



# LAWS OF MALAYSIA

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REPRINT

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**Act 522**

## **CONTROL OF PADI AND RICE ACT 1994**

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**CONTROL OF PADI AND RICE ACT 1994**

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# LAWS OF MALAYSIA

## Act 522

### CONTROL OF PADI AND RICE ACT 1994

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## LAWS OF MALAYSIA

### Act 522

#### CONTROL OF PADI AND RICE ACT 1994

An Act to make provisions in the law relating to padi and rice and for other matters connected therewith.

[7 July 1994, P.U. (B) 296/1994]

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

#### PART I

##### PRELIMINARY

##### **Short title, application and commencement**

**1.** (1) This Act may be cited as the Control of Padi and Rice Act 1994.

(2) This Act shall apply throughout Malaysia.

(3) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

##### **Interpretation**

**2.** In this Act, unless the context otherwise requires—

“authorized officer” means an officer authorized under section 6;

“Director General” means the Director General for the control of padi and rice;

“Federal Lands Commissioner” means the Federal Lands Commissioner appointed under the Federal Lands Commissioner Act 1957 [*Act 349*];

“Lembaga” means the Lembaga Padi dan Beras Negara established under the Lembaga Padi dan Beras Negara Act 1971 [*Act 47*];

“Minister” means the Minister for the time being charged with the responsibility for padi and rice;

“marketing” means sale, purchase, storage, transport, processing, milling, polishing, grading, packaging, advertising and promotion;

“padi” or “rice” includes padi or rice in any form, the by-products of padi or rice, and any product made or derived wholly or substantially from padi or rice:

Provided that the Minister may, by order published in the *Gazette*, exempt padi or rice in any particular form, or any particular product or by-product of padi or rice, from all or any of the provisions of this Act or the regulations made thereunder.

## PART II

### DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERAL FOR THE CONTROL OF PADI AND RICE

#### **Appointment of Director General and Deputy Director General**

**3.** (1) The Minister shall appoint a public officer to be the Director General and one or such numbers of public officers to be the Deputy Directors General for the control of padi and rice for the purpose of carrying out the duties and functions assigned to him under this Act.

(2) The Director General and the Deputy Director General shall hold office for such term and subject to such conditions as the Minister may, after consultation with the Public Services Commission, determine.

(3) The Director General shall have an official seal for the authentication of documents required for the purposes of his duties and functions under this Act.

### **Duties and functions of Director General**

**4.** (1) The duties and functions of the Director General shall be as follows:

- (a) to conserve and maintain an adequate supply of padi and rice;
- (b) to ensure a fair and stable price of padi for farmers;
- (c) to ensure a fair and stable price of rice for consumers;
- (d) to ensure sufficient supply of rice to meet all emergencies; and
- (e) to make recommendations to the Government on policies designed to promote the development of the padi and rice industry, and, where approved by the Government, to coordinate and assist in the implementation of the same.

(2) Subject to the prior approval of the Minister, the Director General shall have power to do all things expedient or reasonably necessary or incidental to the discharge of his functions, and in particular, but without prejudice to the generality of the foregoing—

- (a) to implement a guaranteed minimum price for padi;
- (b) to enforce the maintenance of a fair and stable price of rice for consumers;
- (c) to fix maximum or minimum prices of padi or rice;
- (d) to maintain or to require any person to maintain a stockpile in padi or rice for strategic and price stabilization purposes;
- (e) to regulate and control the disbursement of subsidies to padi farmers;

- (f) to regulate the marketing of padi and rice particularly through the licensing of wholesalers, retailers, rice millers, importers and exporters;
- (g) to regulate and control the amount of padi or rice that may be kept, stored or possessed by any person;
- (h) to impose rationing in respect of padi or rice and to regulate and control the rationing thereof; to provide for the registration of all or any persons for the purpose of such rationing and for the issue of ration cards or other rationing documents, and to appoint enumerators to enumerate the public or any class thereof for the purpose of rationing;
- (i) to requisition stocks of padi or rice belonging to any person and pay adequate compensation therefor;
- (j) to regulate and control the milling of padi into rice including the rate and regularity of milling operations;
- (k) to conduct surveys and investigations in respect of the padi and rice industry;
- (l) to require persons engaged in the production or marketing of padi and rice to register and to give in the manner as the Director General may specify such information as the Director General may deem necessary;
- (m) to regulate the production of padi;
- (n) to prohibit, regulate or control the movement of padi or rice; and
- (o) to require any person dealing in the padi and rice industry to submit reports regarding his activities.

