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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

ORDINAN DARURAT (KEHADIRAN WAJIB PESALAH-PESALAH) (PINDAAN) 2021

EMERGENCY (OFFENDERS COMPULSORY ATTENDANCE) (AMENDMENT) ORDINANCE 2021

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

ORDINAN DARURAT (KEHADIRAN WAJIB PESALAH-PESALAH)
(PINDAAN) 2021

Suatu Ordinan yang dimasyhurkan oleh Yang di-Pertuan Agong menurut Fasal (2B) Perkara 150 Perlembagaan Persekutuan.

[16 April 2021]

BAHAWASANYA disebabkan oleh suatu darurat besar sedang berlaku yang mengancam keselamatan, kehidupan ekonomi dan ketenteraman awam di dalam Persekutuan berikutan wabak penyakit berjangkit, iaitu Penyakit Koronavirus 2019 (COVID-19), suatu Proklamasi Darurat telah dikeluarkan oleh Yang di-Pertuan Agong di bawah Perkara 150 Perlembagaan Persekutuan pada sebelas hari bulan Januari, dua ribu dua puluh satu:

DAN BAHAWASANYA Yang di-Pertuan Agong berpuas hati bahawa tindakan serta-merta adalah dikehendaki untuk meminda Akta Kehadiran Wajib Pesalah-Pesalah 1954:

MAKA ADALAH DENGAN INI DIMASYHURKAN SUATU ORDINAN oleh Yang di-Pertuan Agong menurut Fasal (2B) Perkara 150 Perlembagaan Persekutuan seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Ordinan ini bolehlah dinamakan **Ordinan Darurat (Kehadiran Wajib Pesalah-Pesalah) (Pindaan) 2021**.

(2) Ordinan ini mula berkuat kuasa pada 16 April 2021.

Pindaan seksyen 4

2. Akta Kehadiran Wajib Pesalah-Pesalah 1954 [*Akta 461*], yang disebut “Akta” dalam Ordinan ini, dipinda dengan menggantikan seksyen 4 dengan seksyen yang berikut:

“Appointment of officers to be in charge of Centres

4. (1) The Director General shall appoint an Officer in Charge to be in charge of each Centre and such officer shall be known as the Compulsory Attendance Centre Officer.

(2) For the purposes of this section, “Officer in Charge” shall have the same meaning as assigned to it in the Prison Act 1995 [*Act 537*].”.

Seksyen baharu 4A

3. Akta dipinda dengan memasukkan selepas seksyen 4 seksyen yang berikut:

“Director General to issue standing orders

4A. The Director General may issue standing orders which shall be consistent with this Act or any Rules made under this Act.”.

Pindaan seksyen 5

4. Seksyen 5 Akta dipinda—

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) Where a person who resides within the prescribed distance from a Centre—

(a) has been convicted of an offence for which he is liable to be sentenced to imprisonment for a period not exceeding three years; or

(b) is liable to be committed to prison for failure to pay a fine or debt,

the Court may, instead of such sentence or committal, make a Compulsory Attendance Order requiring such person to attend daily at a Centre to be specified in such Order and to undertake compulsory work for a period not exceeding twelve months and for such number of hours each day not exceeding four as may be specified in such Order, and may, for further ensuring due compliance with such Order, require the offender to enter into a bond with or without sureties.”; dan

(b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) The Court, when making the Compulsory Attendance Order under subsection (1), shall consider the character of such person, the nature and seriousness of the offence or the circumstances of such person’s failure to pay, as the case may be, and all the other circumstances of the case.”.

Seksyen baharu 5A

5. Akta dipinda dengan memasukkan selepas seksyen 5 seksyen yang berikut:

“Transfer of offender

5A. The Director General may, in writing, give direction to transfer any offender who is required under the Compulsory Attendance Order to attend daily at a Centre to another Centre, upon an application made by the offender or if the Director General thinks it is necessary to do so.”.

Seksyen baharu 7A

6. Akta dipinda dengan memasukkan selepas seksyen 7 seksyen yang berikut:

“Compliance with standing order and direction

7A. A Compulsory Attendance Centre Officer shall comply with any standing order or direction issued by the Director General in accordance with this Act.”.

Kecualian

7. Apa-apa Perintah Kehadiran Wajib yang dibuat oleh Mahkamah sebelum tarikh permulaan kuat kuasa Ordinan ini hendaklah, selepas tarikh permulaan kuat kuasa Ordinan ini, diteruskan seolah-olah Akta tidak dipinda oleh Ordinan ini.

