



LAWS OF MALAYSIA

REPRINT

Act 154

DESTRUCTION OF DISEASE- BEARING INSECTS ACT 1975

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

**DESTRUCTION OF DISEASE-BEARING
INSECTS ACT 1975**

Date of Royal Assent 10 February 1975
Date of publication in the *Gazette* 20 February 1975

PREVIOUS REPRINTS

First Reprint 1997
Second Reprint 2001

LAWS OF MALAYSIA

Act 154

DESTRUCTION OF DISEASE-BEARING INSECTS ACT 1975

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

POWERS OF DIRECTOR GENERAL AND MEDICAL OFFICER OF HEALTH

3. Delegation
4. Public servants
5. Power to enter and examine premises, *etc.*
6. Powers of seizure
7. Requirement to supply information
8. General power to direct or take measure to destroy, *etc.*, disease-bearing insects
9. Owner or occupier to render assistance
10. Medical examination of persons suspected of being infected with insect-borne disease
- 10A. Power to require information and examine persons

PART III

OTHER OFFENCES AND DUTIES OF OWNER
AND OCCUPIER

Section

11. Approval to be obtained for operations likely to propagate or harbour disease-bearing insects
12. Prohibition on clearing undergrowth under certain circumstances, *etc.*
13. Prohibition on creating conditions likely to propagate or harbour disease-bearing insects
14. Prohibition on breeding, *etc.*, of disease-bearing insects without permission

PART IV

MISCELLANEOUS

15. Recovery of costs and expenses
16. Service of orders, *etc.*
17. Appeals to Minister
18. No compensation
19. Duty of owner and occupier to protect works for preventing the breeding of disease-bearing insects
20. Penalty for damaging works executed by Director General or a Medical Officer of Health
21. Penalty for obstructing
22. Liability of owner, occupier, servants, *etc.*
- 22A. Institution and conduct of prosecution
23. General penalty
- 23A. Magistrate of the First Class to have full jurisdiction
24. Police assistance
25. Power to compound
26. Act to apply to all property
27. Powers to make regulations

LAWS OF MALAYSIA

Act 154

DESTRUCTION OF DISEASE-BEARING INSECTS ACT 1975

An Act to provide for the destruction and control of disease-bearing insects and for the medical examination and treatment of persons suffering from insect-borne diseases and for matters connected therewith.

[23 August 1982, P.U. (B) 450/1982]

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 and commencement

1. This Act may be cited as the Destruction of Disease-Bearing Insects Act 1975, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint and different dates may be appointed for different parts of Malaysia.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“Director General” means the Director General of Health, Malaysia;

“disease-bearing insect” means any insect carrying or causing, or capable of carrying or causing, any disease of human beings or domestic animals, and includes the eggs, larvae and pupae of such insect;

“inspector” means any person who is a public health inspector in the service of the Government or any local authority and includes any other person designated in writing by the Director General or a Medical Officer of Health to be an inspector for the purpose of this Act;

“Medical Officer of Health” means any medical practitioner in the service of the Government or any local authority who is for the time being carrying out the duties of a Medical Officer of Health in any area, district or local authority area, including the airport and port limits thereof, and includes the Deputy Director General of Health (Public Health), the Director of Disease Control, any Deputy Director of Disease Control, any State Director of Health Services and his Deputy;

“Minister” means the Minister charged with the responsibility for health;

“occupier” means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“owner” means the person for the time being receiving the rent of any premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the land or house comprised in the premises were let to a tenant;

“premises” means messuages, buildings, lands, easements and hereditaments of any tenure and includes any place or structure, or any part thereof, used or intended to be used for human habitation or for employment or any other purpose whatsoever;

“registered medical practitioner” means a medical practitioner registered under the Medical Act 1971 [Act 50].

(2) Notwithstanding the definition of the expression “disease-bearing insect” the Minister may by order published in the *Gazette* declare any or all the provisions of this Act to apply to any animal he may specify in the order and thenceforth references to “disease-bearing insects” and “insect-borne disease” in those provisions shall be construed as to include such animal and its eggs, if any, and disease borne by it respectively.

