

OFFENCES RELATING TO AWARDS BILL 2016

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A BILL

i n t i t u l e d

An Act to provide for offences relating to awards and the extra-territorial application of this Act and for connected matters.

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ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title, commencement and application

1. (1) This Act may be cited as the Offences relating to Awards Act 2016.

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

(3) This Act and its subsidiary legislation shall apply both within and outside Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

“foreign award” means a valid Order, Decoration and Medal awarded by a Head of State in the First Schedule;

“unrecognized foreign award” means a foreign award other than those awarded by a Head of State in the First Schedule;

“unrecognized award” means an award purporting to be a Yang di-Pertuan Agong award conferred by any person other than the Yang di-Pertuan Agong;

“Yang di-Pertuan Agong award” means a valid Order, Decoration and Medal instituted by the statutes of the Yang di-Pertuan Agong for the purposes of the Federation and the Federal Territories;

“investiture” means the conferment of the Yang di-Pertuan Agong award on a particular person by the Yang di-Pertuan Agong;

“insignia” means—

(a) the collar, riband, badge of the order, badge of the collar, star of the order and badge of the neck;

(b) the ribbon, badge and emblem of the decoration; or

(c) the ribbon and medal;

“Ruler” and “Yang di-Pertua Negeri” have the meanings assigned to them in Clause (2) of Article 160 of the Federal Constitution;

“gratification” has the meaning assigned to it in section 3 of the Malaysian Anti-Corruption Commission Act [Act 694].

PART II

YANG DI-PERTUAN AGONG AWARD

Receiving and using unrecognized award

3. (1) A person shall not receive an unrecognized award from any person whether within or outside Malaysia.

(2) A person shall not use and enjoy the appellation and style of an unrecognized award in any form and manner.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years.

ILLUSTRATION

A receives an unrecognized award in 2010 that carries an appellation and style that A has been using since 2010. Upon the coming into operation of this Act, A is prohibited from using the appellation and style. A uses the appellation and style after the coming into operation of this Act. A commits an offence.

Attending, etc., investiture for unrecognized award

4. (1) A person shall not conduct an investiture ceremony for an unrecognized award.

(2) A person shall not attend, promote or participate in an investiture ceremony for an unrecognized award.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Making, etc., of insignias for unrecognized awards

5. (1) A person shall not make, or knowingly perform any part of the process of making of, insignias for unrecognized awards.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Making, etc., instrument for making insignias for unrecognized awards

6. (1) A person shall not make or mend, or perform any part of the process of making or mending, or buy, sell, or dispose of any die or instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of making of insignias for unrecognized awards.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Possession of instrument or material for the purpose of using the same for making of insignias for unrecognized awards

7. (1) A person shall not be in possession of any instrument or material for the purpose of using the same for making of insignias for unrecognized awards, or knowing or having reason to believe that the same is intended to be used for that purpose.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Representing as holder of Yang di-Pertuan Agong award

8. (1) A person shall not represent himself as a valid holder of any Yang di-Pertuan Agong award if he was never conferred such award.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years.

Using revoked or withdrawn Yang di-Pertuan Agong award

9. (1) A person shall not use and enjoy the appellation and style of any Yang di-Pertuan Agong award that has been revoked or withdrawn by the Yang di-Pertuan Agong.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years.

Using Yang di-Pertuan Agong award when not entitled

10. (1) A person shall not use and enjoy the appellation and style of any Yang di-Pertuan Agong award in any form and manner if he is not entitled to use and enjoy such appellation and style under the statutes instituting the award.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

ILLUSTRATIONS

(a) A, is a holder of a Yang di-Pertuan Agong award who is married to Z. Z is entitled to use and enjoy the appellation and style of such award during her marriage to A. A and Z are now divorced and Z continues to use and enjoy the appellation and style of such award. Z commits an offence.

(b) A, is a holder of a Yang di-Pertuan Agong award who is married to Z. Z is entitled to use and enjoy the appellation and style of such award during her marriage to A and after the death of A. After A died, Z subsequently remarried. Z continues to use and enjoy the appellation and style of such award. Z commits an offence.

