



THE
SARAWAK GOVERNMENT GAZETTE
PART II

Published by Authority

Vol. LVIII

9th December, 2003

No. 37

Swk. L. N. 132

THE PORT AUTHORITIES ORDINANCE, 1961

THE MIRI PORT AUTHORITY (COMPOUNDING OF OFFENCES)
REGULATIONS, 2003

(Made under section 64(1)(i))

In exercise of the powers conferred by section 64(1)(i) of the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*], the Miri Port Authority has, with the approval of the Majlis Mesyuarat Kerajaan Negeri, made the following Regulations:

Citation and commencement

1. These Regulations may be cited as the **Miri Port Authority (Compounding of Offences) Regulations, 2003**, and shall come into force on the 1st day of January, 2004.

Interpretation

2. In these Regulations

“Authority” means the Miri Port Authority established pursuant to Part II of the Ordinance;

“General Manager” means the General Manager of the Miri Port Authority appointed under section 54 of the Ordinance;

“Ordinance” means the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*].

Compoundable offences

3. The following offences are prescribed as offences which may be compounded by the General Manager or any other officer authorized in writing by him, by notification in the *Gazette*, pursuant to section 53A of the Ordinance:

- (a) any offence under sections 12E, 53B, 59, 60 and 61 of the Ordinance; and
- (b) offences under such regulations, by-laws or orders made pursuant to the Ordinance.

Offer to compound

4.—(1) Where the General Manager or a duly authorized officer decides to compound an offence, 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 as in Form I in the Schedule, 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, or the period within which, the sum must be paid.

Sum to be collected and mode of payment

5.—(1) The sum of money to be collected for compounding an offence shall not exceed fifty per centum (50%) of the maximum fine prescribed for the offence as specified under section 53A of the Ordinance.

(2) All moneys for payment of the compound shall be made in cash, or by cheque, money order, postal order, cashier's order, banker's order or bank draft made payable to the Miri Port Authority and crossed "Account Payee Only".

(3) Payment may be delivered personally to the authorized person making the offer to compound, but, if sent by post, must be addressed to the General Manager, Miri Port Authority, Jalan Miri Port, Kuala Baram Industrial Estate, 98000 Miri, Sarawak, together with the form for payment in Form II in the Schedule.

(4) Every payment received must be accounted for as money belonging to the Authority and an official receipt for the payment as in Form III in the Schedule shall be issued to the person to whom the offer to compound was made.

(5) Notwithstanding regulation 4(2), the General Manager or the duly authorized officer may accept in composition any sum of the correct amount paid later than the time or period allowed in the offer to compound.

Prosecution of offence

6. Where the amount of the compound fee payable in the offer to compound is not paid within the period specified or any extension thereof, prosecution for the offence may be instituted against the offender without further notice.

SCHEDULE

THE MIRI PORT AUTHORITY
(COMPOUNDING OF OFFENCES) REGULATIONS, 2003

FORM I**OFFER TO COMPOUND**

(Regulation 4)

Miri Port Authority,
Jalan Miri Port, Kuala Baram
Industrial Estate, 98000 Miri, Sarawak

Reference No:.....

To:

Sir/Madam,

OFFER TO COMPOUND OFFENCE

It appears to me upon information or complaint received/A report has made against you*, alleging that you have committed the following offence:

Relevant provision of the law :

Date of offence : Time:.....

Place of offence :

Particulars of offence :

2. You are hereby informed that, by virtue of the powers vested in me by section 53A of the Port Authorities Ordinance, 1961, I am prepared, and hereby offer, to compound the offence for the total sum of the Ringgit Malaysia.....
If this offer is accepted, payment shall be made in cash, or by cheque, money porder, postal order or bank draft made payable to Miri Port Authority 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 (state date)
If the sum stated above 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.

Date:..... Signature :

Name :

Designation: *General Manager/Authorized
Officer, Rajang Port Authority

*Delete whichever is not applicable.

FORM II**FORM FOR PAYMENT**

(Regulation 5)

Date:

To: The General Manager,
Miri Port Authority,
Jalan Miri Port, Kuala Baram Industrial Estate,
98000 Miri, Sarawak

Sir/Madam,

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

Signature:
Name (Block Letters)
Identity Card No:
Address:
.....

* Delete whichever is not applicable

FORM III
RECEIPT
(Regulation 6)

Receipt No

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

Date:

*General Manager/Authorized Officer,
Miri Port Authority*

(**N.B:** Should you receive any further correspondence or notice of summons in respect of the offence
referred to above, you should reply or notify the Miri Port Authority immediately and quoting this
receipt number.)

Dated this 23rd day of October, 2003.

JACOB DUNGAU SAGAN,
*Chairman,
Rajang Port Authority*

Approved by the Majlis Mesyuarat Kerajaan Negeri this 23rd day of
October, 2003.

ABDUL GHAFUR SHARIFF,
Clerk to Majlis Mesyuarat Kerajaan Negeri