PART II

POWERS OF DIRECTOR GENERAL AND MEDICAL OFFICER OF HEALTH

Delegation

3. The Director General and a Medical Officer of Health may delegate in writing any or all the powers conferred or duties imposed upon him

by this Act, except the power to authorize a public officer under section 25, to any person he deems fit.

Public servants

4. The Director General, a Medical Officer of Health, an inspector and any other person delegated with the powers under this Act shall when acting within the scope of the powers and duties under this Act and any regulations made thereunder be deemed to be public servants within the meaning of the Penal Code [Act 574].

Power to enter and examine premises, etc.

5. (1) The Director General, a Medical Officer of Health or an inspector may for the purpose of exercising the powers under this Act, between the hours of six o'clock in the morning and ten o'clock in the evening, with or without assistants, enter and examine any premises.

(2) *(Deleted by Act A1086).*

(3) Where it is necessary and expedient for the exercising of powers conferred by this Act to be performed outside the hours specified in subsection (1), the Director General, a Medical Officer of Health or an inspector may enter the premises for the purpose thereof after giving at least twenty-four hours' previous notice to the owner or occupier thereof.

(4) Where the requirements of subsection (3) have been complied with the owner or the occupier of the premises shall permit the Director General, a Medical Officer of Health or an inspector, with or without assistants, to enter into such premises and into any part thereof for the purposes of exercising the powers under this Act and shall supply all such information as the Director General, a Medical Officer of Health or an inspector may require.

(5) In exercising his powers of entry under subsection (3) the Director General, a Medical Officer of Health or an inspector and his assistants may, if necessary, use reasonable force or break any door, window or lock.

Powers of seizure

6. (1) The Director General, a Medical Officer of Health or an inspector may—

- (a) if he suspects that an offence under this Act or any regulations made thereunder is being or has been committed, seize any article which was the subject matter of or was used in the commission of the offence; and
- (b) seize any article including its contents for the purpose of examining it to determine if there are disease-bearing insects or whether the conditions are likely to harbour or propagate disease-bearing insects.

(2) The Director General, a Medical Officer of Health or an inspector shall prepare a list of all articles seized under subsection (1) and forthwith deliver a copy of such list signed by him to the owner or occupier of the premises from where the articles were seized or his agent or employee or any other person from whom the articles were seized.

(3) When no person is charged for any offence the article shall unless it is claimed by the owner or the person from whom it was seized within a period of two weeks of the seizure be disposed of at the discretion of the Director General or a Medical Officer of Health but if within the period a claim is made by the owner or any person from whom the article was seized it shall be returned to him.

(4) Notwithstanding subsection (3), the Director General or a Medical Officer of Health may at any time dispose of any disease-bearing insect or any perishable matter seized in any manner he deems fit:

Provided that if the perishable matter is sold the proceeds of the sale shall, if so claimed by the owner or the person from whom it was seized within two weeks of the seizure, be paid to him.

Requirement to supply information

7. (1) The Director General, a Medical Officer of Health or an inspector may require the owner or occupier of any premises or the agent or the servant thereof or any person whom he has reason to believe is committing or has committed an offence under this Act—

- (a) to give his name and residence;

(aa) to produce—

- (i) his identity card;
- (ii) in the case of any business premises, any document pertaining to the registration or licensing of such business under any written law; and
- (iii) any other document required by the Director General, a Medical Officer of Health or an inspector for the purpose of ascertaining the identity of the owner or occupier of the premises;

(b) to supply information relating to the propagation of disease-bearing insects or the occurrence of any insect-borne disease or any other information as may be required by the Director General, a Medical Officer of Health or an inspector; and

(c) to give any statement in writing,

and the owner or occupier or the agent or servant thereof or such person shall comply with such requirement.