PART III

FOREIGN AWARD

Receiving foreign award from Head of State

11. (1) A citizen may only receive a foreign award from a Head of State in the First Schedule.

(2) A citizen except the Rulers and their Consorts and the Yang di-Pertua Negeri and their Consorts shall obtain the written permission of the Yang di-Pertuan Agong before receiving any foreign award.

(3) A citizen shall not use and enjoy the appellation and style of the foreign award received in any form and manner within Malaysia.

(4) Notwithstanding subsection (3), a citizen who receives any foreign award—

- (a) for gallantry or substantial services rendered by the citizen to the awarding country may wear the foreign award received on all appropriate occasions within Malaysia; or
- (b) as a mark of courtesy may only wear the foreign award received on any occasion held in Malaysia by a recognized representative of the awarding country and the wearing of such foreign award is required for the occasion.

(5) Any person who contravenes subsection (2) or (3) commits an offence and shall, on conviction be liable, to a fine not exceeding five hundred thousand ringgit.

Receiving and using unrecognized foreign award

12. (1) A citizen shall not receive an unrecognized foreign award from any person whether within or outside Malaysia.

(2) A citizen shall not use and enjoy the appellation and style of an unrecognized foreign award in any form and manner.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years.

ILLUSTRATION

A receives an unrecognized foreign award in 2010 that carries an appellation and style that A has been using since 2010. Upon the coming into operation of this Act, A is prohibited from using the appellation and style. A uses the appellation and style after the coming into operation of this Act. A commits an offence.

PART IV

GRATIFICATION

Soliciting, receiving, giving, etc., gratification for unrecognized award

13. (1) A person by himself, or by or in conjunction with any other person—

- (a) shall not solicit, receive or agree to receive for himself or for any other person; or

(b) shall not give, promise or offer to any person whether for the benefit of that person or of another person,

any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure the grant of an unrecognized award to any person in connection of such grant.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding twenty years.

(3) For the purpose of this section, “unrecognized award” includes an award purporting to be a valid Order, Decoration and Medal instituted by the statutes of a Ruler or Yang di-Pertua Negeri conferred by any person other than a Ruler or Yang di-Pertua Negeri.

Soliciting, receiving, giving, etc., gratification for investiture for unrecognized award

14. (1) A person by himself, or by or in conjunction with any other person—

(a) shall not solicit, receive or agree to receive for himself or for any other person; or

(b) shall not give, promise or offer to any person whether for the benefit of that person or of another person,

any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure an investiture for an unrecognized award to any person in connection with such investiture.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding twenty years.

(3) For the purpose of this section, “unrecognized award” includes an award purporting to be a valid Order, Decoration and Medal instituted by the statutes of a Ruler or Yang di-Pertua Negeri conferred by any person other than a Ruler or Yang di-Pertua Negeri.

Soliciting, receiving, giving, etc., gratification for award

15. (1) A person by himself, or by or in conjunction with any other person—

(a) shall not solicit, receive or agree to receive for himself or for any other person; or

(b) shall not give, promise or offer to any person whether for the benefit of that person or of another person,

any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure the grant of any award to any person in connection with such grant.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding twenty years.

(3) For the purpose of this section, “award” means the Yang di-Pertuan Agong award or a valid Order, Decoration and Medal instituted by the statutes of a Ruler or Yang di-Pertua Negeri.

Soliciting, receiving, giving, etc., gratification for unrecognized foreign award

16. (1) A citizen by himself, or by or in conjunction with any other person—

(a) shall not solicit, receive or agree to receive for himself or for any other person; or

(b) shall not give, promise or offer to any person whether for the benefit of that person or of another person,

any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure the grant of an unrecognized foreign award to any citizen in connection with such grant.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding twenty years.

PART V

MISCELLANEOUS

Offences under State law committed outside State territory

17. Any person who contravenes any provision of a State law specified in the Second Schedule outside the territory of that State commits an offence under this Act and shall, on conviction, be liable to the penalty provided under the State law.

