

THE SARAWAK RIVERS ORDINANCE, 1993
THE SARAWAK RIVERS (COMPOUNDING OF OFFENCES)
REGULATIONS, 1996

[Swk. L.N. 2/96]

(Made under section 38(1)(w))

In exercise of the powers conferred by section 38(1)(w) of the Sarawak Rivers Ordinance, 1993 *[Cap. 4]*, the Minister, with the approval of the Yang di-Pertua Negeri, has made the following Regulations:

Citation and commencement

1. These Regulations may be cited as the **Sarawak Rivers (Compounding of Offences) Regulations, 1996**, and shall come into force on the 1st day of February, 1996.

Compoundable offences

2.—(1) The offences specified in the first column of the First Schedule may be compounded by the payment of such amount so specified in the second column thereof.

(2) The Controller of Rivers or any Riverine Transport Supervisor or any Riverine Transport Officer who is authorized in writing by the Controller of Rivers shall have the authority to compound any of the aforesaid offences.

(3) When any duly authorized officer referred to in paragraph (2) decides to compound an offence he shall send or cause to be sent to or personally served or cause to be personally served on the person reasonably suspected of having committed the offence, an offer to compound as in Form A in the Second Schedule.

(4) subject to paragraph (5), the offer shall state the sum for which the offence will be compounded and the date by which the sum must be paid.

(5) The sum of money to be collected for compounding an offence under the Sarawak Rivers Ordinance, 1993 *[Cap. 4]*, or the Sarawak Rivers (Cleanliness) Regulations, 1993 *[Swk. L. N. 123/93]*, or the Sarawak Rivers (Traffic) Regulations, 1993 *[Swk. L.N. 130/93]*, shall not be less than ten (10) per centum, nor more than thirty (30) per centum, of the maximum fine prescribed for the offence.

Mode of payment

3.—(1) All moneys for the payment of the compound must be made in cash or by money order, postal order or bank draft made payable to the Controller of Rivers and crossed "Account Payee Only".

(2) Payment may be delivered personally to the person making the offer to compound but, if sent by post, the payment must be addressed to the person making the offer to compound at his office as stipulated in the Third Schedule.

(3) Every payment received shall be accounted for as a money belonging to the Sarawak Rivers Board and an official receipt shall be issued for the payment as in Form B in the Second Schedule.

(4) Notwithstanding regulation 2(4), the person making the offer to compound may accept in composition any sum of the correct amount paid later than the time allowed in the offer to compound, provided that such payment is received not later than seven days after the date stipulated under regulation 2(4).

FIRST SCHEDULE

(Regulation 2(1))

<i>Offences</i>	<i>Amount compoundable</i>
1. Sections 14(1), 15(6), 18, 19(1), 33(1), 34(1) and (2) of the Sarawak Rivers Ordinance, 1993 [<i>Cap. 4</i>]	Not less than 10% nor more than 30% of the maximum fine provided for the offence.
2. All offences under the Sarawak Rivers (Cleanliness) Regulations, 1993 [<i>Swkl. L.N. 123/93</i>]	- do -
3. All offences under the Sarawak Rivers (Traffic) Regulations, 1993 [<i>Swkl. L.N. 130/93</i>]	- do -

SECOND SCHEDULE

FORM A

**THE SARAWAK RIVERS (COMPOUNDING OF OFFENCES)
REGULATIONS, 1996**

(Regulation 2(3))

(Address of person making the offer to compound as indicated in the Third Schedule).

Serial No.

Date:

To:

.....

.....

Sir/Madam,

OFFER TO COMPOUND OFFENCE(S)

It appears to me, on information/complaint received, that you have committed the following offence(s):

Relevant Provisions of the Law:

Date of Offence: Time:

Place of Offence:

Particulars of Offence(s):

.....

2. You are hereby informed that, by virtue of the powers vested in me by regulation 2(2) of the Sarawak Rivers (Compounding of Offences) Regulations, 1996 [Swk. L.N. 123/93], I am prepared, and offer, to compound the offence for the sum of (Ringgit) If the offer is accepted, payment shall be made in cash or by way of a Money Order, Postal Order, or Bank Draft made payable to the Controller of Rivers and crossed "Account Payee Only" and delivered to the above-quoted office. An official receipt will be issued upon payment.

3. This offer to compound the offence will lapse on If the sum stated is received by the close of business on that date, no further proceedings will be taken against you in respect of the offence. Otherwise, prosecution may be instituted against you without further notice.

*Signature :

Name :

Designation :

Note: **(To be signed by the person authorized to compound referred to in regulation 2(2) of the Sarawak Rivers (Compounding of Offences) Regulations, 1996 [Swk. L.N. 2/96]. Whose name and designation must appear below the signature)*

To: *(The person making the offer to compound address as indicated in Form A)*

FORM OF PAYMENT

I refer to the offer to compound of offence Reference Serial No. dated I accept the offer and enclose herewith *Cash/Money Order/Postal Order/Bank Draft No: for the sum of RM being the full settlement of the compound.

Signature :

Name (Block Letters) :

Identification Card No. :

For Reference Only

Address :

.....

Date :

**Delete wherever inapplicable.*

Sarawak LawNet

FORM B

THE SARAWAK RIVERS (COMPOUNDING OF OFFENCES)
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RECEIPT

(Regulation 3(3))

Receipt No.