(2) Where a person under subsection (1) refuses to give his name or residence or gives a name or residence which the Director General, a Medical Officer of Health or an inspector has reason to believe to be false, the Director General, Medical Officer of Health or inspector may in order to ascertain his name or residence arrest him and within twenty-four hours take him before the nearest Magistrate unless before that time his true name and residence are ascertained in which case such person shall forthwith be released.

(3) A person who fails to supply information or supplies information required under subsection (1) which to his knowledge is false shall be guilty of an offence under this Act.

General power to direct or take measure to destroy, etc., disease-bearing insects

8. (1) Where it appears to the Director General or a Medical Officer of Health or an inspector that any premises or anything therein is likely to propagate or harbour any disease-bearing insects, he may in writing order such owner or occupier to take specified measures or to do any work with regard to the premises or for the treatment, destruction or removal of anything therein as to make the premises or conditions therein unfavourable to the propagation or harbouring of the disease-bearing insects.

(2) Without prejudice to the generality of the powers specified in subsection (1) the Director General or a Medical Officer of Health or an inspector may in writing order the owner or occupier of any premises to take or do any of the following measures or work:

- (a) to destroy disease-bearing insects wherever found;
- (b) to collect and remove empty tins, cans, bottles or other receptacles in which disease-bearing insects may breed;
- (c) to cut down and remove any grass, bamboo stumps, fern or undergrowth in which disease-bearing insects are likely to breed or harbour;
- (d) to cover and keep continuously covered any tank, cistern, receptacle or other container within the premises;
- (e) to construct drainage of the premises;
- (f) to fill up inequalities in the surface of the premises;
- (g) to apply insecticide to any pond, well, pool or other body of water, vessel, stable, pigsty, cattle shed, chicken coop or other place used for the shelter of animals; and
- (h) generally to prevent the propagation or harbouring of disease-bearing insects.

(3) The Director General or a Medical Officer of Health or an inspector may in the same order direct—

- (a) the period within which the specified measures or work shall be taken or done or completed;
- (aa) that the premises or any part thereof be closed until the specified measures or work are taken or done or completed and the premises are no longer likely to propagate or harbour disease-bearing insects;
- (b) the intervals within which the specified measures or work are to be taken or done; and
- (c) that the specified measures or work are to be taken or done until the premises or anything therein are no longer likely to propagate or harbour disease-bearing insects.

(4) Orders under this section may be given to the owner or occupier of any premises and to any person therein, including his agents and servants.

(5) Notwithstanding subsections (1), (2) and (3), the Director General or a Medical Officer of Health or an inspector may, if in his opinion the circumstances so warrant, himself cause any measure or work specified in those subsections to be taken or done but in every such case the Director General or a Medical Officer of Health or an inspector shall notify such owner or occupier as to the nature of the measure or work that is so intended to be taken or done.

(6) Subject to section 17, if the owner or occupier of any premises on whom an order made under subsection (1) or (2) has been served fails to comply with the terms thereof, the Director General or a Medical Officer of Health or an inspector may take and do thereon or therein any of the measures or work required by the said order to be taken or done.

(7) Where the Director General or a Medical Officer of Health or an inspector himself causes any measure or work to be taken or done under subsection (5) or (6) any costs and expenses thereof may be recoverable by him from the owner or occupier of the premises concerned.

(8) Any person who removes or renders less effective any insecticide applied by the Director General or a Medical Officer of Health or an inspector or refuses, fails or neglects to comply with any written order made in pursuance of subsection (1) or (2) or disturbs or removes anything done by the Director General or a Medical Officer of Health or an inspector under subsection (5) or (6) shall be guilty of an offence under this Act.

Owner or occupier to render assistance

9. (1) Where the Director General, Medical Officer of Health or an inspector, in carrying out the purposes of this Act, requires the assistance of the owner or occupier of any premises, such owner or occupier shall render such assistance as required to enable the measure or work to be taken or done effectively.

