

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2011

PU(A) 309/2011

26 August 2011

Jil 55; No 17; 26 August 2011; Tambahan No 118; Perundangan (A)

IN exercise of the powers conferred by section 108 of the **Solid Waste and Public Cleansing Management Act 2007**[Act 672], the Minister makes the following regulations:

1. Citation and commencement

(1) These regulations may be cited as the **Solid Waste and Public Cleansing Management (Compounding of Offences) Regulations 2011**.

(2) These Regulations come into operation on 1 September 2011.

2. Compoundable offences

The following offences are prescribed as compoundable offences:

(a) offences under subsections 20(2), 74(2), 75(5), 101(2) and 102(3) of the Act;

(b) offences under subregulations 6(3), 7(2), 8(2), 9(2), 10(4), 11(3), 12(2), 13(2), 15(2), 16(2), 17(2), 21(4), 21(8), 22(3), 23(2), 24(2), 28(5), 29(4), 30(4) and 31(4) of the **Solid Waste and Public Cleansing Management (Scheme for Household Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011**;

(c) offence under subregulation 11(4) of the **Solid Waste and Public Cleansing Management (Licensing) (Undertaking or Provision of Collection Services for Household Solid Waste, Public Solid Waste, Public Institutional Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011**;

(d) offence under subregulation 10(5) of the **Solid Waste and Public Cleansing Management (Licensing) (Management or Operation of Prescribed Solid Waste Management Facilities) Regulations 2011**; and

(e) offence under subregulation 10(4) of the **Solid Waste and Public Cleansing Management (Licensing) (Undertaking or Provision of Transportation Services by Long Haulage) Regulations 2011**.

3. Offer and acceptance of compound

(1) An offer to compound an offence shall be made in Form 1 of the Schedule.

(2) A person who accepts an offer to compound a compoundable offence shall furnish payment for the compound in Form 2 of the Schedule.

4. Method of compounding

(1) After an investigation has been conducted and it is found that a compoundable offence has been committed, the Director General may issue a Notice of Offer to Compound Offence in Form 1 of the Schedule.

(2) The offer to compound an offence is for a period of fourteen days, and if full payment of the sum offered is made on or before the expiry of fourteen days, no further proceedings shall be taken against the person who committed such offence.

(3) If no payment of the compound offered is made on or before the expiry of the period stated in subregulation (2), prosecution may be instituted without further notice.

5. Payment of compound

(1) When an offer to compound an offence is made and accepted by the person to whom the offer is made, he shall make payment of the compound by cash or, money order, postal order, cashier's order, banker's order or banker's draft made payable to the Director General of Solid Waste and Public Cleansing Management and crossed with the words "Account Payee Only".

(2) The payment of compound shall be delivered personally or sent by registered post to the address specified in the Notice of Offer to Compound Offence.

(3) Every payment of compound received shall be considered as money belonging to the Director General of Solid Waste and Public Cleansing Management.

(4) An official receipt shall be issued for every payment received under subregulation (1) to the person to whom the offer to compound is made.

SCHEDULE

FORM 1

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT ACT 2007

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2011

[Subregulation 3(1)]

NOTICE OF OFFER TO COMPOUND OFFENCE

When replying please quote:

Reference number:

Date:.....

To:

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.....
.....
Sir/Madam*,

An investigation has been conducted against you and you are found to have committed the following offence under the Solid Waste and Public Cleansing Management Act 2007 [Act 672]/regulations made under the Act with the following particulars:-

(a) Relevant provision of the Act /regulations made under the Act*:
.....

(b) Date:

(c) Time:

(d) Place:

(e) Particulars of offence:
.....
.....

2. Pursuant to subsection 94(1) of the Act, you are offered a compound for the offence as stated above for the sum of RM..... (.....ringgit).

3. Payment may be made by cash/money order/postal order/cashier's order/banker's order/banker's draft* made payable to the Director General of Solid Waste and Public Cleansing Management and crossed with the words "Account Payee Only", and may be delivered personally or sent by registered post to the following address:-
.....
.....

4. An official receipt shall be issued on receipt of payment of the compound.

5. This offer to compound will commence on remains in force until....., and if no payment is received on or before the date, prosecution for the offence may be instituted without further notice.

Date:
.....

For and on behalf of the Director General of Solid Waste and Public Cleansing Management

Name:

Designation:

Official stamp:

FORM 2

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT ACT 2007

SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2011

[Subregulation 3(2)]

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

To:

The Director General of Solid Waste and Public Cleansing Management

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I refer to the Notice of Offer to Compound Offence bearing the reference number and dated

2. I admit that I have committed this offence and I accept the offer to compound and enclose herewith cash/money order/postal order/cashier's order/banker's order/banker's draft No.* for the sum of RM..... (..... ringgit) as full settlement of the sum stipulated in paragraph 2 of the Notice of Offer to Compound Offence.

Signature:

Name (in capital letter):

Identity Card Number:

Designation:

Name of company/business or other body* :.....

Company seal/Stamp of business or other body* (if applicable):.....

Company Registration No./ Licence No./ Permit No. *(if applicable):.....

Address:

Date: