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FEDERAL GOVERNMENT GAZETTE

PERINTAH BINATANG (PENGKOMPAUNAN KESALAHAN) 2019

ANIMALS (COMPOUNDING OF OFFENCES) ORDER 2019

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AKTA BINATANG 1953

PERINTAH BINATANG (PENGKOMPAUNAN KESALAHAN) 2019

PADA menjalankan kuasa yang diberikan oleh seksyen 73B Akta Binatang 1953 [*Akta 647*], Menteri membuat perintah yang berikut:

Nama

1. Perintah ini bolehlah dinamakan **Perintah Binatang (Pengkompaunan Kesalahan) 2019**.

Kesalahan yang boleh dikompaun

2. (1) Kesalahan yang dinyatakan dalam Jadual Pertama ditetapkan sebagai kesalahan yang boleh dikompaun.

(2) Kesalahan yang disebut dalam subperenggan (1) boleh dikompaun dengan keizinan bertulis Pendakwa Raya dalam Borang 1 Jadual Kedua.

Tawaran dan penyetujuterimaan kompaun

3. (1) Suatu tawaran untuk mengkompaun kesalahan yang disebut dalam subperenggan 2(1) hendaklah dibuat dalam Borang 2 Jadual Kedua.

(2) Seseorang yang menyetuju terima suatu tawaran untuk mengkompaun kesalahan yang disebut dalam subperenggan 2(1) hendaklah menyetuju terima tawaran itu dalam Borang 3 Jadual Kedua.

Cara mengkompaun

4. Apabila menerima apa-apa maklumat atau aduan bahawa suatu kesalahan yang disebut dalam subperenggan 2(1) telah dilakukan, Ketua Pengarah, Pengarah Negeri atau mana-mana pegawai yang diberi kuasa secara bertulis oleh Ketua Pengarah atau Pengarah Negeri, boleh mengeluarkan suatu tawaran untuk mengkompaun kesalahan itu dalam Borang 2 Jadual Kedua kepada orang yang disyaki telah melakukan kesalahan itu.

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Pembayaran kompaun

5. (1) Jika suatu tawaran untuk mengkompaun kesalahan di bawah perenggan 4 disetuju terima oleh orang yang kepadanya tawaran itu dibuat, dia boleh membayar kompaun itu—

(a) secara tunai dan diserahkan sendiri ke Jabatan Perkhidmatan Veterinar atau mana-mana cawangan yang ditentukan oleh Ketua Pengarah;

(b) melalui kiriman wang, wang pos, pesanan juruwang, pesanan bank atau draf bank dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Ketua Pengarah atau Pengarah Negeri; atau

(c) melalui kad kredit atau pemindahan wang secara elektronik.

(2) Jika pembayaran dibuat mengikut subsubperenggan (1)*(b),* kiriman wang, wang pos, pesanan juruwang, pesanan bank atau draf bank hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar bayar dahulu ke alamat yang dinyatakan dalam tawaran untuk mengkompaun kesalahan.

(3) Suatu resit rasmi hendaklah dikeluarkan bagi tiap-tiap pembayaran yang diterima di bawah subperenggan (1) kepada orang yang kepadanya tawaran untuk mengkompaun itu telah dibuat.

(4) Suatu resit rasmi yang dikeluarkan di bawah subperenggan (3) hendaklah termasuk apa-apa resit elektronik jika pembayaran dibuat melalui kad kredit atau pemindahan wang secara elektronik sebagaimana yang dinyatakan dalam subsubperenggan (1)*(c)*.

