

A BILL

*i n t i t u l e d*

An Act to amend the National Anti-Drugs Agency Act 2004.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title**

**1.** This Act may be cited as the National Anti-Drugs Agency (Amendment) Act 2016.

**Amendment of section 2**

**2.** The National Anti-Drugs Agency Act 2004 [Act 638], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by substituting for the full stop at the end of the definition of “officer of the Agency” a semicolon; and

(b) by inserting after the definition of “officer of the Agency” the following definition:

‘ “senior officer of the Agency” means the Director General and any officer of the Agency holding the office of Deputy Director General, Director, Senior Assistant Director and Assistant Director.’

**Amendment of section 7****3. Section 7 of the principal Act is amended—**

- (a) in subsection (2), by inserting after the words “as provided for under” the words “the Police Act 1967 [Act 344],”;
- (b) in subsection (3), by substituting for paragraph (e) the following paragraph:

“(e) an officer of the Agency below the rank of Assistant Officer, when escorting and guarding persons in custody of the Agency, shall have all the powers of a police officer of the rank of Corporal and below and a prison officer of the rank of Sergeant and below under the Prison Act 1995 [Act 537].”; and

- (c) by inserting after subsection (3) the following subsection:

“(4) For the purposes of this Act—

- (a) where an order, a certificate or any other act is required to be given, issued or done by an officer in charge of a Police District under any written law, such order, certificate or act may be given, issued or done by a senior officer of the Agency, Investigator or Senior Assistant Officer and for such purpose, the place where the order, certificate or act was given, issued or done shall be deemed to be a Police District under his charge;
- (b) an officer of the Agency shall have all the powers conferred on an officer in charge of a police station under any written law, and for such purpose the office of such officer shall be deemed to be a police station; and
- (c) an officer of the Agency shall have all the powers of a police officer of whatever rank as provided for under the Criminal Procedure Code [Act 593] and the Registration of Criminals and Undesirable Persons Act 1969 [Act 7], and such powers shall be in addition to the powers provided for under this Act and not in derogation thereof, but in the event of any inconsistency or conflict between the provisions of this Act and those of the Criminal Procedure Code, the provisions of this Act shall prevail.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the National Anti-Drugs Agency Act 2004 (“Act 638”).

2. *Clause 1* contains the short title of the proposed Act.
3. *Clause 2* seeks to introduce the definition of “senior officer of the Agency” into Act 638.
4. *Clause 3* seeks to make provision for an officer of the Agency to have all the powers of a police officer of the rank of Corporal and below and a prison officer of the rank of Sergeant and below under the Prison Act 1995 when escorting and guarding persons in custody of the Agency. *Clause 3* also seeks to deem the offices of the Agency to be a police station for the purpose of Act 638.

*FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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