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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN WARISAN KEBANGSAAN (PENGKOMPAUNAN KESALAHAN) 2019

NATIONAL HERITAGE (COMPOUNDING OF OFFENCES) REGULATIONS 2019

DISIARKAN OLEH/
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AKTA WARISAN KEBANGSAAN 2005

PERATURAN-PERATURAN WARISAN KEBANGSAAN
(PENGKOMPAUNAN KESALAHAN) 2019

PADA menjalankan kuasa yang diberikan oleh perenggan 124(2)(*g*) Akta Warisan Kebangsaan 2005 [*Akta 645*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Warisan Kebangsaan (Pengkompaunan Kesalahan) 2019**.

(2) Peraturan-peraturan ini mula berkuat kuasa pada 19 Julai 2019.

Kesalahan yang boleh dikompaun

2. (1) Kesalahan yang dilakukan di bawah peruntukan Akta sebagaimana yang dinyatakan dalam Jadual Pertama ditetapkan sebagai kesalahan yang boleh dikompaun.

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

Tawaran dan penyetujuterimaan kompaun

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

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

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Pembayaran kompaun

4. (1) Jika suatu tawaran untuk mengkompaun kesalahan disetuju terima oleh orang yang kepadanya tawaran itu dibuat, dia hendaklah membayar kompaun itu melalui cek jurubank atau draf bank dipalang dengan perkataan "Akuan Penerima Sahaja" yang kena dibayar kepada Pesuruhjaya Warisan atau melalui perbankan elektronik.

(2) Jika pembayaran kompaun di bawah subperaturan (1) dibuat melalui cek jurubank atau draf bank, dokumen itu hendaklah dihantar kepada Pesuruhjaya Warisan melalui pos berdaftar prabayar ke alamat yang dinyatakan dalam Borang 2 Jadual Kedua.

(3) Pesuruhjaya Warisan hendaklah mengeluarkan suatu resit rasmi untuk tiap-tiap pembayaran yang diterima di bawah subperaturan (1) kepada orang yang kepadanya tawaran untuk mengkompaun itu telah dibuat.

Penyampaian Borang 2, Borang 3, dsb., melalui pos berdaftar prabayar

5. Jika penyampaian Borang 2, Borang 3 atau dokumen lain dibuat melalui pos berdaftar prabayar, dokumen itu hendaklah disifatkan sebagai telah diserahkan pada masa dokumen itu akan diserahkan dalam perjalanan biasa pos.

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JADUAL PERTAMA

[Subperaturan 2 (1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

(a) Seksyen 40(6);

(b) Seksyen 58(3);

(c) Seksyen 59(3);

(d) Seksyen 61(4);

(e) Seksyen 62(4);

(f) Seksyen 91(2);

(g) Seksyen 92(4);

(h) Seksyen 93(3); dan

(i) Seksyen 112(2).

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JADUAL KEDUA

BORANG 1

[Subperaturan 2 (2)]

AKTA WARISAN KEBANGSAAN 2005

PERATURAN-PERATURAN WARISAN KEBANGSAAN (PENGKOMPAUNAN KESALAHAN) 2019

KEIZINAN UNTUK MENGKOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 119 (1) Akta Warisan Kebangsaan 2005 [*Akta 645*] dan subseksyen 376 (3) Kanun Tatacara Jenayah [*Akta 593*] saya, ...(*nama*)..................................... dengan ini memberi keizinan untuk mengkompaun .... (*nama orang yang kepadanya tawaran kompaun itu dibuat*).. bagi kesalahan yang dilakukan di bawah .... yang dikatakan telah dilakukan pada ....(*tarikh*).. di ....(*tempat*)...................................... .

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

....

Pendakwa Raya/
Timbalan Pendakwa Raya

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BORANG 2

[Subperaturan 3(1)]

AKTA WARISAN KEBANGSAAN 2005

PERATURAN-PERATURAN WARISAN KEBANGSAAN
(PENGKOMPAUNAN KESALAHAN) 2019

TAWARAN UNTUK MENGKOMPAUN KESALAHAN

No. rujukan. : ....
Tarikh : ....

Kepada:

....

....

....

....

Tuan/Puan,*

Suatu penyiasatan telah dijalankan terhadap anda ....*
*(nyatakan nama syarikat/perniagaan/badan lain, jika ada)**
dan anda didapati telah melakukan suatu kesalahan di bawah Akta Warisan Kebangsaan 2005 [*Akta 645*]/peraturan-peraturan yang dibuat di bawah Akta dengan butir-butir yang berikut:

(a) peruntukan Akta/peraturan-peraturan yang berkaitan*:

....

....

....

(b) tarikh:

....

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(c) masa:

....

(d) tempat:

....

(e) butir-butir kesalahan:

....

