



UNDANG-UNDANG MALAYSIA

Akta A1660

**AKTA KEHADIRAN WAJIB PESALAH-PESALAH
(PINDAAN) 2022**

Tarikh Perkenan Diraja ... 31 Ogos 2022

Tarikh penyiaran dalam *Warta* ... 5 September 2022

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).

UNDANG-UNDANG MALAYSIA

Akta A1660

AKTA KEHADIRAN WAJIB PESALAH-PESALAH (PINDAAN) 2022

Suatu Akta untuk meminda Akta Kehadiran Wajib Pesalah-Pesalah 1954.

[]

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Kehadiran Wajib Pesalah-Pesalah (Pindaan) 2022.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pindaan seksyen 2

2. Akta Kehadiran Wajib Pesalah-Pesalah 1954 [*Akta 461*], yang disebut “Akta ibu” dalam Akta ini, dipinda dalam seksyen 2—

(a) dengan memasukkan selepas takrif “Centre” takrif yang berikut:

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

(b) dengan memotong takrif “Director General”.

Pindaan seksyen 3

3. Akta ibu dipinda dalam seksyen 3 dengan menggantikan perkataan “Director General” dengan perkataan “Commissioner General”.

Penggantian seksyen 4

4. Akta ibu dipinda dengan menggantikan seksyen 4 dengan seksyen yang berikut:

“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.”.

Seksyen baharu 4A

5. Akta ibu dipinda dengan memasukkan selepas seksyen 4 seksyen yang berikut:

“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.”.

Pindaan seksyen 5

6. Seksyen 5 Akta ini 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

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

“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.”.

Seksyen baharu 6A

8. Akta ibu dipinda dengan memasukkan selepas seksyen 6 seksyen yang berikut:

“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.”.

Pindaan seksyen 8

9. Akta ibu dipinda dalam subseksyen 8(1) dengan menggantikan perkataan “Director General” dengan perkataan “Commissioner General”.

Kecualian

10. Apa-apa tindakan atau prosiding yang dimulakan atau yang belum selesai sebaik sebelum permulaan kuat kuasa Akta ini hendaklah, selepas tarikh permulaan kuat kuasa Akta ini, diteruskan seolah-olah Akta ibu tidak dipinda oleh Akta ini.