Power to make regulations

18. The Minister may make regulations as may be necessary or expedient for giving full effect to or for carrying out the provisions of this Act.

Power to amend Schedules

19. The Yang di-Pertuan Agong may, by order published in the *Gazette*, amend the First Schedule, and upon request of a Ruler or Yang di-Pertua Negeri amend the Second Schedule.

FIRST SCHEDULE

[Section 11]

Head of State

<i>Country</i>	<i>Head of State</i>
Afghanistan	President of the Islamic Republic of Afghanistan
Albania	President of the Republic of Albania
Algeria	<i>Président de la République algérienne démocratique et populaire</i>
Andorra	<i>Co-Princes de la Principauté d'Andorre</i>
Angola	President of the Republic of Angola President of the Popular Movement for the Liberation of Angola (MPLA)
Antigua and Barbuda	Governor-General of Antigua and Barbuda
Argentina	<i>Presidente de la República Argentina</i>
Armenia	President of the Republic of Armenia

<i>Country</i>	<i>Head of State</i>
Australia	Governor-General of the Commonwealth of Australia
Austria	Federal President of the Republic of Austria
Azerbaijan	President of the Republic of Azerbaijan
Bahamas	Governor-General of the Commonwealth of the Bahamas
Bahrain	King of the Kingdom of Bahrain
Bangladesh	President of the People's Republic of Bangladesh
Barbados	Governor-General of Barbados
Belarus	President of the Republic of Belarus
Belgium	<i>Roi des Belges</i>
Belize	Governor-General of Belize
Benin	<i>Président de la République du Bénin</i>
Bhutan	King of Bhutan
Bolivia (Plurinational State of)	<i>Presidente Constitucional del Estado Plurinacional de Bolivia</i>
Bosnia and Herzegovina	Chairman of the Presidency of Bosnia and Herzegovina
Botswana	President of the Republic of Botswana
Brazil	President of the Federative Republic of Brazil
Brunei Darussalam	Sultan and Yang Di Pertuan of Negara Brunei Darussalam
Bulgaria	President of the Republic of Bulgaria
Burkina Faso	<i>Président du Faso, Président du Conseil des Ministres</i>
Burundi	<i>Président de la République du Burundi</i>
Cabo Verde	<i>Président de la République de Cabo Verde</i>
Cambodia	King of Cambodia
Cameroon	<i>Président de la République du Cameroun</i>
Canada	Governor-General and Commander-in-Chief of Canada
Central African Republic	<i>Chef de l'Etat de la République centrafricaine</i>
Chad	<i>Président de la République du Tchad, Chef de l'Etat</i>
Chile	<i>Presidenta de la República de Chile</i>
China	President of the People's Republic of China

<i>Country</i>	<i>Head of State</i>
Columbia	<i>Presidente de la República de Colombia</i>
Comoros	<i>Président de l'Union des Comores</i>
Congo	<i>Président de la République du Congo</i>
Costa Rica	<i>Presidente de la República de Costa Rica</i>
Cote d'Ivoire	<i>Président de la République de Côte d'Ivoire</i>
Croatia	President of the Republic of Croatia
Cuba	<i>Presidente de los Consejos de Estado y de Ministros de la República de Cuba</i>
Cyprus	President of the Republic of Cyprus
Czech Republic	President of the Czech Republic
Democratic People's Republic of Korea	Chairman of the Workers' Party of Korea, Chairman of the State Affairs Commission of the Democratic People's Republic of Korea, Supreme Commander of the Korean People's Army
Democratic Republic of The Congo	<i>Président de la République démocratique du Congo</i>
Denmark	Queen Margrethe II
Djibouti	<i>Président de la République de Djibouti et Chef du Gouvernement</i>
Dominica	President of the Commonwealth of Dominica
Dominican Republic	<i>Presidente de la República Dominicana</i>
Ecuador	<i>Presidente Constitucional de la República del Ecuador</i>
Egypt	President of the Arab Republic of Egypt
El Salvador	<i>Presidente de la República de El Salvador</i>
Equatorial Guinea	<i>Presidente de la República de Guinea Ecuatorial, Jefe de Estado</i>
Eritrea	President of the State of Eritrea
Estonia	President of the Republic of Estonia
Ethiopia	President of the Federal Democratic Republic of Ethiopia
Fiji	President of the Republic of Fiji
Finland	President of the Republic of Finland
France	<i>Président de la République française</i>
Gabon	<i>Président de la République gabonaise</i>

