” dan hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar ke alamat yang berikut:

.....

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

5. Tawaran ini sah sehingga

6. Jika tiada bayaran diterima dalam tempoh yang tersebut, pendakwaan bagi kesalahan itu boleh dimulakan terhadap anda tanpa notis selanjutnya.

Tarikh:

Cap rasmi:

.....
Suruhanjaya Tenaga

* *Masukkan nama perundangan yang berkaitan*

** *Potong mana-mana yang tidak berkenaan*

BORANG 3

AKTA BEKALAN ELEKTRIK 1990

PERATURAN-PERATURAN BEKALAN ELEKTRIK
(PENGGOMPAUNAN KESALAHAN) 2017

PENYETUJUTERIMAAN TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Kepada:

Suruhanjaya Tenaga

.....

.....

Tuan,

Saya merujuk kepada Tawaran untuk Mengkompaun Kesalahan dengan
No. Rujukan yang bertarikh

2. Saya menerima Tawaran untuk Mengkompaun Kesalahan itu dan disertakan
bersama wang tunai/kiriman wang/kiriman wang pos/pesanan juruwang/
cek jurubank/draf bank* No.:
bagi jumlah wang sebanyak RM (Ringgit
Malaysia: sahaja) sebagai penyelesaian penuh
bagi wang yang dinyatakan dalam perenggan 2 Tawaran untuk Mengkompaun
Kesalahan itu.

Tandatangan :

Nama (*huruf besar*) :

Alamat :

.....

Tarikh :

* Potong mana-mana yang tidak berkenaan

Dibuat 9 Oktober 2017
[KeTTHA.(S)100-1/1/5; PN(PU2)486/VII]

DATUK SERI PANGlima DR. MAXIMUS JOHnITY ONGKILI
Menteri Tenaga, Teknologi Hijau dan Air

Diluluskan 20 Oktober 2017
[KeTTHA.(S)100-1/1/5; PN(PU2)486/VII]

TAN SRI DATO' SRI HAJI MOHAMED APANDI BIN ALI
Pendakwa Raya Malaysia

ELECTRICITY SUPPLY ACT 1990

ELECTRICITY SUPPLY (COMPOUNDING OF OFFENCES) REGULATIONS 2017

IN exercise of the powers conferred by subsection 43(1) of the Electricity Supply Act 1990 [Act 447], 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 **Electricity Supply (Compounding of Offences) Regulations 2017**.

(2) These Regulations come into operation on 25 October 2017.

Compoundable offences

2. (1) The offences 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 shall be made in Form 2 of the Second Schedule.

(2) A person who accepts an offer to compound a compoundable offence 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 may pay the compound—

(a) by cash and such payment shall be delivered personally to the Commission; or

(b) by money order, postal order, cashier's order, banker's cheque or bank draft payable to the Commission and crossed with the words "Account Payee Only".

(2) If the payment is made under paragraph (1)(b), it shall be delivered personally or sent by registered post addressed to the Commission.

(3) The Commission shall issue an official receipt for every payment received under this regulation to the person to whom the offer to compound is made.

Revocation

5. The Electricity Supply (Compounding of Offences) Regulations 2001 [P.U. (A) 408/2001] are revoked.

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 Electricity Supply Act 1990 as follows:

- (i) section 8;
- (ii) subsection 9A(2);
- (iii) subsection 9B(3);
- (iv) subsection 9C(5);
- (v) section 9D;
- (vi) section 9E;
- (vii) subsection 21(3);
- (viii) subsection 21(5);
- (ix) subsection 22(1);
- (x) subsection 22(3);
- (xi) subsection 22A(3);
- (xii) subsection 22B(3);
- (xiii) subsection 23(2);
- (xiv) subsection 24(6);
- (xv) subsection 26(4);
- (xvi) subsection 26(6);
- (xvii) subsection 28B(2);
- (xviii) subsection 29(4);
- (xix) subsection 33(6);
- (xx) subsection 33A(3);
- (xxi) subsection 33B(4);
- (xxii) subsection 33C(2);
- (xxiii) subsection 33D(2);
- (xxiv) paragraph 37(3)(A)(i);
- (xxv) subsection 37(4);

