



THE
SARAWAK GOVERNMENT GAZETTE
PART II

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THE PORT AUTHORITIES ORDINANCE, 1961

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

(Made under section 53A and 64(1))

In exercise of the powers conferred by sections 53A and 64(1)(i) of the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*], the Kuching 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 **Kuching Port Authority (Compounding of Offences) Regulations, 2003**, and shall come into force on the 1st day of December, 2002.

Interpretation

2. In these Regulations—

“Authority” means the Kuching Port Authority;

“General Manager” means the General Manager of the Kuching 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—

(a) offences 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.

Amount of compound fee

4. The sum of money to be collected for compounding an offence as specified under section 53A of the Ordinance shall not exceed fifty per centum of the maximum fine prescribed for the offence.

Offer to compound

5.—(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 A 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.

Payment of compound fee

6.—(1) Payment of the sum stated in the offer to compound may be made in cash, or by way of cheque, money order, postal order or bank draft made payable to the Authority and crossed “Account Payee Only”.

(2) Payment may be delivered personally to the person making the offer to compound, but, if sent by post, must be addressed to the General Manager of the Authority, together with the form for payment in Form B in the Schedule.

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

(4) Notwithstanding regulation 5(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 offences

7. 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

(Regulations 5 and 6)

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

Kuching Port Authority
P.O Box 530,
93710 Kuching, Sarawak.

Reference No:.....

**FORM A
OFFER TO COMPOUND**

(Regulation 5)

To:
.....
.....

Sir/Madam,

*A report has been made against you/Information has been received alleging that you have committed the following offence(s)—

Relevant provision of the law:

- *(a) section Port Authorities Ordinance, 1961;
- *(b) by-law Kuching Port Authority By-laws, 1961;
- *(c) regulation Kuching Port Authority (Control of Entry and Security) Regulations, 1961;
- *(d) article Kuching Port Authority (Places for Discharge and Loading of Cargo) order, 2002;
- *(e) (for other offences, state relevant provisions)

(*delete or add as appropriate)

Date: Time:

Place:

Particulars of offence (s):

.....

.....

2. You are informed that in exercise of the powers conferred on me by section 53A of the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*], I offer to compound the offence for the sum of RM.....

3. If this offer is accepted, payment shall be made in cash or by cheque or money order or postal order or Banker's Cheque made payable to the Kuching Port Authority and crossed "Account Payee Only". An official receipt will be issued for the amount.

4. This offer will remain in force for days from the date of issue of this notice. If payment is not received within that period, prosecution for the offence may be instituted against you without further notice.

Date:
*General Manager/Authorized Officer,
Kuching Port Authority

* (To be signed by the General Manager or the officer authorized to compound, whose name and designation must appear below the signature.)

FORM B
FORM OF PAYMENT
(Regulation 6)

Date:

To: The General Manager
Kuching Port Authority,
.....
(state address)

I refer to the offer to compound an offence, Reference No.: dated

2. I accept the offer and enclose herewith *cash/cheque/money order/postal order/bank draft No. for the sum of RM (Ringgit) in full settlement of the compound.

Signature:
Name (Block Letters)
Address:
.....
Date:

* Delete whichever is not applicable

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

FORM C
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,
Kuching Port Authority*

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

Dated this 18th day of October, 2002.

AWANG BEMEE BIN HJ. PENGIRAN ALI BASAH,
*Chairman,
Kuching Port Authority*

Note: Approval given by the Majlis Mesyuarat Kerajaan Negeri on 17th day of October, 2002.

C/KPA/00424

SARAWAK LAWYERS