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JADUAL PERTAMA

[Subperenggan 2(1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

(a) Kesalahan yang dilakukan di bawah peruntukan Akta Binatang 1953 seperti yang berikut:

subseksyen 8(2)
subseksyen 12(2)
subseksyen 18(3)
subseksyen 21(3)
subseksyen 22(2)
subseksyen 23(2)
subseksyen 24(4)
subseksyen 25(2)
subseksyen 26(2)
subseksyen 27(2)
subseksyen 28(2)
perenggan 30(3)*(a)* dan *(b)*
perenggan 31(4)*(a)* dan *(b)*
subseksyen 33(2)
subseksyen 34(2)
subseksyen 35(2)
subseksyen 36(7)
perenggan 39(6)*(a)* dan *(b)*
subseksyen 40(6)
subseksyen 41(2)
subseksyen 42(8)
subseksyen 50A(2)
subseksyen 51(3)

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subseksyen 55(2)
subseksyen 58(3)
subseksyen 60(3)
subseksyen 61(2)

(b) Kesalahan yang dilakukan di bawah peruntukan Kaedah-Kaedah Binatang (Kawalan Penyembelihan) 2009 [*P.U. (A) 213/2009*] seperti yang berikut:

subkaedah 5 (1), (2) dan (3)
subkaedah 11(2)
subkaedah 13(5), (6) dan (7)
subkaedah 14(2)

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JADUAL KEDUA

BORANG 1
[Subperenggan 2(2)]

AKTA BINATANG 1953

PERINTAH BINATANG (PENGKOMPAUNAN KESALAHAN) 2019

KEIZINAN UNTUK MENGKOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 376(3) Kanun Tatacara Jenayah [*Akta 593*], saya, ...(*nama*).. dengan ini memberikan keizinan untuk mengkompaun ....(*nama orang yang kepadanya tawaran kompaun itu dibuat*)..................... bagi kesalahan yang dilakukan di bawah .... yang dikatakan dilakukan pada ....(*tarikh*).................. di ....(*tempat*)................................ .

Bertarikh................hari bulan........., 20.............

....

Pendakwa Raya/
Timbalan Pendakwa Raya

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BORANG 2
[Subperenggan 3(1)]

AKTA BINATANG 1953

PERINTAH BINATANG (PENGKOMPAUNAN KESALAHAN) 2019

TAWARAN UNTUK MENGKOMPAUN KESALAHAN

Apabila menjawab sila nyatakan:

Nombor Rujukan : ....

Tarikh : ....

Kepada:

....

....

....

....

Tuan/Puan,

Suatu penyiasatan telah dijalankan terhadap anda/ ....*

(*nyatakan nama pemilik/syarikat/perniagaan/badan lain**)

dan anda didapati telah melakukan kesalahan di bawah Akta Binatang 1953 [*Akta 647*]/ Kaedah-Kaedah/ Perintah* yang dibuat di bawah Akta dengan butir-butir yang berikut:

(a) Peruntukan Akta/Kaedah-Kaedah/Perintah yang berkaitan*:

....

....

(b) Tarikh : ……………………………………………..

(c) Masa : ……………………………………………..

(d) Tempat : ………………………………………………………………...................................

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(e) Butir-butir kesalahan:

....

....

....

2. Menurut subseksyen 73B (2) Akta Binatang 1953, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM .... (Ringgit Malaysia ....) sahaja.

3. Jika tawaran untuk mengkompaun kesalahan di atas diterima, pembayaran penuh hendaklah dibuat secara tunai/kiriman wang/wang pos/pesanan juruwang/pesanan bank/draf bank* dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Ketua Pengarah atau Pengarah Negeri atau melalui kad kredit atau pemindahan wang secara elektronik, dan boleh diserahkan sendiri atau dihantar melalui pos berdaftar bayar dahulu kepada alamat yang berikut:

....

....

....

4. Suatu resit rasmi akan dikeluarkan apabila pembayaran kompaun itu diterima.

5. Tawaran ini sah sehingga ....

6. Jika tiada pembayaran diterima dalam tempoh yang disebut dalam perenggan 5, pendakwaan bagi kesalahan itu boleh dimulakan terhadap anda tanpa notis selanjutnya.

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Tarikh: ....

....

Ketua Pengarah/ Pengarah

Negeri

Nama:
Jawatan:
Cop rasmi:

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BORANG 3
[Subperenggan 3(2)]

AKTA BINATANG 1953

PERINTAH BINATANG (PENGKOMPAUNAN KESALAHAN) 2019

PENYETUJUTERIMAAN TAWARAN UNTUK MENGKOMPAUN KESALAHAN

Kepada:

Ketua Pengarah/Pengarah Negeri

....