DIMASYHURKAN di Istana Negara BETA di Kuala Lumpur, Ibu Kota Persekutuan, pada sembilan hari bulan April, dua ribu dua puluh satu.

AL-SULTAN ABDULLAH RI'AYATUDDIN AL-MUSTAFA BILLAH SHAH IBNI ALMARHUM
SULTAN HAJI AHMAD SHAH AL-MUSTA'IN BILLAH
Yang di-Pertuan Agong

*[Akan dibentangkan di Parlimen menurut Fasal (3) Perkara 150
Perlembagaan Persekutuan]*

EMERGENCY (OFFENDERS COMPULSORY ATTENDANCE)
(AMENDMENT) ORDINANCE 2021

An Ordinance promulgated by the Yang di-Pertuan Agong pursuant to Clause (2B) of Article 150 of the Federal Constitution.

[16 April 2021]

WHEREAS by reason of the existence of a grave emergency threatening the security, economic life and public order of the Federation arising from the epidemic of an infectious disease, namely Coronavirus Disease 2019 (COVID-19), a Proclamation of Emergency has been issued by the Yang di-Pertuan Agong under Article 150 of the Federal Constitution on the eleventh day of January, two thousand twenty one:

AND WHEREAS the Yang di-Pertuan Agong is satisfied that immediate action is required to amend the Offenders Compulsory Attendance Act 1954:

IT IS HEREBY PROMULGATED AN ORDINANCE by the Yang di-Pertuan Agong pursuant to Clause (2B) of Article 150 of the Federal Constitution as follows:

Short title and commencement

1. (1) This ordinance may be cited as the **Emergency (Offenders Compulsory Attendance) (Amendment) Ordinance 2021**.

(2) This Ordinance comes into operation on 16 April 2021.

Amendment of section 4

2. The Offenders Compulsory Attendance Act 1954 [*Act 461*], which is referred to as the “Act” in this Ordinance, is amended by substituting for section 4 the following section:

“Appointment of officers to be in charge of Centres

4. (1) The Director General shall appoint an Officer in Charge to be in charge of each Centre and such officer shall be known as the Compulsory Attendance Centre Officer.

(2) For the purposes of this section, “Officer in Charge” shall have the same meaning as assigned to it in the Prison Act 1995 [*Act 537*].”.

New section 4A

3. The Act is amended by inserting after section 4 the following section:

“Director General to issue standing orders

4A. The Director General may issue standing orders which shall be consistent with this Act or any Rules made under this Act.”.

Amendment of section 5

4. Section 5 of the Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) Where a person who resides within the prescribed distance from a Centre—

(a) has been convicted of an offence for which he is liable to be sentenced to imprisonment for a period not exceeding three years; or

(b) is liable to be committed to prison for failure to pay a fine or debt,

the Court may, instead of such sentence or committal, make a Compulsory Attendance Order requiring such person to attend daily at a Centre to be specified in such Order and to undertake compulsory work for a period not exceeding twelve months and for such number of hours each day not exceeding four as may be specified in such Order, and may, for further ensuring due compliance with such Order, require the offender to enter into a bond with or without sureties.”; and

(b) by inserting after subsection (1) the following subsection:

“(1A) The Court, when making the Compulsory Attendance Order under subsection (1), shall consider the character of such person, the nature and seriousness of the offence or the circumstances of such person’s failure to pay, as the case may be, and all the other circumstances of the case.”.

New section 5A

5. The Act is amended by inserting after section 5 the following section:

“Transfer of offender

5A. The Director General may, in writing, give direction to transfer any offender who is required under the Compulsory Attendance Order to attend daily at a Centre to another Centre, upon an application made by the offender or if the Director General thinks it is necessary to do so.”.

New section 7A

6. The Act is amended by inserting after section 7 the following section:

“Compliance with standing order and direction

7A. A Compulsory Attendance Centre Officer shall comply with any standing order or direction issued by the Director General in accordance with this Act.”.

Savings

7. Any Compulsory Attendance Order made by the Court before the date of coming into operation of this Ordinance shall, after the date of coming into operation of this Ordinance, be continued as if the Act had not been amended by this Ordinance.

PROMULGATED at OUR Istana Negara in Kuala Lumpur, the Federal Capital, this ninth day of April, two thousand twenty one.

AL-SULTAN ABDULLAH RI'AYATUDDIN AL-MUSTAFA BILLAH SHAH IBNI ALMARHUM
SULTAN HAJI AHMAD SHAH AL-MUSTA'IN BILLAH
Yang di-Pertuan Agong

[To be laid before Parliament pursuant to Clause (3) of Article 150 of the Federal Constitution]