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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA (PENGGOMPAUNAN KESALAHAN) 2011

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDABLE OFFENCES) REGULATIONS 2011



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ATTORNEY GENERAL'S CHAMBERS

AKTA KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA 1998

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA (PENGKOMPAUNAN KESALAHAN) 2011

PADA menjalankan kuasa yang diberikan oleh subseksyen 107(1) Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 [*Akta 586*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Pengkompunan Kesalahan) 2011**.

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

Tafsiran

2. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain –

“Akta” ertinya Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 [*Akta 586*];

“pemindahan wang secara elektronik” ertinya apa-apa pemindahan wang atau transaksi yang dibuat melalui apa-apa peralatan elektronik.

Kesalahan yang boleh dikompun

3. Kesalahan yang berikut boleh dikompun oleh Ketua Pengarah:

(a) kesalahan di bawah seksyen 23, 28, 33, 52, 53, 58 dan 74 Akta; dan

(b) kesalahan di bawah subseksyen 36(1), 37(1), 38(1), 40(1), 75(4), 105(3), 106(3) dan 112(2) Akta.

Pengkompaunan kesalahan

4. (1) Suatu tawaran untuk mengkompaun kesalahan hendaklah dibuat oleh Ketua Pengarah dalam Borang 1 Jadual.

(2) Seseorang yang bersetuju untuk menerima tawaran untuk mengkompaun kesalahan hendaklah mengemukakan bayaran bagi kompaun itu dengan menggunakan Borang 2 Jadual.

Pembayaran kompaun

5. (1) Apabila tawaran untuk mengkompaun suatu kesalahan telah dibuat dan diterima, pembayaran kompaun tersebut hendaklah dibuat secara –

(a) kiriman wang, wang pos, pesanan juruwang, pesanan bank atau draf bank atas nama Ketua Pengarah dan dipalang dengan perkataan “Akaun Penerima Sahaja”; atau

(b) kad kredit atau apa-apa pemindahan wang secara elektronik yang lain.

(2) Pembayaran yang dibuat di bawah perenggan 1(a) hendaklah diserahkan sendiri atau dihantar melalui pos berbayar dahulu ke alamat yang dinyatakan dalam Borang 1 Jadual.

(3) Suatu resit rasmi hendaklah dikeluarkan bagi setiap pembayaran yang diterima di bawah subperaturan (1) kepada orang yang terhadapnya tawaran untuk mengkompaun itu dibuat.

(4) Resit rasmi yang dikeluarkan bagi maksud perenggan 1(b) hendaklah termasuk apa-apa resit elektronik yang dikeluarkan.

JADUAL
BORANG 1

AKTA KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA 1998
PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN
SWASTA (PENGGOMPAUNAN KESALAHAN) 2011

[subperaturan 4(1)]

NOTIS TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Apabila menjawab sila catatkan:

No. Rujukan:

No. Laporan Polis:

Ketua Pengarah Kesihatan
Kementerian Kesihatan Malaysia

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

Kepada:

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

Tuan/Puan*,

Suatu laporan telah dibuat terhadap anda dan siasatan mengesahkan bahawa anda telah melakukan kesalahan di bawah seksyen Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 [Akta 586] dengan butir-butir yang berikut:

(a) Tarikh:

(b) Masa: pagi/petang/malam*

(c) Tempat:.....

(d) Butiran kesalahan[†]:

.....
.....

2. Anda dimaklumkan bahawa menurut kuasa yang diberikan kepada saya oleh subseksyen 99(1) Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998, saya dengan ini menawarkan untuk mengkompaun kesalahan seperti yang tersebut di atas dengan jumlah sebanyak RM..... (Ringgit Malaysia).

3. Jika tawaran ini diterima, pembayaran penuh hendaklah dibuat secara –

3.1. kiriman wang/wang pos/pesanan juruwang/pesanan bank/draf bank* atas nama Ketua Pengarah Kesihatan, Malaysia dan dipalang dengan perkataan “Akaun Penerima Sahaja” dan hendaklah diserahkan sendiri atau dihantar melalui pos berbayar dahulu dan ke alamat berikut:

Ketua Pengarah Kesihatan
Kementerian Kesihatan Malaysia
.....
.....
.....; atau

3.2. kad kredit atau apa-apa pemindahan wang secara elektronik yang lain.

4. Suatu resit rasmi akan dikeluarkan apabila bayaran diterima.

5. Tawaran untuk mengkompaun ini berkuat kuasa sehingga dan jika tiada apa-apa jawapan yang diterima pada atau sebelum tarikh itu, pendakwaan bagi kesalahan itu boleh dimulakan tanpa notis selanjutnya.

Tarikh:

Cop Rasmi:

.....
Ketua Pengarah Kesihatan, Malaysia

* Potong mana-mana yang tidak berkenaan

† Nyatakan butiran dan gunakan lampiran jika perlu

BORANG 2

AKTA KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA 1998

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN
SWASTA (PENGGOMPAUNAN KESALAHAN) 2011

[subperaturan 4(2)]

PENERIMAAN TAWARAN UNTUK MENGGOMPAUN KESALAHAN

No. Rujukan:

Kepada:

Ketua Pengarah Kesihatan

Kementerian Kesihatan Malaysia, Malaysia

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

Saya merujuk kepada Notis Tawaran Untuk Mengkompaun Kesalahan dengan No. Rujukan bertarikh..... dan No. Laporan Polis

2. Saya terima tawaran untuk mengkompaun dan menyertakan bersama-sama ini pembayaran dalam bentuk kiriman wang/wang pos/pesanan juruwang/pesanan bank/draf bank* no.: atau kad kredit berjumlah RM (Ringgit Malaysia) sebagai penyelesaian penuh jumlah yang dinyatakan dalam perenggan 2 Notis Tawaran untuk Mengkompaun Kesalahan.