<i>Country</i>	<i>Head of State</i>
Gambia	President of the Republic of the Islamic Republic of The Gambia
Georgia	President of Georgia
Germany	President of the Federal Republic of Germany
Ghana	President of the Republic of Ghana
Greece	President of the Hellenic Republic
Grenada	Governor-General of Grenada
Guatemala	<i>Presidente de la República de Guatemala</i>
Guinea	<i>Président de la République de Guinée</i>
Guinea-Bissau	<i>Président de la République de Guinée- Bissau</i>
Guyana	<i>President of the Republic of Guyana</i>
Haiti	<i>Président Provisoire de la République d'Haïti</i>
Holy See	Pope Francis
Honduras	<i>Presidente de la República de Honduras</i>
Hungary	President of Hungary
Iceland	President of the Republic of Iceland
India	President of the Republic of India
Indonesia	President of the Republic of Indonesia
Iran (Islamic Republic of)	President of the Islamic Republic of Iran
Iraq	President of the Republic of Iraq
Ireland	President of Ireland
Italy	<i>Président de la République italienne</i>
Jamaica	Governor-General of Jamaica
Japan	The Emperor of Japan
Jordan	King of the Hashemite Kingdom of Jordan
Kazakhstan	President of the Republic of Kazakhstan
Kenya	President and Commander-in-Chief of the Defence Forces of the Republic of Kenya
Kiribati	President, Head of Government and Minister for Foreign Affairs and Immigration of the Republic of Kiribati
Kuwait	Amir of the State of Kuwait
Kyrgyzstan	President of the Kyrgyz Republic
Lao People's Democratic Republic	President of the Lao People's Democratic Republic

<i>Country</i>	<i>Head of State</i>
Latvia	President of the Republic of Latvia
Lebanon	<i>Président de la République libanaise</i>
Lesotho	King of the Kingdom of Lesotho
Liberia	President of the Republic of Liberia
Libya	President of the Presidency Council of the Government of National Accord of Libya
Liechtenstein	Reigning Prince
Lithuania	President of the Republic of Lithuania
Luxembourg	<i>Le Grand-Duc de Luxembourg</i>
Madagascar	<i>Président de la République de Madagascar</i>
Malawi	President of the Republic of Malawi, Minister for Defense and Commander-in-Chief of the Malawi Defense Force and the Malawi Police Service
Maldives	President of the Republic of Maldives
Mali	<i>Président de la République du Mali</i>
Malta	President of the Republic of Malta
Marshall Islands	President of the Republic of the Marshall Islands
Mauritania	<i>Président de la République islamique de Mauritanie</i>
Mauritius	President of the Republic of Mauritius
Mexico	<i>Presidente de los Estados Unidos Mexicanos</i>
Micronesia (Federated States of)	President and Head of Government of the Federated States of Micronesia
Monaco	<i>Prince Souverain de Monaco</i>
Mongolia	President of Mongolia
Montenegro	President of Montenegro
Morocco	<i>Roi du Maroc</i>
Mozambique	President of the Republic of Mozambique
Myanmar	President of the Republic of the Union of Myanmar
Namibia	President of the Republic of Namibia
Nauru	President of the Republic of Nauru
Nepal	President of the Federal Democratic Republic of Nepal
Netherlands	King Willem-Alexander of the Netherlands

