

A BILL

i n t i t u l e d

An Act to amend the Control of Padi and Rice Act 1994.

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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 Control of Padi and Rice (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 heading of Part II

2. The Control of Padi and Rice Act 1994 [*Act 522*], which is referred to as the “principal Act” in this Act, is amended in the heading of Part II by inserting after the words “DIRECTOR GENERAL” the words “AND DEPUTY DIRECTOR GENERAL”.

Amendment of section 3

3. Section 3 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**Director General**” the words “**and Deputy Director General**”;

(b) in subsection (1)—

(i) by deleting the words “, by notification in the *Gazette*,”; and

(ii) by inserting after the words “Director General” the words “and one or such numbers of public officers to be the Deputy Directors General”; and

(c) in subsection (2), by inserting after the words “Director General” the words “and the Deputy Director General”.

New section 28A

4. The principal Act is amended by inserting after section 28 the following section:

“Compounding of offences

28A. (1) The Minister may, with the approval of the Public Prosecutor, make regulations prescribing—

(a) any offence under this Act or any regulations made under this Act as an offence which may be compounded; and

(b) the method and procedure for compounding such offence.

(2) The Director General may, with the consent in writing of the Public Prosecutor, at any time before a charge is being instituted, compound any offence prescribed as an offence which may be compounded by making a written offer to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Director General

of a sum of money not exceeding fifty per centum of the amount of the maximum fine to which the person would have been liable to if he had been convicted of the offence, within such time as may be specified in the written offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(4) If the amount specified in the offer is not paid within the time specified in the offer or such extended time as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(5) Where an offence has been compounded under this section—

(a) no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made; and

(b) any document or thing seized in connection with the offence may be released by the Director General, subject to such terms as the Director General thinks fit.

(6) All sums of moneys received by the Director General under this section shall be paid into and form part of the Federal Consolidated Fund.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Control of Padi and Rice Act 1994 (Act 522).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clauses 2* and *3* seek to amend sections 2 and 3 of Act 522 respectively.

Clause 3 seeks to empower the Minister to appoint one or such numbers of public officers to be the Deputy Directors General to assist the Director General in the performance of duties and functions assigned to him under Act 522 whereas *clause 2* is a consequential amendment arising from the amendment made to section 3 of Act 522.

4. *Clause 4* seeks to introduce a new section 28A into Act 522. The proposed new section 28A empowers the Minister, with the approval of the Public Prosecutor, to prescribe by regulations compoundable offences and the method and procedure for compounding an offence. This *clause* further provides for the power of the Director General to compound offences with the written consent of the Public Prosecutor.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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