### **Power of the Minister to give directions**

**5.** The Minister may, from time to time, give to the Director General directions not inconsistent with the provisions of this Act and the Director General shall give effect to all such directions.

PART III

POWERS RELATING TO ENFORCEMENT, SEARCH,  
SEIZURE, ARREST, ETC.

**Authorization of officer to exercise powers under this Part**

6. (1) The Director General may authorize in writing any public officer to exercise the powers under this Part.

(2) In exercising any of the powers under this Part, the officer shall, on demand, produce to the person against whom he is acting under this Act or any regulation made thereunder, the authority issued to him by the Director General.

**Power to obtain information**

7. (1) An authorized officer may by writing under his hand or by notification in the *Gazette* require any person or class or description of persons or all persons—

(a) to furnish him or such other person as may be specified in the requisition with full and accurate periodical or other returns or information in respect of padi or rice, showing all or any of the following particulars:

(i) the quantity thereof in his or their possession or under his or their control;

(ii) the cost thereof or expense incurred in respect thereof;

(iii) the price charged or received by him or them therefor;

(iv) any other information which the authorized officer may deem necessary to request in respect thereof;

(b) to produce for inspection any book or document relating to any padi or rice in his or their possession or under his or their control;

- (c) to register his or their names and addresses and other particulars and in the manner as the authorized officer may specify; and
- (d) to maintain the records and to make the returns containing the particulars as the authorized officer may specify relating to the acquisition, disposal, deposit, withdrawal, production, treatment, distribution, use and consumption of any padi or rice.

(2) Where a person to whom a requisition has been made under subsection (1) fails to comply with it within the time as may be specified in the requisition or, if no time is specified, fails to comply with it within a reasonable time, he shall be guilty of an offence under this Act.

(3) Where any information is required to be furnished in pursuance of subsection (1), an authorized officer may ask any person any question either orally or in writing or may require any person to produce any book or document which the authorized officer may consider necessary for the purpose of obtaining the information, and any person who refuses to answer or knowingly gives a false answer to such question or refuses to produce such book or document, shall be guilty of an offence under this Act.

### **Power to enter premises**

**8.** (1) An authorized officer or a police officer—

- (a) for the purpose of testing the accuracy of a record kept or return made or information given to an authorized officer under section 7; or
- (b) for the purpose of obtaining information, may—
  - (aa) enter at any reasonable time any land, house, building or other place belonging to or in the occupation of any person; and
  - (ab) carry out such inspection and examination (including the inspection and examination of books) as he may consider necessary.

(2) Where, as a result of any inspection and examination made under subsection (1), there is any discrepancy between the quantity or quality of any padi or rice found and any record or return required to be kept or made or any information given in respect of the padi or rice, the person required to keep the record or to make the return or to give the information shall be guilty of an offence under this Act.

### **Power of investigation**

**9.** (1) An authorized officer shall have the power to investigate the commission of an offence under this Act or any regulation made thereunder.

(2) An authorized officer may, in relation to an investigation in respect of an offence committed under this Act or any regulation made thereunder, exercise the special powers in relation to police investigation except that the power to arrest without warrant given by the Criminal Procedure Code [*Act 593*] in a seizable offence may not be exercised by him.

(3) Upon completion of his investigation, the authorized officer shall immediately give all information relating to the commission of the offence to an officer in charge of a police station and a police officer may, by warrant, arrest any person who may have committed an offence under this Act or any regulation made thereunder.

### **Power to require attendance of person acquainted with case**

**10.** (1) An authorized officer making an investigation under section 9 may by order in writing require the attendance before himself of any person who appears to the authorized officer to be acquainted with the circumstances of the case, and the person shall attend as so required.

(2) If the person fails to attend as so required, the authorized officer may report the failure to a Magistrate who shall issue a summons to secure the attendance of the person as required by the order aforesaid.

