



LAWS OF MALAYSIA

Act A1652

CONTROL OF SUPPLIES (AMENDMENT) ACT 2022

Date of Royal Assent	30 April 2022
Date of publication in the <i>Gazette</i>	13 May 2022

Publisher's Copyright ©

PERCETAKAN NASIONAL MALAYSIA BERHAD

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording and/or otherwise without the prior permission of **Percetakan Nasional Malaysia Berhad (Appointed Printer to the Government of Malaysia)**.

LAWS OF MALAYSIA

Act A1652

CONTROL OF SUPPLIES (AMENDMENT) ACT 2022

An Act to amend the Control of Supplies Act 1961.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Control of Supplies (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 10

2. The Control of Supplies Act 1961 [*Act 122*], which is referred to as the “principal Act” in this Act, is amended in section 10—

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

“(a) arrest without warrant any person whom he reasonably believes has committed or is attempting to commit an offence under this Act; and”;

- (b) by renumbering the existing subsection (1A) as subsection (1B); and
- (c) by inserting before the renumbered subsection (1B) the following subsection:

“(1A) The Controller, supplies officer, police officer not below the rank of Inspector or customs officer making an arrest under paragraph (1)(a) shall without unnecessary delay take such person to the nearest police station, and thereafter the person shall be dealt with as is provided for by the Criminal Procedure Code [Act 593].”.

New sections 12A and 12B

3. The principal Act is amended by inserting after section 12 the following sections:

“Sale of perishable etc., articles

12A. (1) Where any controlled article or other article seized in the exercise of the powers conferred by this Act—

- (a) is of a perishable or inflammable nature; or
- (b) the custody of such controlled article or other article involves unreasonable expense and inconvenience,

such controlled article or other article may be sold and the proceeds of sale held to abide by the result of any prosecution or claim under this section.

(2) The Government of Malaysia shall not be liable to any person for any deterioration, howsoever caused, in the quality of any controlled article or other article seized under this Act.

No cost or damages arising from seizure to be recoverable

12B. No person shall, in any proceedings before any court in respect of any controlled article, vehicle, vessel or thing other than a controlled article seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.”.

New section 25A

4. The principal Act is amended by inserting after section 25 the following section:

“Proportional examination or testing of articles seized

25A. (1) Where packages or receptacles containing articles which are suspected of being controlled articles have been seized, it shall be sufficient to open and examine one per centum or not less than five samples of each description of the package or receptacle in which such articles are contained.

(2) If it is necessary to test any article which is suspected of being controlled article seized under this Act, it shall be sufficient to test only a sample not exceeding five per centum in volume or weight of the articles examined under subsection (1).

(3) The court shall presume that the articles contained in the unopened packages or receptacles are of the same nature, quantity and quality as those found in the similar packages or receptacles which have been opened.”.