



THE
SARAWAK GOVERNMENT GAZETTE
PART II

Published by Authority

Vol. LXXVIII

27th January, 2023

No. 2

Swk. L. N. 10

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS, 2023

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STRATA MANAGEMENT ORDINANCE, 2019

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(Made under section 137(2)(g))

In exercise of the powers conferred on a local authority by section 137(2)(g) of the Strata Management Ordinance, 2019 [*Cap. 76*], the Minister after consultation with Majlis Mesyuarat Kerajaan Negeri, has made the following regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the **Strata Management (Compounding of Offences) Regulations, 2023**, and shall be deemed to come into force on the 1st day of December, 2022.

(2) These Regulations shall apply to all strata developments in Sarawak.

(3) Notwithstanding subregulation (2), the Minister may, by notification in the *Gazette*, exempt any part of any local authority area or government agencies from any or all the provisions of this Regulations.

Interpretation

2. In these Regulations—

“authorized officer” means any officer authorized by the Commissioner under section 124 of the Ordinance;

“Commissioner of Building” shall have the same meaning as assigned under the Ordinance;

“local authority” means a local authority in the Schedule of the Local Authorities Ordinance, 1996 [*Cap. 20*];

“Ordinance” means the Strata Management Ordinance, 2019 [*Cap. 76*].

Specification of compoundable offences

3. The following offences are hereby prescribed as offences which may be compounded by the Commissioner or any authorised officer, namely—

(a) offences under any of the following sections of the Ordinance:

sections 5(7) & (8), 8(4), 9(7), 10(7), 11(11), 12(3), 13(5), 14(4), 17(2), 24(5), 25(4), 27(3), 28(2) and (3), 32(3), 38(4), 39(3), 40(4), 41(3), 43(3), 44(5), 45(4), 47(2) and (3), 51(5), 59(4), 65(2) & (3), 71(3), 78(5), 80(2), 81(6), 111, 114(7), 122, 123(3), 140; and

(b) offences under any Regulations made under sections 137 of the Ordinance;

Offer to compound

4.—(1) The Commissioner or any authorized officer decide to compound any compoundable offences under regulation 3, he shall send or cause to be sent to or personally serve or cause to be personally served on the person reasonably suspected of having committed the offence an offer to compound in Form A, which may be modified as necessary.

(2) The offer shall state the sum for which the offence will be compounded and the date by which the sum shall be paid.

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

(4) If no payment of the compound offered is made on or before the expiry of the period stated in sub regulation (4), prosecution may be instituted without further notice.

Payment

5.—(1) Payment of the sum stated in an offer to compound may be made:

(a) by cash;

(b) by way of a money order, postal order, bank draft or cheque made payable to the Commissioner and crossed "Account Payee Only"; or

(c) through electronic transfer.

(2) Payment may be delivered personally to the person making the offer to compound, but, if sent by post, shall be addressed to the Commissioner or any authorised officer of the local authority as indicated in Form A, together with the form for payment as in Form B of the Schedule.

(3) Every payment received shall be deposited into the State Consolidated Fund or the local authority account as may be determined by the State Financial Secretary and an official receipt for the payment as in Form C of the Schedule shall be issued to the person to whom the offer to compound was made.

(4) An official receipt issued for the purpose of sub regulation (3) shall include any electronic receipt issued if the payment is made through electronic fund transfer.

(5) Notwithstanding sub regulation 4(3) and without any prejudice to sub regulation 4(5), the Commissioner or authorized officer may accept in composition any sum of the correct amount paid not later than fourteen days of the time allowed in the offer to compound.

SCHEDULE

FORM A

(Regulation 3)

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS, 2023

NOTICE OF OFFER TO COMPOUND OFFENCE

When replying please quote:

Reference number:

Date:

To:

.....
.....
.....

Sir / Madam *,

An investigation has been conducted against you /

.....

(state name of company/business/other body and the registration number, if any*)

and it appear that you have committed the offence under the Strata Management Ordinance, 2019 [Cap. 76] / regulations made under the Ordinance with the following particulars:

(a) relevant provision of the Ordinance / regulations *

.....
.....

(b) date :

(c) time:

(d) place :

(e) particulars of offence :

.....
.....

2. Pursuant to section 124 of the Strata Management Ordinance, 2019 [Cap. 76], you are offered a compound for the offence stated above for the sum of RM (Ringgit Malaysia only).

3. If an offer to compound is accepted, the payment shall be made by cash/money order/postal order/cashier's order/banker's order/bank draft * crossed with the words "Account Payee Only" made payable to the Commissioner or by electronic fund transfer, and may be delivered personally or sent by prepaid registered post to the following address:

The Commissioner

.....
.....
.....

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

5. This offer shall be valid until

6. If there is no payment received within the period referred to in paragraph 5, prosecution for

the offence may be instituted against you without further notice.

Date:

.....
For and on behalf of the Commissioner

Name :
Designation :
Official Stamp :

** Delete whichever is inapplicable*
*** State details and use appendix, if necessary*

FORM B

(Regulation 5(5))

STRATA MANAGEMENT ORDINANCE, 2019

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FORM FOR PAYMENT

Date :

To :
(State designation and address of Commissioner or authorized officer)

ACCEPTANCE AND PAYMENT OF COMPOUND

I refer to the offer to compound an offence, Reference No. dated
..... I accept the offer and enclose herewith * cash / money order / postal order / electronic
fund transfer / bank draft / cheque No. for the sum of RM
(Ringgit Malaysia) in full settlement of the compound.

Signature:

.....
Name (BLOCK LETTERS) :
Identification Card No.:
Address :

**Delete whichever inapplicable*

FORM C

(Regulation 5(3))

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS, 2023

RECEIPT

Received from of the sum of RM
..... (Ringgit Malaysia only) in acceptance and
payment of an offer to compound of the offence referred to in Reference No.
dated

Dated :

.....
Police Officer / Officer of
(State name of local authority)

NB. Should you receive any further correspondence or notice of summons in respect of the offence referred to above, you should reply immediately quoting this receipt number.

Dated this 18th day of January, 2023.

Dato Sri Dr. Sim Kui Hian
Minister for Public Health, Housing and Local Government Sarawak

MLGH/L/192 Jld. 3(25)