....

....

Tuan,

Saya merujuk kepada Tawaran Untuk Mengkompaun Kesalahan dengan nombor rujukan Kompaun ………………………… bertarikh ……………………………… .

2. Saya mengaku bahawa saya telah melakukan kesalahan ini dan saya menerima tawaran untuk mengkompaun itu dan disertakan bersama ini wang tunai/kiriman wang/ wang pos/pesanan juruwang/pesanan bank/draf bank nombor rujukan .... dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Ketua Pengarah atau Pengarah Negeri/kad kredit/pemindahan wang secara elektronik bagi jumlah wang sebanyak RM………………… (Ringgit Malaysia ....) sahaja sebagai bayaran penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Tawaran untuk Mengkompaun Kesalahan.

Tandatangan : ....

Nama (*huruf besar*) : ....

Nombor Kad Pengenalan/Pasport* : ....

Jawatan : ....

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Nama Syarikat/Perniagaan/badan lain* (*jika berkenaan*): ………………………………………………

Meterai Syarikat/Cap Perniagaan atau badan lain* (*jika berkenaan*): ……………………………….

No.Pendaftaran Syarikat/No. Lesen/No.Permit* (*jika berkenaan*): ……………………………….

Alamat:

……

……

……

Tarikh: ……………………..

** Potong mana-mana yang tidak berkenaan*

Dibuat 18 September 2019
[KP/LA/483/17 Jld. 8; PN(PU2)195/VII]

DATO' SALAHUDDIN AYUB
Menteri Pertanian dan Industri Asas Tani

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ANIMALS ACT 1953

ANIMALS (COMPOUNDING OF OFFENCES) ORDER 2019

IN exercise of the powers conferred by section 73B of the Animals Act 1953 [*Act 647*], the Minister makes the following order:

Citation

1. This order may be cited as the **Animals (Compounding of Offences) Order 2019**.

Compoundable offences

2. (1) The offences specified in the First Schedule are prescribed to be compoundable offences.

(2) The offences referred to in subparagraph (1) may be compounded with the consent in writing of the Public Prosecutor in Form 1 of the Second Schedule.

Offer and acceptance of compound

3. (1) An offer to compound an offence referred to in subparagraph 2(1) shall be made in Form 2 of the Second Schedule.

(2) A person who accepts an offer to compound a compoundable an offence referred to in subparagraph 2(1) shall accept the offer in Form 3 of the Second Schedule.

Method of compounding

4. Upon receipt of any information or complaint that an offence referred to in subparagraph 2(1) has been committed, the Director General, the State Director or any officer authorized in writing by the Director General or the State Director, may issue an offer to compound the offence in Form 2 of the Second Schedule to the person suspected of having committed the offence.

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Payment of compound

5. (1) If an offer to compound an offence under paragraph 4 is accepted by the person to whom the offer is made, he may pay the compound—

(a) by cash and delivered personally to the Department of Veterinary Services or any branch as determined by the Director General;

(b) by money order, postal order, cashier's order, banker's order or bank draft crossed with words "Account Payee Only" made payable to the Director General or the State Director; or

(c) through credit card or an electronic fund transfer.

(2) If the payment is made in accordance with subsubparagraph (1)*(b),* the money order, postal order, cashier's order, banker's order or bank draft shall be delivered personally or sent by prepaid registered post to the address specified in the offer to compound offences.

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

(4) An official receipt issued under subparagraph (3) shall include any electronic receipt issued if the payment is made through credit card or electronic fund transfer as specified in subsubparagraph (1)*(c)*.

