



26 Ogos 2011
26 August 2011
P.U. (A) 309

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN PENGURUSAN SISA PEPEJAL
DAN PEMBERSIHAN AWAM (PENGGOMPAUNAN
KESALAHAN) 2011

*SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT
(COMPOUNDING OF OFFENCES) REGULATIONS 2011*



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

AKTA PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM 2007

PERATURAN-PERATURAN PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM
(PENGKOMPANAN KESALAHAN) 2011

SUSUNAN PERATURAN-PERATURAN

Peraturan

1. Nama dan permulaan kuat kuasa
2. Kesalahan boleh kompaun
3. Tawaran dan penyetujuteraan kompaun
4. Cara mengkompaun
5. Pembayaran kompaun

JADUAL

AKTA PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM 2007

PERATURAN-PERATURAN PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM
(PENGKOMPANAN KESALAHAN) 2011

PADA menjalankan kuasa yang diberikan oleh seksyen 108 Akta Pengurusan Sisa Pepejal dan Pembersihan Awam 2007 [Akta 672], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pengurusan Sisa Pepejal dan Pembersihan Awam (Pengkompunan Kesalahan) 2011**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 September 2011.

Kesalahan yang boleh dikompun

2. Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompun:

(a) kesalahan di bawah subseksyen 20(2), 74(2), 75(5), 101(2) dan 102(3) Akta;

(b) kesalahan di bawah subperaturan 6(3), 7(2), 8(2), 9(2), 10(4), 11(3), 12(2), 13(2), 15(2), 16(2), 17(2), 21(4), 21(8), 22(3), 23(2), 24(2), 28(5), 29(4), 30(4) dan 31(4) Peraturan-Peraturan Pengurusan Sisa Pepejal dan Pembersihan Awam (Skim bagi Sisa Pepejal Isi Rumah dan Sisa Pepejal yang Serupa dengan Sisa Pepejal Isi Rumah) 2011;

(c) kesalahan di bawah subperaturan 11(4) Peraturan-Peraturan Pengurusan Sisa Pepejal dan Pembersihan Awam (Pelesenan) (Pengusahaan atau Penyediaan Perkhidmatan Pemungutan bagi Sisa Pepejal Isi Rumah, Sisa Pepejal Awam, Sisa Pepejal Keinstitusian Awam dan Sisa Pepejal yang Serupa dengan Sisa Pepejal Isi Rumah) 2011;

- (d) kesalahan di bawah subperaturan 10(5) Peraturan-Peraturan Pengurusan Sisa Pepejal dan Pembersihan Awam (Pelesenan) (Pengurusan atau Pengendalian Kemudahan Pengurusan Sisa Pepejal yang Ditetapkan) 2011; dan
- (e) kesalahan di bawah subperaturan 10(4) Peraturan-Peraturan Pengurusan Sisa Pepejal dan Pembersihan Awam (Pelesenan) (Pengusahaan atau Penyediaan Perkhidmatan Pengangkutan oleh Pengangkutan Jauh) 2011.

Tawaran dan penyetujeterimaan kompaun

3. (1) Sesuatu tawaran untuk mengkompaun suatu kesalahan hendaklah dibuat dalam Borang 1 Jadual.

(2) Seseorang yang menyetuju terima tawaran untuk mengkompaun suatu kesalahan yang boleh dikompaun hendaklah mengemukakan bayaran bagi kompaun itu dalam Borang 2 Jadual.

Cara mengkompaun

4. (1) Setelah suatu penyiasatan dijalankan dan didapati bahawa suatu kesalahan yang boleh dikompaun telah dilakukan, Ketua Pengarah boleh mengeluarkan suatu Notis Tawaran untuk Mengkompaun Kesalahan dalam Borang 1 Jadual.

(2) Tawaran untuk mengkompaun suatu kesalahan adalah bagi tempoh empat belas hari, dan jika pembayaran penuh bagi jumlah yang ditawarkan itu dibuat pada atau sebelum habis tempoh empat belas hari itu, tiada prosiding selanjutnya akan diambil terhadap orang yang telah melakukan kesalahan itu.

(3) Jika tiada pembayaran bagi kompaun yang telah ditawarkan itu dibuat pada atau sebelum habis tempoh masa yang dinyatakan dalam subperaturan (2), pendakwaan boleh dimulakan tanpa notis selanjutnya.

Pembayaran kompaun

5. (1) Apabila suatu tawaran untuk mengkompaun kesalahan dibuat dan disetujui terima oleh orang yang kepadanya tawaran itu dibuat, dia hendaklah membuat pembayaran bagi kompaun secara tunai atau, melalui kiriman wang, kiriman wang pos, pesanan juruwang, pesanan bank atau draf bank yang kena dibayar kepada Ketua Pengarah Pengurusan Sisa Pepejal dan Pembersihan Awam dan dipalang dengan perkataan “Akaun Penerima Sahaja”.