(2) In particular and without prejudice to the generality of subsection (1), the owner or occupier shall, before any application of insecticide commences—

- (a) put away or cover all foodstuffs, clothing and other articles likely to be contaminated or damaged by the application;
- (b) extinguish all fires and naked flames on the premises for the duration of the application;

- (c) remove all picture-frames, mirrors, cupboards, foodsafes and all furniture away from the walls and leave them in such a position that the walls and furniture can conveniently be applied with the insecticide; and
- (d) leave and place all receptacles intended for the storage of water or capable of holding water in such positions that they are reasonably accessible for inspection of their contents.

(3) Any person who refuses, fails or neglects to do any of the things under this section shall be guilty of an offence under this Act.

Medical examination of persons suspected of being infected with insect-borne disease

10. (1) The Director General or a Medical Officer of Health may—

- (a) medically examine any person suspected or likely to be infected with insect-borne disease for the purpose of ascertaining whether such person is suffering from, or has recently suffered from, or is a carrier of, any insect-borne disease, or whether such person has been recently exposed to infection by any such disease, including the examination of his blood, urine and stool;
- (b) medically treat or isolate any person who is suffering from any insect-borne disease or to do both; and
- (c) cause a post-mortem examination to be made on any corpse where the death is suspected to have been caused by any insect-borne disease.

(2) Any person who refuses, fails or neglects to submit for examination, treatment or isolation under paragraph (1)(a) or (b) or any person having the custody of any corpse who refuses or obstructs the post-mortem of the corpse under paragraph (c) of that subsection shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding two thousand ringgit.

Power to require information and examine persons

10A. (1) The Director General, a Medical Officer of Health or an inspector making an investigation and examination under this Part shall have the power to require information, whether orally or in writing, from any person acquainted with the facts and circumstances of the matter under investigation.

(2) Any person who, on being required by the Director General, a Medical Officer of Health or an inspector to give information under this section, refuses to comply with such requirement or furnishes as true any information which he knows or has reason to believe to be false, untrue or incorrect, in whole or in part, shall be guilty of an offence.

(3) If any information furnished under subsection (2) is proved to be false, untrue or incorrect, in whole or in part, it shall be no defence to allege that such information or any part thereof was misinterpreted or furnished inadvertently or without criminal or fraudulent intent.

(4) The Director General, a Medical Officer of Health or an inspector making an investigation under this Act may exercise any or all of the powers conferred by section 111 of the Criminal Procedure Code [Act 593] and sections 112 to 114 of the Code shall apply to statements made by the persons examined in the course of such investigation.

PART III

OTHER OFFENCES AND DUTIES OF OWNER AND OCCUPIER

Approval to be obtained for operations likely to propagate or harbour disease-bearing insects

11. (1) Where in the opinion of the Director General or a Medical Officer of Health that any building, land development, land reclamation, excavation, quarrying or other operations which are being or will be undertaken, executed or carried out by any person, are likely to propagate or harbour disease-bearing insects, the Director General or the Medical Officer of Health may require that person to submit to him the plans for such works.

(2) The Director General or the Medical Officer of Health may after studying the plans require the person undertaking, executing or carrying out the building, land development, land reclamation, excavating, quarrying or other operations to comply with such conditions as he may deem necessary to prevent the propagation or harbouring of disease-bearing insects.

(3) Any person who fails to submit plans as required under subsection (1) or refuses, fails or neglects to comply with any condition imposed under that subsection shall be guilty of an offence under this Act.

Prohibition on clearing undergrowth under certain circumstances, etc.

12. (1) Any owner, occupier or any other person who intends to do or to cause or permit to be done any of the following, that is to say:

- (a) to cut down or clear any undergrowth or other vegetation within twenty feet of any stream or seepage or running or stagnant water to which shade have been afforded by the development of such undergrowth or other vegetation;
- (b) to cut down or clear any jungle, undergrowth or other vegetation; or
- (c) to make holes for the purposes of planting, replanting or developing the land,

shall notify the Director General or a Medical Officer of Health in writing of his intention not less than fourteen days before the commencement of the work.

(2) The Director General or a Medical Officer of Health on receipt of the notice under subsection (1) may in writing order the owner, occupier or other person to take such measures as he may specify in the written order to prevent the propagation or harbouring of disease-bearing insects.