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FIRST SCHEDULE

[Subparagraph 2(1)]

COMPOUNDABLE OFFENCES

The following offences are prescribed to be offences which may be compounded:

(a) The offences committed under the provisions of the Animals Act 1953 as follows:

subsection 8(2)
subsection 12(2)
subsection 18(3)
subsection 21(3)
subsection 22(2)
subsection 23(2)
subsection 24(4)
subsection 25(2)
subsection 26(2)
subsection 27(2)
subsection 28(2)
paragraphs 30(3)*(a)* and *(b)*
paragraphs 31(4)*(a)* and *(b)*
subsection 33(2)
subsection 34(2)
subsection 35(2)
subsection 36(7)
paragraphs 39(6)*(a)* and *(b)*
subsection 40(6)
subsection 41(2)
subsection 42(8)
subsection 50A(2)
subsection 51(3)
subsection 55(2)

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subsection 58(3)
subsection 60(3)
subsection 61(2)

(b) The offences committed under the provisions of the Animals (Control of Slaughter) Rules 2009 [*P.U. (A) 213/2009*] as follows:

subrules 5 (1), (2) and (3)
subrule 11(2)
subrules 13(5), (6) and (7)
subrule 14(2)

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SECOND SCHEDULE

FORM 1
[Subparagraph 2(2)]

ANIMALS ACT 1953

ANIMALS (COMPOUNDING OF OFFENCES) ORDER 2019

CONSENT TO COMPOUND OFFENCES

IN exercise of the powers conferred by subsection 376(3) of the Criminal Procedure Code [*Act 593*], I, ...(*name*)... hereby give consent to compound .... (*name of the person to whom the compound offer is made*)............................ for the offences committed under .... which is said to be done on .... (*date*) .... at ....(*place*).. .

Dated .... of ....20 ....

....
Public Prosecutor/
Deputy Public Prosecutor

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FORM 2
[Subparagraph 3(1)]

ANIMALS ACT 1953

ANIMALS (COMPOUNDING OF OFFENCES) ORDER 2019

OFFER TO COMPOUND OFFENCES

Please quote when replying:

Reference Number : ....

Date : ....

To:

....

....

....

....

Sir/Madam,

An investigation has been conducted against you/ ....*

(state name of owner/ company/business/other body*)

and you are found to have committed the offence under the Animals Act 1953 [*Act 647*]/Rules/Order* made under the Act with the following particulars:

(a) Relevant provision of the Act/ Rules/ Order*:

....

....

(b) Date : ....

(c) Time : ....

(d) Place : ....

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(e) Particulars of offence*:

....

....

....

2. Pursuant to subsection 73B (2) of the Animals Act 1953, you are offered a compound for the offence stated above for the sum of RM .... (Ringgit Malaysia ....) only.

3. If the above offer to compound is accepted, the full 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 Director General or the State Director or through credit card or electric fund transfer, and may be delivered personally or sent by prepaid registered post to the following address:

....

....

....

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

5. This offer shall be valid until ....

6. If no payment is received within the period referred to in paragraph 5, prosecution for the offence may be instituted thereafter against you without further notice.

Date: ....

....
Director General / State Director

Name:
Designation:
Official stamp:

** Delete whichever is inapplicable*

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FORM 3
[Subparagraph 3(2)]

ANIMALS ACT 1953

ANIMALS (COMPOUNDING OF OFFENCES) ORDER 2019

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

To:

The Director General/State Director

....

....

....

Sir,

I refer to the Offer to Compound Offences bearing the reference number……………………..……. dated ………………….... .

2. I admit that I have committed this offence and I accept the offer to compound and enclosed herewith cash/moneyorder/postal order/cashier's order/banker's order/ bank draft reference number* .... crossed with the words "Account Payee Only" made payable to the Director General or State Director/credit card/ electronic fund transfer for the sum of RM ....……......... (Ringgit Malaysia ....…………………………………) only as full settlement of the sum stipulated in paragraph 2 of the Offer to Compound Offence.

Signature : ....

Name (*in capital letter*) : ....

Identity Card Number/Passport* : ....

Designation : ……....................…..….......................................…

Name of company/ business/other body* (*if applicable*): ……………….……………..….................

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

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

Address:

………

………

………

Date: ……………………..

** Delete whichever is inapplicable*

Made 18 September 2019
[KP/LA/483/17 Jld. 8; PN(PU2)195/VII]

DATO' SALAHUDDIN AYUB
Minister of Agriculture and Agro-based Industry

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