**Examination of person acquainted with case**

**11.** (1) An authorized officer making an investigation under section 9 may obtain information from any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person shall be legally bound to answer all questions relating to the case put to him by the authorized officer:

Provided that the person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not the statement is made wholly or partly in answer to questions.

(4) The authorized officer obtaining information from a person shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by a person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

**Prosecution**

**12.** (1) No prosecution shall be instituted in respect of any offence under this Act or any regulation made thereunder without the sanction in writing of the Public Prosecutor.

(2) Prosecutions in respect of offences under this Act or any regulation made thereunder may be conducted by any officer authorized in writing by the Director General.

**Seizure of padi or rice or any thing connected to an offence**

**13.** (1) In every case where information is given on oath to a Magistrate that there is reasonable cause for suspecting that there is in any land, house, building or other place any padi, rice, receptacle, package, conveyance, vessel, book or document or other article which has been used to commit or is intended to be used to commit an offence under this Act or any regulation made thereunder, he shall issue a warrant under his hand by virtue of which an authorized officer or a police officer named or referred to in the warrant may enter the land, house or building at any reasonable time by day or night, and search for and seize or seal any such padi, rice, receptacle, package, conveyance, vessel, book or document or other article.

(2) If the authorized officer or police officer is satisfied upon information received that he has reasonable grounds for believing that by reason of delay in obtaining a search warrant, any padi, rice, receptacle, package, conveyance, vessel, book or document or other article used to commit or intended to be used to commit an offence under this Act or any regulation made thereunder is likely to be removed or destroyed, he may enter such land, house or building without a warrant and seize or seal any such padi, rice, receptacle, package, conveyance, vessel, book or document or other article found therein.

(3) It shall be an offence for a person without lawful authority to break, tamper with or damage the seal or remove any such padi, rice, receptacle, package, conveyance, vessel, book or document or other article or to attempt so to do.

(4) All padi and rice in respect of which there has been, or there is reasonable cause to suspect that there has been, committed an offence against this Act or any regulation made thereunder or a breach of any of the provisions of this Act or any regulation made thereunder, or of any restriction or condition subject to or upon which a licence or permit has been granted, together with any receptacle, package, conveyance, vessel or other article, in which the same may have been found or which have been used in connection with the offence or breach, and any book or document which may reasonably be believed to have a bearing on the case, may be seized by the authorized officer or police officer in any place either on land or in territorial waters.

(5) All the padi and rice and the receptacles, packages, conveyances, vessels, books or documents or other articles shall, as soon as is convenient, be delivered into the care of an authorized officer whose duty is to receive the same.

(6) An authorized officer or a police officer who makes a seizure under this Act or any regulation made thereunder shall prepare a list of the things seized and the grounds for the seizure and, forthwith, or as soon as is practicable, deliver a copy signed by him to the offender or owner, or his agents or servants present in the premises and if the premises are unoccupied, such officer shall, wherever possible, post a list of the things seized on the premises.

(7) In this section, “territorial waters” means the “territorial sea” and shall be construed subject to the provisions of the \*Territorial Sea Act 2012 [Act 750].

### **Power to stop and search conveyance**

**14.** (1) Where an authorized officer or a police officer has reasonable suspicion that a conveyance is carrying padi or rice in contravention of any provision of this Act or any regulation made thereunder, it shall be lawful for the officer to stop and examine the conveyance for the purpose of ascertaining whether any padi or rice is contained therein or is being moved or transported contrary to such provision and the person in control or in charge of the conveyance shall if required to do so by the officer, stop the conveyance and allow the officer to examine the same.

(2) The person in control or in charge of a conveyance examined under the provision of subsection (1) shall on request by the authorized officer or police officer open all parts of the conveyance for examination by the officer and take all measures necessary to enable the examination as the officer considers necessary to be made.

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\*NOTE—Any reference made in any other written law, arrangement or instruments to “territorial waters” shall in so far as such reference affects federal law mean “territorial sea” and shall be construed subject to the provisions of this Act—see section 6 of the Territorial Sea Act 2012 [Act 750].