(3) No owner or occupier of any premises, including any agricultural holding, shall permit any hole or depression likely to hold water to remain in or upon the land owned or occupied by him for a period longer than seven days from the time when such hole or depression was made, whether such hole or depression was made in the course of clearing, planting or other agricultural operation or by the fall of any tree or in any artificial manner whatsoever, and every such owner or occupier shall fill or cause to be filled in any such hole or depression to the level of the surrounding ground within seven days of the making of such hole or depression:

Provided that the owner or occupier may allow the hole or depression to remain for a period longer than seven days if he takes any measure to prevent the propagation or harbouring of any disease bearing insects in the hole or depression.

(4) Any person who contravenes the provisions of this section or any order under subsection (2) shall be guilty of an offence under this Act.

Prohibition on creating conditions likely to propagate or harbour disease-bearing insects

13. (1) No person shall do or perform any act which may, or is liable to, create such conditions as may likely to propagate or harbour disease-bearing insects or permit or allow such conditions to arise or continue.

(2) Any person who contravenes subsection (1) shall be guilty of an offence under this Act.

Prohibition on breeding, etc., of disease-bearing insects without permission

14. (1) No person shall breed, keep, collect, distribute, sell, import or export any disease-bearing insect without the permission in writing of the Director General.

(2) Any permission granted under the provisions of subsection (1)—

(a) shall be at the discretion of the Director General upon his being satisfied that the application thereof has been made for a scientific purpose or for purposes of education or research or for other causes acceptable to him;

(b) may be subject to such conditions as the Director General may deem fit to impose; and

(c) may be revoked at any time by the Director General without assigning any reason therefor.

(3) Any person who contravenes subsection (1) or who commits a breach of any condition imposed under paragraph (2)(b) shall be guilty of an offence under this Act.

PART IV

MISCELLANEOUS

Recovery of costs and expenses

15. (1) If the amount of costs and expenses payable under subsection 8(7) is not paid by the party liable to pay the same within seven days after demand, such failure to pay may be reported to a Magistrate's court and notwithstanding any written law the amount may be recovered in the same manner as if it were a fine imposed by such court.

(2) Where a person sells or transfers any property in respect of which costs and expenses have been incurred by the Director General or a Medical Officer of Health in or about the execution of any work required to be done under this Act and such costs and expenses are recoverable under this Act from the owner thereof, such person shall continue to be liable for the payment of all such cost and expenses payable in respect of such property and for the performance of all other obligations imposed by this Act upon the owner of such property which became payable or were required to be performed prior to such transfer.

(3) Nothing in this section shall affect the liability of the purchaser or transferee to pay such costs and expenses in respect of such property or the right of the Director General or a Medical Officer of Health to recover such costs and expenses or to perform any obligations under this Act.

(4) Nothing in this section shall affect the liability of any person to prosecution and punishment under this Act.

(5) The Director General or a Medical Officer of Health may at his discretion partially or wholly exempt the payment of costs and expenses if he has reason to believe that the person required to make the payment does not have the means to meet such payment.

(6) For the purposes of this section “costs and expenses” means the whole of the costs and expenses incurred.

Service of orders, etc.

16. (1) Every order, notice or other document required by this Act or any regulations made thereunder to be served on any person may be served—

- (a) by delivering the same to the person or by delivering the same at his last known place of abode to some adult member or servant of his family;
- (b) by leaving the same at his usual or last known place of abode or business in a cover addressed to him; or
- (c) by forwarding the same by post in a prepaid letter addressed to the person at his usual or last known place of abode or business.

(2) An order, notice or other document required by this Act or any regulations made thereunder may be served on a body corporate, firm, society or other body of persons—

- (a) by serving the same on a director, manager, secretary or other similar officer or partner or any person purporting to act in such capacity; or
- (b) by forwarding the same by post in a prepaid letter addressed to the registered office or the usual or last known place of business of the body corporate, firm, society or other body of persons.

