



LAWS OF MALAYSIA

Act A1660

**OFFENDERS COMPULSORY ATTENDANCE
(AMENDMENT) ACT 2022**

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Act A1660

**OFFENDERS COMPULSORY ATTENDANCE
(AMENDMENT) ACT 2022**

An Act to amend the Offenders Compulsory Attendance Act 1954.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Offenders Compulsory Attendance (Amendment) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Offenders Compulsory Attendance Act 1954 [*Act 461*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “Centre” the following definition:

“Commissioner General” means the Commissioner General of Prison appointed under subsection 10(1) of the Prison Act 1995 [*Act 537*];’; and

(b) by deleting the definition of “Director General”.

Amendment of section 3

3. The principal Act is amended in section 3 by substituting for the words “Director General” the words “Commissioner General”.

Substitution of section 4

4. The principal Act is amended by substituting for section 4 the following section:

“Appointment of officer to be in charge of Centre

4. (1) The Commissioner 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.”.

New section 4A

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

“Power of Commissioner General to issue standing order or give directions

4A. The Commissioner General may, from time to time, issue any standing order or give directions to the Compulsory Attendance Centre Officer not inconsistent with the provisions of the Act or any subsidiary legislation made under the Act and the Compulsory Attendance Centre Officer shall give effect to such standing order or directions.”.

Amendment of section 5

6. Section 5 of the principal 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

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

“Transfer of offender

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

New section 6A

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

“Period of imprisonment or detention be deemed to be period of compulsory work

6A. (1) Where an offender—

- (a) who is undertaking a compulsory work by virtue of a Compulsory Attendance Order; or
- (b) who has been required to undertake a compulsory work by virtue of a Compulsory Attendance Order but has not yet undertaken such compulsory work,

is sentenced by any court to any term of imprisonment, or is detained under any law relating to preventive detention, such imprisonment or detention shall take precedence over the Compulsory Attendance Order.

(2) Subject to subsection (3), the period of imprisonment or detention served by the offender shall be deemed to be the period of a compulsory work by virtue of a Compulsory Attendance Order.

(3) The offender shall be required to undertake the compulsory work for the remaining period after deducting the period of imprisonment or detention served by the offender from the period as specified in the Compulsory Attendance Order.”.

Amendment of section 8

9. The principal Act is amended in subsection 8(1) by substituting for the words “Director General” the words “Commissioner General”.

Saving

10. Any actions or proceedings commenced or pending immediately before the coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.