**Things seized in respect of which there is no prosecution**

**15.** (1) Subject to section 16, if there is no prosecution with regard to any padi or rice seized under this Act or any regulation made thereunder, the padi or rice together with any receptacle, package, conveyance, vessel or other article, in which the padi or rice may have been found, or any book or document connected therewith shall be taken and deemed to be forfeited at the expiration of thirty days from the date of the publication of a notice in accordance with the provisions of subsection (2) by the Director General or an authorized officer unless a claim thereto is made before the expiration of the thirty days in the manner hereinafter set out.

(2) The notice mentioned in subsection (1) shall contain a description of the padi, rice, receptacle, package, conveyance, vessel, book or document or other article seized and shall require a person who has a claim thereto to give written notice of his claim, personally or by his agent authorized in writing before the expiration of thirty days from the date of publication of the notice.

(3) The notice shall be published—

(a) by posting it in a conspicuous place—

(i) on the Land Office, in the district in which the padi, rice, receptacle, package, conveyance, vessel, book or document or other article was seized; and

(ii) on the office of the authorized officer in the State in which the padi, rice, receptacle, package, conveyance, vessel, book or document or other article was seized; and

(b) where the Director General is of the opinion that publication in a newspaper is necessary, in such newspapers circulating in the State, in which the padi, rice, receptacle, package, conveyance, vessel, book or document or other article was seized, as the Director General thinks fit.

(4) A person asserting that he is the owner of any padi, rice, receptacle, package, conveyance, vessel, book or document or other article seized under this Act or any regulation made thereunder (who is referred to in this section as “the claimant”) and that the same is not liable to forfeiture, may personally or by his agent authorized in writing give written notice to the authorized officer that he claims the same.

(5) On receipt of the notice, the authorized officer shall refer the claim to the Director General who may direct that the padi, rice, receptacle, package, conveyance, vessel, book or document or other article be released to the claimant if he is satisfied that the claimant is the rightful owner thereof.

(6) If the Director General is not satisfied that the claimant is the rightful owner of any padi, rice, receptacle, package, conveyance, vessel, book or document or other article seized under this Act or any regulation made thereunder, he shall direct the authorized officer to refer the claim to a Magistrate of the First Class.

(7) When a claim is referred to a Magistrate of the First Class under subsection (6) the Magistrate shall issue a summons requiring the claimant and the person from whom the padi, rice, receptacle, package, conveyance, vessel, book or document or other article was seized, if he is not the claimant, to appear before him, and upon their appearance or default in appearance, due service of the summons being proved, the Magistrate shall proceed to the examination of the matter and on proof that an offence under this Act or any regulation made thereunder has been committed and that the padi or rice was the subject matter of the offence, or that the receptacle, package, conveyance, vessel, book or document or other article was used in the commission of the offence, may order the same to be forfeited or shall in the absence of such proof, order its release to the person who in the opinion of the Magistrate is the rightful owner thereof.

(8) In any proceedings under subsection (7) the burden shall be on the claimant and on the person from whom the padi, rice, receptacle, package, conveyance, vessel, book or document or other article was seized, if he is not the claimant, to prove that the padi or rice was not the subject matter of the offence or that the receptacle, package, conveyance, vessel, book or document or other article was not used in the commission of the offence.

(9) If in the opinion of the Magistrate the claimant is not the rightful owner of the padi, rice, receptacle, package, conveyance, vessel, book or document or other article seized or where there is more than one claimant, none of the claimants is the rightful owner of the padi, rice, receptacle, package, conveyance, vessel, book or document or other article seized, he shall order the same to be forfeited.

**Release or disposal of padi, rice, etc.**

**16.** (1) Where any padi, rice, receptacle, package, conveyance, vessel, book or document or other article has been seized under this Act or any regulation made thereunder, an authorized officer or a police officer not below the rank of Inspector may—