Tandatangan:

Nama (dalam *huruf besar*):

No. Kad Pengenalan/Pasport*:

Bagi pihak (*jika berkenaan*):

(*nama pekongsian/pertubuhan perbadanan/pertubuhan**)

Cop rasmi perkongsian/pertubuhan
perbadanan/pertubuhan* (*jika berkenaan*):

No. Perakuan Pendaftaran/Lesen* :

Alamat :

.....

.....

.....

Tarikh:

Untuk kegunaan rasmi:

Saya dengan ini mengesahkan telah mengkompaun kesalahan ini sebanyak
RM..... (Ringgit Malaysia).

Tandatangan :

Ketua Pengarah Kesihatan, Malaysia

No. Resit :

Tarikh :

Cop Rasmi:

* *Potong mana-mana yang tidak berkenaan*

Dibuat 31 Mac 2011
[KKM-87/A2/15-1/8;PN(PU2)610/III]

DATO' SRI LIOW TIONG LAI
Menteri Kesihatan

PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDABLE OFFENCES)
REGULATIONS 2011

IN exercise of the powers conferred by subsection 107(1) of the Private Healthcare Facilities and Services Act 1998 [*Act 586*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Private Healthcare Facilities and Services (Compoundable Offences) Regulations 2011**.

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

Definition

2. In these Regulations, unless the context otherwise requires –

“Act” means the Private Healthcare Facilities and Services Act 1998 [*Act 586*];

“electronic fund transfer” means any fund transfer or transaction made through any electronic device.

Compoundable offences

3. The following offences may be compounded by the Director General:

(a) offences under section 23, 28, 33, 52, 53, 58 and 74 of the Act; and

(b) offences under subsection 36(1), 37(1), 38(1), 40(1), 75(4), 105(3), 106(3) and 112(2) of the Act.

Compounding of offence

4. (1) An offer to compound an offence shall be made by the Director General in Form 1 of the Schedule.

(2) A person who accepts an offer to compound an offence shall furnish payment for the compound by using Form 2 of the Schedule.

Payment of compound

5. (1) Where an offer to compound an offence has been made and accepted, payment shall be made by –

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

(b) credit card or any other electronic fund transfer.

(2) Payment made under paragraph 1(a) shall be delivered personally or sent by prepaid post to the address specified in Form 1 of the Schedule.

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

(4) An official receipt issued for the purpose of subregulation 1(b) shall include any electronic receipt issued.

SCHEDULE

FORM 1

PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDABLE OFFENCES)
REGULATIONS 2011

[subregulation 4(1)]

NOTICE OF OFFER TO COMPOUND OFFENCES

When replying please quote:

Reference No.:

Police Report No.:

Director General of Health
Ministry of Health, Malaysia

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

To:
.....
.....
.....

Sir/Madam*,

A report has been made against you and the investigation has confirmed that you have committed the following offences under section of the Private Healthcare Facilities and Services Act 1998 [*Act 586*] with the following particulars:

- (a) Date:
- (b) Time: a.m./p.m.*
- (c) Place:.....

(d) Particulars of offence[†]:

.....
.....

2. You are informed that by virtue of the power conferred on me by subsection 99(1) of the Private Healthcare Facilities and Services Act 1998, I hereby offer to compound the offences mentioned above for the sum of RM (Ringgit Malaysia).

3. If this offer is accepted, full payment shall be made by –

3.1. money order/postal order/cashier’s order/banker’s order/banker’s draft* payable to the Director General of Health, Malaysia and crossed with the words “Account Payee Only” and shall be delivered personally or sent by prepaid post to the following address:

Director General of Health
Ministry of Health, Malaysia

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

3.2. credit card or any other electronic fund transfer.

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

5. This offer to compound remains in force until and if no reply is received on or before that date, prosecution for the offence may be instituted without further notice.

Date:

Official Stamp:

.....
Director General of Health, Malaysia

-
- * *Delete whichever is inapplicable*
 - † *State details and use appendix if necessary*

FORM 2

PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDABLE OFFENCES)
REGULATIONS 2011

[subregulation 4(2)]

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

Reference No.:

To:

Director General of Health
Ministry of Health, Malaysia
.....
.....
.....

I refer to the Notice of Offer to Compound Offences bearing the Reference No. dated and Police Report No.

2. I accept the offer to compound and enclose herewith the payment in the form of money order/postal order/cashier's order/banker's order/banker's draft* no. or credit card for the sum of RM (Ringgit Malaysia:) as full settlement of the sum stipulated in paragraph 2 of the Notice of Offer to Compound Offences.

Signature:
Name (*in capital letter*):
Identification Card/Passport* No.:
For and on behalf (*if applicable*):
(name of partnership/body corporate/society*)

Official stamp of partnership/
body corporate/society* (*if applicable*):

Certificate of Registration/Licence* No.:

Address:

.....

.....

.....

Date:

For official use:

I hereby certify to have compounded this offence for the sum of
RM..... (Ringgit Malaysia).

Signature :.....
Director General of Health, Malaysia

Receipt No. :

Date :

Official Stamp:

* Delete whichever is inapplicable

Made 31 March 2011
[KKM-87/A2/15-1/8;PN(PU2)610/III]

DATO' SRI LIOW TIONG LAI
Minister of Health