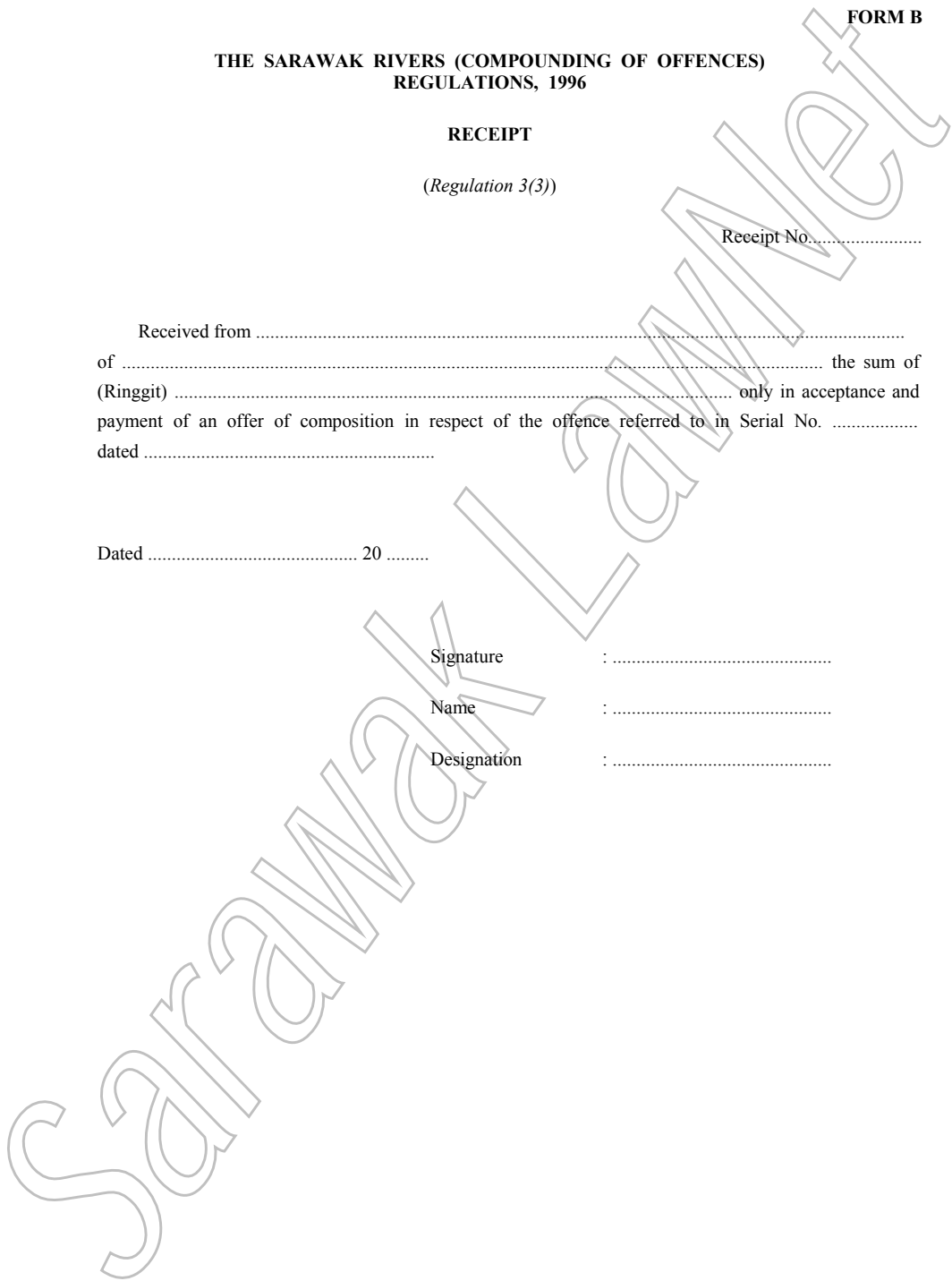
Received from
of the sum of
(Ringgit) only in acceptance and
payment of an offer of composition in respect of the offence referred to in Serial No.
dated

Dated 20

Signature :

Name :

Designation :



THIRD SCHEDULE

(Regulation 3(2))

**PAYMENT CAN BE MADE AT
ANY SARAWAK RIVERS BOARD COUNTER AT:**

Headquarters

Lot 177, Section 11, 1st, 2nd & 3rd Floor,
Bangunan Haji Abdul Rasit, Jalan Satok,
93400 Kuching.
Tel: 082-234092/234093

Wilayah Sibü

No. 40, Lot 1555, 3rd Floor,
Bangunan Saberkas,
Jalan Keranji, (DRIVE 5)
96000 Sibü.

Mukah District Area

District Office,
96400 Mukah.

Bahagian Kapit

No. 11, Tingkat 3
Jalan Tan Sit Leong,
96800 Kapit.

Bahagian Sarikei

No. 75, Tingkat 2,
Peti Surat 677,
Jalan Masjid Lama,
96100 Sarikei.

Wilayah Miri

Lot 543, 1st Floor,
Pelita Commercial Centre,
Jalan Pujut-Miri,
98000 Miri.

Marudi

d/a Jabatan Kastam &
Eksais Di-Raja,
98008 Marudi.

Bahagian Bintulu

Pejabat Cawangan Bintulu,
3rd Floor, Shoplot No. 8,
Lot 416, Bintulu Town
District, Jalan Abang Galau,
97000 Bintulu.

Bahagian Limbang

d/a Bgn. Jabatan Pengairan
& Saliran,
Bahagian Limbang,
98700 Limbang.

DURING THE FOLLOWING BUSINESS HOURS:

MONDAY - FRIDAY	8.00 AM.- 2.30 PM.
SATURDAY	8.00 AM.- 10.00 AM.

Made by the Minister, with the approval of the Yang di-Pertua Negeri, this 12th day of January, 1996.

TAN SRI DATUK AMAR DR. WONG SOON KAI,
*Deputy Chief Minister and
Minister for Infrastructure Development*