- (a) release the receptacle, package, conveyance, vessel, book or document or other article to the owner thereof or to the person from whose possession, custody or control it was seized, or to such person as the authorized officer or police officer may consider entitled thereto, subject to such terms and conditions as the authorized officer or police officer may impose, and subject, in any case, to sufficient security being furnished to the satisfaction of the authorized officer or police officer that the receptacle, package, conveyance, vessel, book or document or other article shall be surrendered to the authorized officer or police officer on demand being made by the authorized officer or police officer and that the said terms and conditions, if any, shall be complied with;
- (b) release the padi, rice, receptacle, package, conveyance, vessel, book or document or other article to the owner thereof or to the person from whose possession, custody or control it was seized, or to such person as the authorized officer or police officer may consider entitled thereto, with liberty for the person to whom the same is so released to dispose of the same, subject to such terms and conditions as the authorized officer or police officer may impose, and subject, in any case, to sufficient security being furnished to the satisfaction

of the authorized officer or police officer in an amount not less than an amount which in the opinion of the authorized officer or police officer represents—

- (i) the open market value of the padi, rice, receptacle, package, conveyance, vessel, book or document or other article on the date on which it is so released;
  - (ii) the customs duty payable in respect thereof, if any; and
  - (iii) the tax payable in respect thereof under any written law, if any, for the payment of the amount so secured to the Director General in the event of the Court making an order for the forfeiture of such amount under this Act; or
- (c) sell or destroy, as appropriate in the circumstances, the padi, rice, receptacle, package or other article, which, in the opinion of the authorized officer or police officer, is of a perishable nature or likely to speedily deteriorate in quality or value, and where it is so sold, the authorized officer or police officer shall hold the proceeds of sale to abide the result of any prosecution or claim.
- (2) Any person who—
- (a) fails to surrender on demand to an authorized officer or a police officer not below the rank of Inspector any receptacle, package, conveyance, vessel, book or document or other article released to him under paragraph (1)(a); or
  - (b) fails to comply with or contravenes any of the terms or conditions imposed under paragraph (1)(a) or (b) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) The criminal liability of a person under subsection (2) shall be in addition to any other liability that the said person or any other person may incur under the terms and conditions relating to the release of any receptacle, package, conveyance, vessel, book or document or other article under paragraph (1)(a) or any padi, rice, receptacle, package, conveyance, vessel, book or document or other article under paragraph (1)(b).

#### PART IV

#### OFFENCES, PENALTIES AND PROCEEDINGS

##### **Prohibition on concealment or destruction of padi or rice**

17. A person who conceals or destroys any padi or rice in order to withhold the padi or rice from the market shall be guilty of an offence under this Act.

##### **Offence of refusing to sell rice**

18. (1) A person licensed under this Act to sell rice, or the servant or agent of any such person, who has in his possession a stock of rice and who—

(a) falsely denies that he has rice in his possession; or

(b) refuses, except with the permission of the Director General, to sell rice in reasonable quantities in the ordinary way of business, shall be guilty of an offence under this Act:

Provided that it shall be a good defence to a charge under paragraph (b) that the accused had reasonable grounds for believing that the purchaser was unable or unwilling to make immediate payment of the price of the rice in cash.

(2) The servant or agent of a person licensed under this Act to sell rice shall be deemed to have in his possession a stock of rice if any rice is being kept or stored in the premises where he is employed or in the premises where rice can be stored under the terms of the licence and if he sells the rice on behalf of his employer in the ordinary course of his employment.

**Illegal condition**

**19.** A person who, in selling padi or rice, imposes except with the permission of the Director General, a condition of sale other than a condition of sale—

- (a) requiring immediate payment for it;
- (b) prescribing the time within which payment must be made or delivery taken; or
- (c) requiring a deposit in respect of the sale of the padi or rice,

shall be guilty of an offence under this Act.

**Unlawful possession of padi or rice**

**20.** A person in possession or control of any padi or rice in such circumstances as to raise a reasonable suspicion that an offence under this Act or any regulation made thereunder has been or is intended to be committed by him in relation to the padi or rice, shall be guilty of an offence under this Act unless he satisfies the Court that the offence has not been and was not intended to be committed by him.

**Offence of obstruction**

**21.** A person who obstructs or impedes the Director General, any authorized officer or police officer in the lawful exercise of any of his powers under this Act or any regulation made thereunder shall be guilty of an offence under this Act.