(2) Pembayaran kompaun hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar ke alamat yang dinyatakan dalam Notis Tawaran untuk Mengkompaun Kesalahan.

(3) Tiap-tiap pembayaran kompaun yang diterima hendaklah dianggap sebagai wang kepunyaan Ketua Pengarah Pengurusan Sisa Pepejal dan Pembersihan Awam.

(4) Suatu resit rasmi hendaklah dikeluarkan bagi tiap-tiap pembayaran yang diterima di bawah subperaturan (1) kepada orang yang kepadanya tawaran untuk mengkompaun itu telah dibuat.

JADUAL

BORANG 1

AKTA PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM 2007

PERATURAN-PERATURAN PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM
(PENGKOMPANAN KESALAHAN) 2011

[Subperaturan 3(1)]

NOTIS TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Apabila menjawab sila nyatakan:

Nombor rujukan:.....

Tarikh:.....

Kepada:

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

Tuan/Puan*,

Suatu penyiasatan telah dijalankan terhadap
anda/.....*
(nyatakan nama syarikat/perniagaan/badan lain*)

dan anda didapati telah melakukan kesalahan yang berikut di bawah Akta Pengurusan Sisa Pepejal Dan Pembersihan Awam 2007 [Akta 672]/peraturan-peraturan yang dibuat di bawah Akta dengan butir-butir yang berikut:

- (a) Peruntukan yang berkenaan dalam Akta/peraturan-peraturan yang dibuat di bawah Akta*:
.....
.....
- (b) Tarikh:.....
- (c) Masa:.....

(d) Tempat:.....

(e) Butir-butir kesalahan:

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

2. Menurut subseksyen 94(1) Akta, anda ditawarkan kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM.....
(..... ringgit).

3. Pembayaran boleh dibuat secara tunai/kiriman wang/ kiriman wang pos/pesanan juruwang/pesanan bank/draf bank* yang kena dibayar kepada Ketua Pengarah Pengurusan Sisa Pepejal dan Pembersihan Awam dan dipalang dengan perkataan "Akaun Penerima Sahaja", dan boleh diserahkan sendiri atau dihantar melalui pos berdaftar ke alamat yang berikut:

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

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

5. Tawaran untuk mengkompaun ini akan bermula pada.....dan berkuat kuasa sehingga, dan jika tiada pembayaran diterima pada atau sebelum tarikh itu, pendakwaan bagi kesalahan boleh dimulakan tanpa notis selanjutnya.

Tarikh:.....

.....
Untuk dan bagi pihak Ketua Pengarah Pengurusan
Sisa Pepejal dan Pembersihan Awam

Nama:

Jawatan:

Cop rasmi:

** Potong mana-mana yang tidak berkenaan*

BORANG 2

AKTA PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM 2007

PERATURAN-PERATURAN PENGURUSAN SISA PEPEJAL DAN PEMBERSIHAN AWAM
(PENGKOMPANAN KESALAHAN) 2011

[Subperaturan 3(2)]

PENYETUJUTERIMAAN TAWARAN UNTUK
MENGKOMPAN KESALAHAN

Kepada:

Ketua Pengarah

Pengurusan Sisa Pepejal dan Pembersihan Awam

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

Saya merujuk kepada Notis Tawaran untuk Mengkompau Kesalahan dengan nombor rujukandan bertarikh

2. Saya mengaku bahawa saya telah melakukan kesalahan ini dan saya bersetuju terima tawaran untuk mengkompau itu dan disertakan bersama ini wang tunai/kiriman wang/ kiriman wang pos/pesanan juruwang/pesanan bank/draf bank No.* bagi jumlah wang sebanyak RM..... (.....ringgit) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Notis Tawaran untuk Mengkompau Kesalahan.

Tandatangan:

Nama (*huruf besar*):

Nombor Kad Pengenalan:

Jawatan:

Nama syarikat/perniagaan atau badan lain*:

.....

Meterai syarikat/Cap perniagaan atau badan lain* *(jika terpakai)*:

.....

No. Pendaftaran syarikat/No. Lesen/No. Permit* *(jika terpakai)*:

.....

Alamat:

.....

.....

Tarikh:

** Potong mana-mana yang tidak berkenaan*

Dibuat 24 Ogos 2011

[KPKT(S) 01/861/3 Jld. V; PN(PU2)671/V]

DATO' WIRA CHOR CHEE HEUNG
Menteri Perumahan dan Kerajaan Tempatan

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT ACT 2007

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF
OFFENCES) REGULATIONS 2011

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Compoundable offences
3. Offer and acceptance of compound
4. Method of compounding
5. Payment of compound

SCHEDULE

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT ACT 2007

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF
OFFENCES) REGULATIONS 2011

IN exercise of the powers conferred by section 108 of the Solid Waste and Public Cleansing Management Act 2007 [Act 672], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Solid Waste and Public Cleansing Management (Compounding of Offences) Regulations 2011**.

