

A BILL

i n t i t u l e d

An Act to amend the Control of Supplies Act 1961.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Control of Supplies (Amendment) Act 2014.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 6

2. The Control of Supplies Act 1961 [*Act 122*], which is referred to as the “principal Act” in this Act, is amended by substituting for paragraph 6(2)(*k*) the following paragraph:

“(*k*) limiting the quantity of any controlled article which may be acquired or held by any person or class of persons including providing for the registration of the person

or class of persons, the issuance of user cards by the Controller or any person authorized by the Controller, and the imposition of conditions, fees or charges in respect of the issuance of the user cards;”.

Amendment of section 20

3. Section 20 of the principal Act is amended—

- (a) in subsection (4), by substituting for the words “or other person authorized by the said subsection to carry out the search and” the words “, the supplies officer or the police officer not below the rank of Inspector and”; and
- (b) by inserting after subsection (4) the following subsection:

“(5) Any vehicle, vessel or other article, by means of which an offence has been committed under this section or which is intended to be used for the commission of the offence, may be removed by the Controller, the supplies officer or the police officer not below the rank of Inspector and, if not claimed within one month of the removal, may be sold or disposed of by the Controller as he thinks fit, and the proceeds of such sale, if any, shall be paid into the Consolidated Fund.”.

Amendment of section 22

4. Section 22 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by substituting for the words “one hundred thousand” the words “one million”; and
 - (ii) by substituting for the words “two hundred and fifty thousand” the words “three million”; and

(b) in subsection (2)—

(i) by substituting for the words “two hundred and fifty thousand” the words “two million”; and

(ii) by substituting for the words “five hundred thousand” the words “five million”.

Amendment of section 26

5. Section 26 of the principal Act is amended—

(a) in subsection (1)—

(i) by substituting for paragraph (a) the following paragraph:

“(a) any controlled article, in respect of which the offence has been committed, which has been seized by or has otherwise come into the possession of the Controller or any person acting under his authority;”;
and

(ii) by inserting after paragraph (a) the following paragraph:

“(aa) any property of the accused, vehicle, vessel or other article, by means of which the offence has been committed or which is intended to be used for the commission of an offence against this Act; or”;
and

(b) in subsection (2), by inserting after the words “proceeds of sale,” the words “property of the accused,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Control of Supplies Act 1961 (“Act 122”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend paragraph 6(2)(k) of Act 122 to empower the Minister to make regulations for limiting the quantity of any controlled article which may be acquired or held by any person or class of persons including providing for the registration of the person or class of persons, the issuance of user cards by the Controller or any person authorized by the Controller, and the imposition of conditions, fees or charges in respect of the issuance of the user cards.

4. *Clause 3* seeks to amend section 20 of Act 122.

Subclause 3(a) seeks to amend subsection 20(4) of Act 122 to clarify that any controlled article found in the course of a search under subsection 20(2) of Act 122 may be removed by the Controller, the supplies officer or the police officer not below the rank of Inspector referred to in subsection 20(2) of Act 122.

Subclause 3(b) seeks to introduce a new subsection 20(5) into Act 122 to empower the Controller, the supplies officer or the police officer not below the rank of Inspector referred to in subsection 20(2) of Act 122 to remove any vehicle, vessel or other article, by means of which an offence has been committed under section 20 of Act 122 or which is intended to be used for the commission of the offence. If the vehicle, vessel or other article is not claimed within one month of the removal, the Controller is empowered to sell or dispose of the vehicle, vessel or other article, and the proceeds of such sale, if any, shall be paid into the Consolidated Fund.

5. *Clause 4* seeks to amend section 22 of Act 122.

Subclause 4(a) seeks to amend subsection 22(1) of Act 122 to increase the penalty of fine for an offence committed by a person, other than a body corporate, against Act 122 from not exceeding one hundred thousand ringgit to not exceeding one million ringgit, and for a second or subsequent offence, from not exceeding two hundred and fifty thousand ringgit to not exceeding three million ringgit.

Subclause 4(b) seeks to amend subsection 22(2) of Act 122 to increase the penalty of fine for an offence committed by a body corporate against Act 122 from not exceeding two hundred and fifty thousand ringgit to not exceeding two million ringgit, and for a second or subsequent offence, from not exceeding five hundred thousand ringgit to not exceeding five million ringgit.

6. *Clause 5* seeks to amend section 26 of Act 122.

Paragraph 5(a)(ii) seeks to redraft paragraph 26(1)(a) of Act 122 and to introduce a new paragraph 26(1)(aa) into Act 122 to clarify that where a person is convicted of an offence against Act 122, the court may order the confiscation in whole or in part of any property of the accused, vehicle, vessel or other article, by means of which an offence has been committed or which is intended to be used for the commission of an offence against Act 122.

Subclause 5(b) seeks to amend subsection 26(2) of Act 122 to require the court to deliver the property of the accused confiscated to the Controller (if not already in possession of the Controller) or to any person designated by the Controller, and the Controller shall give directions as to its disposal.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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