- (xxvi) subsection 37(5);
- (xxvii) subsection 37(6);
- (xxviii) subsection 37(7);
- (xxix) subsection 37(8);
- (xxx) subsection 37(9);
- (xxxi) subsection 37(10);
- (xxxii) subsection 37(11);
- (xxxiii) paragraph 37(12)(b);
- (xxxiv) paragraph 37(13)(b);
- (xxxv) subsection 37(14);
- (xxxvi) section 37B;
- (xxxvii) subsection 38(1);
- (xxxviii) subsection 38(1B);
- (xxxix) subsection 38(4);
- (xl) subsection 44A(6);
- (xli) subsection 44B(1);
- (xlii) subsection 45(2);
- (xliii) subsection 45A(4);
- (xliv) subsection 45A (5);
- (xlv) subsection 45A(6);
- (xlvi) subsection 48(2);
- (xlvii) subsection 49(5);
- (xlviii) subsection 50(2);
- (xlix) subsection 50B(1);
- (l) section 50E;
- (li) subsection 52(5);
- (lii) subsection 52A(3); and
- (liii) subsection 52B(4);

(b) all offences committed under the Electricity Regulations 1994 [P.U. (A) 38/1994]; and

- (c) all offences committed under the Efficient Management of Electrical Energy Regulations 2008 [P.U. (A) 444/2008].

SECOND SCHEDULE

[subregulation 2(2) and regulation 3]

FORM 1

CONSENT TO COMPOUND OFFENCES

IN exercise of the powers conferred by subsection 43(2) of the Electricity Supply Act 1990 [Act 447] and subsection 376(3) of the Criminal Procedure Code [Act 593],
I,(name)..... hereby give consent to
compound(name of the person to whom the compound offer is made).....
for the offences committed under which is said to be done
on(date)..... at(place)..... .

Dated of 20

.....
Public Prosecutor/
Deputy Public Prosecutor

FORM 2

ELECTRICITY SUPPLY ACT 1990

ELECTRICITY SUPPLY (COMPOUNDING OF OFFENCES) REGULATIONS 2017

OFFER TO COMPOUND OFFENCE

When replying please quote:

Reference no.:

Date:

Energy Commission

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

To:

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

Sir/Madam,

1. An investigation has been conducted against you
and you are found to have committed the offence under the Electricity Supply
Act 1990/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 the offence:

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

2. Pursuant to subsection 43(2) of the Electricity Supply Act 1990 [Act 447], 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 Malaysia..... only).

3. If this offer is accepted, payment may be made by cash/money order/postal order/cashier's order/banker's cheque/bank draft** payable to the Energy Commission and crossed with the words "Account Payee Only" and shall be delivered personally or sent by registered post to the following address:

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

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

5. This offer shall be valid until

6. If no payment is received within the said period, prosecution for the offence may be instituted against you without further notice.

Date:

Official stamp:

.....
Energy Commission

* Insert citation of relevant legislation

** Delete whichever is inapplicable

FORM 3

ELECTRICITY SUPPLY ACT 1990

ELECTRICITY SUPPLY (COMPOUNDING OF OFFENCES) REGULATIONS 2017

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

To:

Energy Commission

.....

.....

Sir,

I refer to the Offer to Compound Offences bearing the Reference No. dated

2. I accept the offer and enclosed herewith the payment in the form of cash/money order/postal order/cashier's order/banker's cheque/bank draft* No.: for the sum of RM (Ringgit Malaysia: only) as full settlement of the sum stipulated in paragraph 2 of the Offer to Compound Offences.

Signature :

Name (*in capital letter*):

Address :

.....

Date :

**Delete whichever is inapplicable*

Made 9 October 2017
[KeTTHA.(S)100-1/1/5; PN(PU2)486/VII]

DATUK SERI PANGLIMA DR. MAXIMUS JOHNNITY ONGKILI
Minister of Energy, Green Technology and Water

Approved 20 October 2017
[KeTTHA.(S)100-1/1/5; PN(PU2)486/VII]

TAN SRI DATO' SRI HAJI MOHAMED APANDI BIN ALI
Public Prosecutor of Malaysia