(2) These Regulations come into operation on 1 September 2011.

Compoundable offences

2. The following offences are prescribed as compoundable offences:

(a) offences under subsections 20(2), 74(2), 75(5), 101(2) and 102(3) of the Act;

(b) offences under subregulations 6(3), 7(2), 8(2), 9(2), 10(4), 11(3), 12(2), 13(2), 15(2), 16(2), 17(2), 21(4), 21(8), 22(3), 23(2), 24(2), 28(5), 29(4), 30(4) and 31(4) of the Solid Waste and Public Cleansing Management (Scheme for Household Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011;

(c) offence under subregulation 11(4) of the Solid Waste and Public Cleansing Management (Licensing) (Undertaking or Provision of Collection Services for Household Solid Waste, Public Solid Waste, Public Institutional Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011;

(d) offence under subregulation 10(5) of the Solid Waste and Public Cleansing

Management (Licensing) (Management or Operation of Prescribed Solid Waste Management Facilities) Regulations 2011; and

- (e) offence under subregulation 10(4) of the Solid Waste and Public Cleansing Management (Licensing) (Undertaking or Provision of Transportation Services by Long Haulage) Regulations 2011.

Offer and acceptance of compound

3. (1) An offer to compound an offence shall be made in Form 1 of the Schedule.
- (2) A person who accepts an offer to compound a compoundable offence shall furnish payment for the compound in Form 2 of the Schedule.

Method of compounding

4. (1) After an investigation has been conducted and it is found that a compoundable offence has been committed, the Director General may issue a Notice of Offer to Compound Offence in Form 1 of the Schedule.
- (2) The offer to compound an offence is for a period of fourteen days, and if full payment of the sum offered is made on or before the expiry of fourteen days, no further proceedings shall be taken against the person who committed such offence.
- (3) If no payment of the compound offered is made on or before the expiry of the period stated in subregulation (2), prosecution may be instituted without further notice.

Payment of compound

5. (1) When an offer to compound an offence is made and accepted by the person to whom the offer is made, he shall make payment of the compound by cash or, money order, postal order, cashier's order, banker's order or banker's draft made payable to the Director General of Solid Waste and Public Cleansing Management and crossed with the words "Account Payee Only".

(2) The payment of compound shall be delivered personally or sent by registered post to the address specified in the Notice of Offer to Compound Offence.

(3) Every payment of compound received shall be considered as money belonging to the Director General of Solid Waste and Public Cleansing Management.

(4) An official receipt shall be issued for every payment received under subregulation (1) to the person to whom the offer to compound is made.

SCHEDULE

FORM 1

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT ACT 2007

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2011

[Subregulation 3(1)]

NOTICE OF OFFER TO COMPOUND OFFENCE

When replying please quote:

Reference number:

Date:.....

To:

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

Sir/Madam*,

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

and you are found to have committed the following offence under the Solid Waste and Public Cleansing Management Act 2007 [Act 672]/regulations made under the Act with the following particulars:

- (a) Relevant provision of the Act /regulations made under the Act*:
.....
.....
- (b) Date:
- (c) Time:
- (d) Place:

(e) Particulars of offence:

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

2. Pursuant to subsection 94(1) of the Act, you are offered a compound for the offence as stated above for the sum of RM..... (.....ringgit).

3. Payment may be made by cash/money order/postal order/cashier's order/banker's order/banker's draft* made payable to the Director General of Solid Waste and Public Cleansing Management and crossed with the words "Account Payee Only", and may 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 to compound will commence on.....remains in force until....., and if no payment is received on or before the date, prosecution for the offence may be instituted without further notice.

Date:

.....
For and on behalf of the Director General of Solid Waste and Public Cleansing Management

Name:
Designation:
Official stamp:

* Delete whichever is inapplicable

FORM 2

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT ACT 2007

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2011

[Subregulation 3(2)]

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

To:

The Director General of
Solid Waste and Public Cleansing Management

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

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

2. I admit that I have committed this offence and I accept the offer to compound and enclose herewith cash/money order/postal order/cashier's order/banker's order/banker's draft No.* for the sum of RM..... (..... ringgit) as full settlement of the sum stipulated in paragraph 2 of the Notice of Offer to Compound Offence.

Signature:

Name (in capital letter):

Identity Card Number:

Designation:

Name of company/business or other body*:.....

Company seal/Stamp of business or other body* (if applicable):.....

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

Address:

.....

Date:

** Delete whichever is inapplicable*

Made 24 August 2011
[KPKT/PUU/(S)/8/11; PN(PU2)671/V]

DATO' WIRA CHOR CHEE HEUNG
Minister of Housing and Local Government