(3) An order, notice or other document required by this Act or any regulations made thereunder to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of such premises without further name or description.

(4) Without prejudice to subsections (1) and (2) an order, notice or other document required by this Act or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering the same to some adult person on the premises or, if there is no such person on the premises, to whom the same can with reasonable diligence be delivered, by affixing the order, notice or document to some conspicuous part of the premises.

Appeals to Minister

17. (1) Where an owner or occupier of any premises is of the opinion that any written order which is made under this Act and which affects him or anything proposed to be done is unreasonable or unnecessary, he may, within the period specified in the order (such period being not less than seven days from the date of the service of the order), appeal in writing to the Minister, whereupon the execution of the order or the doing of the thing required to be done shall be stayed.

(2) The Minister may confirm, vary or rescind the order or direct that the measure or work specified therein shall be proceeded with, varied or abandoned, as the case may be, or make any order which the Director General or a Medical Officer of Health is competent to make under this Act, and the decision of the Minister thereon shall be final.

No compensation

18. No person shall be entitled to compensation for any expense incurred or damage occasioned by any order given or act done in pursuance of this Act or any regulations made thereunder unless such damage has been occasioned maliciously or without reasonable cause.

Duty of owner and occupier to protect works for preventing the breeding of disease-bearing insects

19. (1) Where the Director General or a Medical Officer of Health or any local authority or any department of the Federal Government or Government of any State has constructed any works with the object of preventing the breeding of disease-bearing insects, the owner and the occupier of the premises on which the works stand shall prevent the premises from being used in any manner whatsoever that is likely to cause the deterioration of, or to lessen the efficiency of the works.

(2) Where any premises are used in such a manner as to cause the deterioration of, or to lessen the full efficiency of, such works, the owner and the occupier of the premises shall, subject to the provisions of subsection (4), be guilty of an offence under this Act and the Director General or a Medical Officer of Health may enter the premises and execute any necessary repairs or work thereon and notwithstanding any written law recover from the person convicted, in the same manner as if it were a fine imposed by a Magistrate's court, such costs and expenses as were thereby incurred.

(3) Before any proceedings are taken under this section, written notice shall be given by the Director General or a Medical Officer of Health to the owner or occupier, as the case may be, specifying what the Director General or the Medical Officer of Health requires to be done or not to be done and giving such time as the Director General or the Medical Officer of Health deems necessary for compliance therewith.

(4) If the owner of the premises is by reason of any legal contract (not being a contract made with an intention to evade liability under this section) prevented from entering the premises to carry out the duties and obligations mentioned in subsection (1), he shall not be liable to the penalty mentioned in subsection (2), unless it can be shown that he has contributed in any way to the refusal or failure of the occupier to carry out such duties and obligations.

Penalty for damaging works executed by Director General or a Medical Officer of Health

20. Any person who, without the consent of the Director General or a Medical Officer of Health interferes with, damages, injures, destroys or renders useless any works executed or any materials or things placed in, under or upon any premises by or under the orders of the Director General or a Medical Officer of Health shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding *ten thousand ringgit; and the Director General or a Medical Officer of Health may notwithstanding any written law recover from the person convicted, in the same manner as if it were a fine imposed by a Magistrate's court, such costs and expenses as were incurred in repairing the works or replacing the materials or things so interfered with, damaged, injured, destroyed or rendered useless.

Penalty for obstructing

21. Any person who obstructs the Director General, a Medical Officer of Health, an inspector or any person engaged in carrying out the provisions of this Act shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding **ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Liability of owner, occupier, servants, etc.

22. (1) Where an offence has been committed under this Act or any regulations made thereunder by any person other than the owner or the occupier of the premises, the owner and the occupier shall, notwithstanding that no one is charged for the offence, be deemed to be also guilty of the offence unless he can prove that the offence was committed without his knowledge, consent and connivance and that he had exercised all due diligence to prevent the commission of the offence.