**General penalty**

**22.** (1) A person, other than a body corporate, but including a director or officer of a body corporate, who commits an offence under, or who fails to comply with, any of the provisions of this Act or any regulation made thereunder in respect of which no penalty is expressly provided for, shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both, and for a second or subsequent offence, to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) A body corporate which commits an offence under, or fails to comply with, any of the provisions of this Act or any regulation made thereunder shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit and, for a second or subsequent offence, to a fine not exceeding fifty thousand ringgit.

(3) Where a person charged with an offence under any of the provisions of this Act or any regulation made thereunder is a body corporate, every person who, at the time of the commission of the offence is a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(4) A person who would have been liable under any of the provisions of this Act or any regulation made thereunder to a penalty for anything done or omitted if the thing had been done or omitted by him personally, shall be liable to the same penalty if the thing has been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of the thing.

### **Burden of proof**

**23.** (1) In a prosecution in respect of an offence under this Act or any regulation made thereunder upon a charge of doing an act which is unlawful, unless the person doing the act is entitled to do so by reason of his being the holder of a licence, permit or written permission, consent, authorization or exemption entitling him to do the act, it shall be sufficient for the prosecution to allege and prove his doing the act and the onus shall then be upon the accused to show that he was entitled to do such act.

(2) In a prosecution in respect of an offence under this Act or any regulation made thereunder, the production by the person conducting the prosecution of an original invoice or a duplicate invoice proved to have been found in the possession of the seller, shall, where the person conducting the prosecution so requests, be admitted as *prima facie* evidence of a sale by the seller and

of the facts stated in the original invoice or duplicate invoice and notwithstanding the provisions of any law to the contrary for the time being in force, the burden of proving that the sale did not take place or that any fact stated in the original invoice or duplicate invoice is not what it is stated to be, shall lie upon the accused.

### **Protection of informers from discovery**

**24.** (1) Except as hereinafter provided, no witness in any civil or criminal proceedings whatsoever under this Act or any regulation made thereunder shall be obliged or permitted to disclose the name or address of an informer or the information received from him or to state any matter which might lead to his discovery.

(2) If a book or document which is in evidence or is liable to inspection in any civil or criminal proceedings whatsoever contains any entry, in which any informer is named or described or which might lead to his discovery, the Court shall cause all the entries to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery.

(3) If in the trial for an offence under this Act or any regulation made thereunder the Court, after full enquiry into the case, is of the opinion that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if justice cannot be fully done between the parties thereto without the discovery of the informer, the Court may require the production of the original complaint, if in writing, and permit enquiry, and require full disclosure concerning the informer.

### **Things seized in respect of which there is prosecution**

**25.** (1) Where criminal proceedings are instituted against a person for an offence under this Act or any regulation made thereunder, the Court may order the forfeiture in whole or in part of—

- (a) any padi or rice in respect of which the offence has been committed which has been seized by, or has otherwise come into the possession of the Director General or any

authorized officer or police officer, or any receptacle, package, conveyance, vessel, book or document or other article by means of which the offence has been committed or which is intended to be used for the commission of an offence under this Act or any regulation made thereunder; or

(b) the amount secured under paragraph 16(1)(a) where the receptacle, package, conveyance, vessel, book or document or other article released is not surrendered on demand being made, or the amount secured under paragraph 16(1)(b), or the amount realised by sale under paragraph 16(1)(c).

(2) Where no order of forfeiture is made under subsection (1), the Court shall make such order as it thinks fit for the disposal of the padi, rice, receptacle, package, conveyance, vessel, book or document or other article specified in paragraph (1)(a), and the amount, if any, specified in paragraph (1)(b).

### **Effect of forfeiture**

**26.** Any padi, rice, receptacle, package, conveyance, vessel, book or document or other article ordered or deemed to be forfeited under this Act, shall be delivered to an authorized officer and shall be disposed of in accordance with the directions of the Director General.

### **Jurisdiction of Court**

**27.** Notwithstanding anything in the Subordinate Courts Act 1948 [Act 92], a Magistrate of the First Class in Peninsular Malaysia or in the State of Sabah or Sarawak, as the case may be, shall have jurisdiction to try any offence under this Act or any regulation made thereunder, and to award full punishment for the offence.

