



LAWS OF MALAYSIA

Act A1464

**PRICE CONTROL AND ANTI-PROFITEERING
(AMENDMENT) ACT 2014**

Date of Royal Assent	17 July 2014
Date of publication in the <i>Gazette</i>	24 July 2014

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LAWS OF MALAYSIA

Act A1464

PRICE CONTROL AND ANTI-PROFITEERING (AMENDMENT) ACT 2014

An Act to amend the Price Control and Anti-Profiteering Act 2011.

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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 Price Control and Anti-Profiteering (Amendment) Act 2014.

(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 Price Control and Anti-Profiteering Act 2011 [Act 723], which is referred to as the “principal Act” in this Act, is amended in section 2, in the definition of “authorized officer” by inserting after the words “public officer” the words “or officer of a local authority”.

Amendment of section 3

3. Section 3 of the principal Act is amended by substituting for subsection (6) the following subsection:

“(6) The Minister may authorize any public officer or officer of a local authority to exercise all or any of the powers under this Act.”.

New section 10A

4. The principal Act is amended by inserting after section 10 the following section:

“Prices or charges imposed not to include certain items

10A. (1) Any person who supplies or offers to supply any goods or services shall not include the items as specified in the Schedule as part of the price of the goods or charge for the services.

(2) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable—

(a) where such person is a body corporate, to a fine not exceeding five hundred thousand ringgit and, for a second or subsequent offence, to a fine not exceeding one million ringgit; or

(b) where such person is not a body corporate, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, for a second or subsequent offence, to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

Amendment of section 15

5. Section 15 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

“(1A) The mechanism to determine that profit is unreasonably high referred to in subsection (1) includes the Minister determining a certain period during which there shall be no increase in the net profit margin of any goods or services.”; and

(b) in subsection (2), by inserting after paragraph (b) the following paragraph:

“(ba) any cost incurred in the course or furtherance of business;”.

New section 53A

6. Part VIII of the principal Act is amended by inserting before section 54 the following section:

“Duty to keep records

53A. (1) Any person who supplies or offers to supply any goods or services shall keep and maintain proper records relating to the business operation including the following records:

- (a) sales records including receipts and sales books;
- (b) purchases records including invoices from suppliers;
- (c) expenses records including payment records, invoices and particulars of acquisitions;
- (d) documents relating to the determination of pricing for the goods or services;
- (e) records of remunerations, allowances or wages; and
- (f) tax records and any related documents, if any.

- (2) The records under subsection (1) shall be—
- (a) preserved for a period of seven years from the latest date to which the record relates;
 - (b) available at all times for examination by the Assistant Controller; and
 - (c) kept up to date and in good order and condition.
- (3) Any person who fails to comply with subsection (1) or (2) commits an offence.”.

New section 60A

7. The principal Act is amended by inserting after section 60 the following section:

“Power to amend Schedule

60A. The Minister may, by order published in the *Gazette*, amend the Schedule.”.

New Schedule

8. The principal Act is amended by inserting after section 63 the following Schedule:

“SCHEDULE

[Subsection 10A(1)]

ITEMS NOT TO BE INCLUDED IN PRICES AND CHARGES

1. Any credit for input tax against output tax under section 38 of the Goods and Services Tax Act 2014 [*Act 762*].
2. Any special refund of sales tax under section 190 of the Goods and Services Tax Act 2014.”.