<i>Country</i>	<i>Head of State</i>
New Zealand	Governor-General of New Zealand
Nicaragua	<i>Presidente de la República de Nicaragua</i>
Niger	<i>Président de la République du Niger</i>
Nigeria	President of the Federal Republic of Nigeria
Norway	King Harald V
Oman	Sultan Qaboos bin Said
Pakistan	President of the Islamic Republic of Pakistan
Palau	President of the Republic of Palau
Panama	<i>Presidente de la República de Panamá</i>
Papua New Guinea	Governor-General of the Independent State of Papua New Guinea
Paraguay	<i>Presidente de la República del Paraguay</i>
Peru	<i>Presidente de la República del Perú</i>
Philippines	President of the Republic of the Philippines
Poland	President of the Republic of Poland
Portugal	President of the Republic of Portugal
Qatar	Amir of the State of Qatar
Republic of Korea	President of the Republic of Korea
Republic of Moldova	President of the Republic of Moldova
Romania	<i>Président de la Roumanie</i>
Russian Federation	President of the Russian Federation
Rwanda	<i>Président de la République du Rwanda</i>
Saint Kitts and Nevis	Governor-General of Saint Kitts and Nevis
Saint Lucia	Governor-General of Saint Lucia
Saint Vincent and the Grenadines	Governor-General of Saint Vincent and the Grenadines
Samoa	Head of State of the Independent State of Samoa
San Marino	Captains Regent of the Republic of San Marino
Sao Tome and Principe	<i>Président de la République démocratique de Sao Tomé et Principe</i>
Saudi Arabia	King of Saudi Arabia and Prime Minister of the Kingdom of Saudi Arabia
Senegal	<i>Président de la République du Sénégal</i>
Serbia	President of the Republic of Serbia
Seychelles	President of the Republic of Seychelles
Sierra Leone	President of the Republic of Sierra Leone

<i>Country</i>	<i>Head of State</i>
Singapore	President of the Republic of Singapore
Slovakia	President of the Slovak Republic
Slovenia	President of the Republic of Slovenia
Solomon Islands	Governor-General of Solomon Islands
Somalia	President of the Federal Republic of Somalia
South Africa	President of the Republic of South Africa
South Sudan	President of the Republic of South Sudan
Spain	<i>Rey de España or Sus Majestades el Rey y la Reina de España</i>
Sri Lanka	President of the Democratic Socialist Republic of Sri Lanka
State of Palestine	President of the State of Palestine
Sudan	President of the Republic of Sudan
Suriname	President of the Republic of Suriname
Swaziland	Head of State of the Kingdom of Swaziland
Sweden	King Carl XVI Gustaf
Switzerland	<i>Président de la Confédération suisse</i>
Syrian Arab Republic	President of the Syrian Arab Republic
Tajikistan	President of the Republic of Tajikistan
Thailand	Chairman of the King's Privy Council
The Former Yugoslav Republic of Macedonia	President of the former Yugoslav Republic of Macedonia
Timor-Leste	President of the Democratic Republic of Timor-Leste
Togo	<i>Président de la République togolaise et Ministre de la Défense nationale et des anciens Combattants</i>
Tonga	King of the Kingdom of Tonga
Trinidad and Tobago	President of the Republic of Trinidad and Tobago
Tunisia	<i>Président de la République tunisienne</i>
Turkey	President of the Republic of Turkey
Turkmenistan	President of Turkmenistan
Tuvalu	Governor-General of Tuvalu
Uganda	President of the Republic of Uganda
Ukraine	President of Ukraine
United Arab Emirates	President of the United Arab Emirates
United Kingdom	Queen Elizabeth II
United Republic of Tanzania	President of the United Republic of Tanzania

<i>Country</i>	<i>Head of State</i>
United States of America	President of the United States of America
Uruguay	<i>Presidente de la República Oriental del Uruguay</i>
Uzbekistan	President of the Republic of Uzbekistan
Vanuatu	President of the Republic of Vanuatu
Venezuela (Bolivarian Republic of)	<i>Presidente de la República Bolivariana de Venezuela</i>
Viet Nam	President of the Socialist Republic of Viet Nam
Yemen	President of the Republic of Yemen
Zambia	President of the Republic of Zambia
Zimbabwe	President of the Republic of Zimbabwe