(2) Where an offence under this Act or any regulations made thereunder has been committed or deemed to have been committed under subsection (1) by a body corporate, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the body corporate, firm, society or other body of persons or was purporting to act in such capacity shall, as well as such body corporate, firm, society or other body of

*NOTE—Previously “two thousand ringgit”—see Act A1086.

**NOTE—Previously “one thousand ringgit or to imprisonment for a term not exceeding three months or to both”—see Act A1086.

persons be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Institution and conduct of prosecution

22A. A prosecution in respect of an offence under this Act shall not be instituted except by or with the consent of in writing of the Public Prosecutor.

General penalty

23. Any person guilty of an offence under this Act or any regulation made thereunder for which no specific penalty is provided shall be liable on conviction—

- (a) in respect of a first offence to a fine not exceeding *ten thousand ringgit or to imprisonment for a term not exceeding two years or to both;
- (b) in respect of a second or subsequent offence to a fine not exceeding **fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both;
- (c) in respect of a continuing offence to a further fine not exceeding ***five hundred ringgit for every day that the offence is continued.

Magistrate of the First Class shall have jurisdiction

23A. Notwithstanding the provisions of any written law to the contrary, a court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Act and to award the full punishment for any such offence.

Police assistance

24. Where the Director General, a Medical Officer of Health or an inspector requires to enter into any premises for the purpose of carrying out the provisions of this Act, he may if he considers it necessary obtain the assistance of a police officer and such police officer shall render such assistance as may be necessary for the purpose.

*NOTE—Previously “one thousand ringgit or to imprisonment for a term not exceeding three months or to both”—see Act A1086.

**NOTE—Previously “two thousand ringgit or to imprisonment for a term not exceeding one year or to both”—see Act A1086

***NOTE—Previously “fifty ringgit”—see Act A1086.

Power to compound

25. (1) The Director General, a Medical Officer of Health, an inspector or a public officer authorized in writing in that behalf by the Director General may compound any offence committed by any person under this Act or any regulations made under this Act and prescribed by regulations made under this Act and prescribed by regulations made under this Act to be a compoundable offence, by making a written offer to the person suspected of having committed the offence to compound the offence upon payment to the Director General, a Medical Officer of Health, an inspector or a public officer so authorized of an amount not exceeding *five hundred ringgit within the time specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director General, a Medical Officer of Health, an inspector or a public officer so authorized may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) Where an offence has been compounded under subsection (1), no prosecution shall be instituted after that in respect of the offence against the person to whom the offer to compound was made.

Act to apply to all property

26. Except as provided in section 19, this Act shall apply to all property of every description including that belonging to, vested in or maintained by any statutory body.

Powers to make regulations

27. The Minister may make regulations for carrying out the purposes of this Act and without prejudice to the generality of the foregoing words may—

- (a) specify the measures or work to be taken or done by any person or class of persons to prevent the propagation and harbouring of disease bearing insects;
- (b) require any person or class of persons to submit such information as may be specified;

*NOTE—Previously “one hundred ringgit”—see Act A1086.

- (c) prescribe the control of and conditions governing the import or export of disease bearing insects;
 - (d) prescribe the offences which may be compounded and the manner of compounding;
 - (e) prescribe the forms of any order, notices, or any other document required under this Act or any regulations made thereunder.
-

LAWS OF MALAYSIA**Act 154****DESTRUCTION OF DISEASE-BEARING
INSECTS ACT 1975****LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act A397	Penal Code (Amendment and Extension) Act 1976	31-03-1976
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A1086	Destruction of Disease-Bearing Insects (Amendment) Act 2000	01-01-2001

LAWS OF MALAYSIA

Act 154

DESTRUCTION OF DISEASE-BEARING INSECTS ACT 1975

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A1086	01-01-2001
3	Act A1086	01-01-2001
5	Act A1086	01-01-2001
7	Act A1086	01-01-2001
8	Act A1086	01-01-2001
10-10A	Act A1086	01-01-2001
20-21	Act A1086	01-01-2001
22A	Act A1086	01-01-2001
23-23A	Act A1086	01-01-2001
25	Act A1086	01-01-2001