### **Protection of authorized person**

**28.** No proceedings shall be instituted under this Act against a person duly authorized in that behalf by the Director General who has knowingly done or omitted to do any act which would, but for the provisions of this section, have been an offence:

Provided that he has done or omitted to do the act with the intention of procuring evidence for the purpose of prosecuting the seller for an offence under this Act or any regulation made thereunder.

### **Compounding of offences**

**28A.** (1) The Minister may, with the approval of the Public Prosecutor, make regulations prescribing—

- (a) any offence under this Act or any regulations made under this Act as an offence which may be compounded; and
- (b) the method and procedure for compounding such offence.

(2) The Director General may, with the consent in writing of the Public Prosecutor, at any time before a charge is being instituted, compound any offence prescribed as an offence which may be compounded by making a written offer to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Director General of a sum of money not exceeding fifty per centum of the amount of the maximum fine to which the person would have been liable to if he had been convicted of the offence, within such time as may be specified in the written offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(4) If the amount specified in the offer is not paid within the time specified in the offer or such extended time as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(5) Where an offence has been compounded under this section —

- (a) no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made; and
- (b) any document or thing seized in connection with the offence may be released by the Director General, subject to such terms as the Director General thinks fit.

(6) All sums of moneys received by the Director General under this section shall be paid into and form part of the Federal Consolidated Fund.

## PART V

### GENERAL

#### **Power to make regulations**

**29.** The Minister may make regulations as may be necessary or expedient for giving full effect to the provisions of this Act, and without prejudice to the generality of the foregoing, such regulations may —

- (a) prescribe the functions, duties and powers of the Director General or an authorized officer;
- (b) prescribe marks or labels to be affixed by retailers to the containers of padi or rice indicating the quality, grade or price of the padi or rice;
- (c) make provisions relating to the licensing of wholesalers, retailers, rice millers, importers and exporters and prescribe the fees to be paid for licences which are required under this Act;
- (d) prescribe such other fees or charges as may be necessary for the purposes of this Act;

- (e) prescribe any act or omission in contravention of the provision of any regulation to be an offence; and
- (f) prescribe any other matter generally to give effect to the provisions of this Act.

### **Secrecy and penalty**

**30.** (1) Except for the purposes of this Act or of any criminal proceedings under this Act, no authorized officer shall disclose any information with respect to any individual business which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) A person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Non-application of certain laws to padi and rice**

**31.** Notwithstanding any of their provisions to the contrary, the \*Price Control Act and Anti-Profiteering Act 2011 [*Act 723*] and the Control of Supplies Act 1961 [*Act 122*] shall not apply to padi and rice.

## **PART VI**

### **REPEAL, TRANSITIONAL AND SAVING PROVISIONS, ETC.**

#### **Repeal, transitional and saving provisions**

**32.** (1) The Lembaga Padi dan Beras Negara Act 1971 is repealed and the Lembaga established thereunder is dissolved.

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\*NOTE—This Act has replaced the Price Control Act 1946 [*Act 121*] which comes into operation on 1 April 2011—see subsection 63(1) of Act 723.

(2) Notwithstanding subsection (1), any regulations made under or in accordance with the repealed Act shall, in so far as they are not inconsistent with this Act, continue in force until amended, revoked or replaced by new regulations made under this Act.

(3) Except in so far as it is expressly provided to the contrary, nothing in this Act shall—

- (a) affect the validity of any licence, permit or authority granted or issued under the Lembaga Padi dan Beras Negara Act 1971; or
- (b) affect any right, title, interest, liberty, privilege, obligation or liability acquired, accrued or incurred under the repealed Act.

### **Transfer of land**

**33.** Any land, right and interest in land which, immediately before the dissolution of the Lembaga, was vested in or held by the Lembaga shall on such dissolution vest in or be held by the Federal Lands Commissioner for the purposes of the Government without any conveyance, assignment or transfer whatever.

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**LAWS OF MALAYSIA****Act 522****CONTROL OF PADI AND RICE ACT 1994**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A1659	Control of Padi and Rice (Amendment) Act 2022	30-03-2023

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**LAWS OF MALAYSIA****Act 522****CONTROL OF PADI AND RICE ACT 1994**

## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Part II	Act A1659	30-03-2023
3	Act A1659	30-03-2023
28A	Act A1659	30-03-2023

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