SECOND SCHEDULE

[Section 17]

State Law

EXPLANATORY STATEMENT

This proposed Offences relating to Awards Act 2016 (“the proposed Act”) seeks to create offences relating to awards. Due to the rampant conferment of titles and dignities by persons without constitutional authority and the conferment of titles and dignities by persons other than the Heads of State of foreign countries, the Government has decided to curb the activity in recognition of the sovereign privilege of the Yang di-Pertuan Agong. The proposed Act will cater to all aspects of offences relating to awards of Yang di-Pertuan Agong, the Rulers and Yang di-Pertua Negeri and foreign Heads of State.

PART I

2. Part I deals with preliminary matters.
3. *Clause 1* contains the short title and the power of the Minister to appoint the commencement date of the proposed Act. This Act and its subsidiary legislation shall apply both within and outside Malaysia.
4. *Clause 2* contains the definitions of certain words used in the proposed Act.

PART II

5. Part II contains provisions relating to Yang di-Pertuan Agong awards.
6. *Clause 3* seeks to provide for the offence of receiving and using an unrecognized award. A person is prohibited from receiving an unrecognized award from any person whether within or outside Malaysia and using and enjoying the appellation and style of an unrecognized award in any form and manner. The proposed offence carries a penalty of imprisonment for a term not exceeding three years.
7. *Clause 4* seeks to provide for the offence of attending, *etc.*, an investiture for an unrecognized award. A person is prohibited from conducting an investiture ceremony for an unrecognized award, or attending, promoting or participating in an investiture ceremony for an unrecognized award. The proposed offence carries a penalty of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding three years or both.
8. *Clause 5* seeks to provide for the offence of making, *etc.*, insignias for unrecognized awards. A person is prohibited from making, or knowingly performing any part of the process of making of, insignias for unrecognized awards. The proposed offence carries a penalty of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding three years or both.
9. *Clause 6* seeks to provide for the offence of making, *etc.*, instrument for making insignias for unrecognized awards. A person is prohibited from making or mending, or performing any part of the process of making or mending, or buying, selling, or disposing of any die or instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of making of insignias for unrecognized awards. The proposed offence carries a penalty of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding three years or both.
10. *Clause 7* seeks to provide for the offence of possession of instrument or material for the purpose of using the same for making of insignias for unrecognized awards. A person is prohibited from having in his possession any instrument or material for the purpose of using the same for making of insignias for unrecognized awards, or knowing or having reason to believe that the same is intended to be used for that purpose. The proposed offence carries a penalty of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding three years or both.
11. *Clause 8* seeks to provide for the offence of representing as a holder of a Yang di-Pertuan Agong award. A person is prohibited from representing himself as a valid holder of any Yang di-Pertuan Agong award if he was never conferred such award. The proposed offence carries a penalty of imprisonment for a term not exceeding three years.

12. *Clause 9* seeks to provide for the offence of using a revoked or withdrawn Yang di-Pertuan Agong award. A person is prohibited from using and enjoying the appellation and style of any Yang di-Pertuan Agong awards that has been revoked or withdrawn by the Yang di-Pertuan Agong. The proposed offence carries a penalty of imprisonment for a term not exceeding three years.

13. *Clause 10* seeks to provide for the offence of using a Yang di-Pertuan Agong award when not entitled. A person is prohibited from using and enjoying the appellation and style of any Yang di-Pertuan Agong awards in any form and manner if he is not entitled to use and enjoy such appellation and style. The proposed offence carries a penalty of a fine not exceeding ten thousand ringgit.

PART III

14. Part III contains provisions relating to foreign awards.

15. *Clause 11* seeks to provide for the offence of receiving awards from any Head of State without the written permission of the Yang di-Pertuan Agong. A citizen, except the Rulers and their Consorts and the Yang di-Pertua Negeri and their Consorts, is prohibited from receiving any foreign award without written permission of the Yang di-Pertuan Agong. The citizen however is prohibited from using and enjoying the appellation and style of the foreign award received in any form and manner within Malaysia, except for foreign awards for gallantry or substantial services and foreign awards as a mark of courtesy. The proposed offence carries a penalty of a fine not exceeding five hundred thousand ringgit.

16. *Clause 12* seeks to provide for the offence of receiving and using an unrecognized foreign award. A citizen is prohibited from receiving an unrecognized foreign award from any person whether within or outside Malaysia and using and enjoying the appellation and style of an unrecognized foreign award in any form and manner. The proposed offence carries a penalty of imprisonment for a term not exceeding three years.

PART IV

17. Part IV contains provisions relating to gratification.

18. *Clause 13* seeks to provide for the offence of soliciting, receiving, giving, etc., of gratification for an unrecognized award. A person by himself, or by or in conjunction with any other person, is prohibited from soliciting, receiving or agreeing to receive for himself or for any other person, or giving, promising or offering to any person whether for the benefit of that person or of another person, any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure the grant of an unrecognized award to any person in connection of such grant. The proposed offence carries a penalty of imprisonment for a term not exceeding

twenty years. The proposed section covers both an award purporting to be a Yang di-Pertuan Agong award conferred by any person other than the Yang di-Pertuan Agong or an award purporting to be a valid Order, Decoration and Medal instituted by the statutes of a Ruler or Yang di-Pertua Negeri conferred by any person other than a Ruler or Yang di-Pertua Negeri.

19. *Clause 14* seeks to provide for the offence of soliciting, receiving, giving, etc., gratification for an investiture for an unrecognized award. A person by himself, or by or in conjunction with any other person, is prohibited from soliciting, receiving or agreeing to receive for himself or for any other person, or giving, promising or offering to any person whether for the benefit of that person or of another person, any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure an investiture for an unrecognized award to any person in connection with such investiture. The proposed offence carries a penalty of imprisonment for a term not exceeding twenty years. The proposed section covers both an award purporting to be a Yang di-Pertuan Agong award conferred by any person other than the Yang di-Pertuan Agong or an award purporting to be a valid Order, Decoration and Medal instituted by the statutes of a Ruler or Yang di-Pertua Negeri conferred by any person other than a Ruler or Yang di-Pertua Negeri.

20. *Clause 15* seeks to provide for the offence of soliciting, receiving, giving, etc., gratification for an award. A person by himself, or by or in conjunction with any other person, is prohibited from soliciting, receiving or agreeing to receive for himself or for any other person, or giving, promising or offering to any person whether for the benefit of that person or of another person, any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure the grant of any award to any person in connection with such grant. The proposed offence carries a penalty of imprisonment for a term not exceeding twenty years. The proposed section applies to a Yang di-Pertuan Agong award or a valid Order, Decoration and Medal instituted by the statutes of a Ruler or Yang di-Pertua Negeri.

21. *Clause 16* seeks to provide for the offence of soliciting, receiving, giving, etc., gratification for an unrecognized foreign award. A citizen by himself, or by or in conjunction with any other person, is prohibited from soliciting, receiving or agreeing to receive for himself or for any other person, or giving, promising or offering to any person whether for the benefit of that person or of another person, any gratification as a consideration or an inducement or a reward for procuring or assisting or endeavouring to procure the grant of an unrecognized foreign award to any citizen in connection with such grant. The proposed offence carries a penalty of imprisonment for a term not exceeding twenty years.

PART V

22. Part V deals with miscellaneous matters.

23. *Clause 17* seeks to provide for offences committed under a State law outside the State territory. Any person who contravenes any provision of a State law as specified in the Second Schedule outside the territory of that State commits an offence under the proposed Act and shall, on conviction, be liable to the penalty provided under the State law.

24. *Clause 18* seeks to empower the Minister to make regulations under the proposed Act.

25. *Clause 19* seeks to empower the Yang di-Pertuan Agong to amend the First Schedule and upon request of a Ruler or Yang di-Pertua Negeri amend the Second Schedule under the proposed Act by order published in the *Gazette*.

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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