....

....

2. Menurut subseksyen 119 (1) Akta Warisan Kebangsaan 2005, dengan keizinan secara bertulis daripada Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM.. (Ringgit Malaysia :.. sahaja).

3. Sekiranya tawaran kompaun diterima, bayaran boleh dibuat melalui cek jurubank atau draf bank dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Pesuruhjaya Warisan atau melalui perbankan elektronik dan dihantar melalui pos berdaftar prabayar ke alamat yang berikut:

Blok B, Bangunan Sultan Abdul Samad
Jalan Raja
50050 Kuala Lumpur

Tel: 03-26044800
Faks: 03-26044900

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

5. Tawaran untuk mengkompaun ini sah sehingga ....

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6. Jika tiada bayaran diterima dalam tempoh yang disebut dalam perenggan 5, pendakwaan bagi kesalahan itu boleh dimulakan terhadap anda/...*

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

tanpa notis selanjutnya.

....

Tandatangan Pesuruhjaya Warisan

** Potong mana-mana yang tidak berkenaan*
*** Masukkan nama perundangan yang berkaitan*

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BORANG 3

[Subperaturan 3(2)]

AKTA WARISAN KEBANGSAAN 2005

PERATURAN-PERATURAN WARISAN KEBANGSAAN
(PENGKOMPAUNAN KESALAHAN) 2019

PENYETUJUTERIMAAN TAWARAN UNTUK MENGKOMPAUN KESALAHAN

No. laporan: ....

Kepada:

Pesuruhjaya Warisan

..

..

..

Tuan/Puan,*

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

2. Saya menerima tawaran untuk mengkompaun itu dan disertakan bersama ini pembayaran melalui cek jurubank atau draf bank dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Pesuruhjaya Warisan atau bukti pembayaran melalui perbankan elektronik bagi jumlah wang sebanyak RM .... (Ringgit Malaysia: .... sahaja) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Tawaran untuk Mengkompaun Kesalahan itu.

Tandatangan : ....

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

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Nombor Kad Pengenalan/Pasport* : ....

Nama jawatan : ....
(*Jika berkenaan*)

Bagi pihak : ....
(*Nyatakan nama syarikat/perniagaan/badan lain**) (*Jika berkenaan*)

Meterai Syarikat/Cap Perniagaan atau badan lain*:

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

Alamat:
....
....

Tarikh: ....

** Potong mana-mana yang tidak berkenaan*

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Nota: Bayaran Kompaun hendaklah dibuat atas nama:

"Pesuruhjaya Warisan"

UNTUK KEGUNAAN PEJABAT
Tarikh Bayar:
…………………………………………..
No. Resit Rasmi:
……………………………………….…
Tandatangan Penerima:
…………………………………………..

Dibuat 9 Julai 2019
[JWN.DW.600-4/1/10; PN(PU2)652/XVII]

DATUK MOHAMADDIN BIN KETAPI
Menteri Pelancongan, Seni dan Budaya

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NATIONAL HERITAGE ACT 2005

NATIONAL HERITAGE (COMPOUNDING OF OFFENCES) REGULATIONS 2019

IN exercise of the powers conferred by paragraph 124(2)(*g*) of the National Heritage Act 2005 [*Act 645*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **National Heritage (Compounding of Offences) Regulations 2019**.

(2) These regulations come into operation on 19 July 2019.

Compoundable offences

2. (1) The offences committed under the provisions of the Act as specified in the First Schedule are prescribed to be compoundable offences.

(2) The compoundable offences 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 in subregulation 2(1) shall be made in Form 2 of the Second Schedule.

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

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Payment of compound

4. (1) If an offer to compound an offence is accepted by the person to whom the offer is made, he shall pay the compound by banker's cheque or bank draft crossed with the words "Account Payee Only" made payable to the Commissioner of Heritage or through electronic banking.

(2) If the payment of the compound under subregulation (1) is made by banker's cheque or bank draft, such document shall be sent to the Commissioner of Heritage by prepaid registered post to the address specified in Form 2 of the Second Schedule.

(3) The Commissioner of Heritage shall issue an official receipt for every payment received under subregulation (1) to the person to whom the offer to compound is made.

Service Form 2, Form 3, etc., by prepaid registered post

5. If the service of Form 2, Form 3 or other document is made by prepaid registered post, such document shall be deemed to have been delivered at the time when such document would have been delivered in the ordinary course of the post.

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FIRST SCHEDULE

[Subregulation 2(1)]

COMPOUNDABLE OFFENCES

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

(a) Section 40(6);

(b) Section 58(3);

(c) Section 59(3);

(d) Section 61(4);

(e) Section 62(4);

(f) Section 91(2);

(g) Section 92(4);

(h) Section 93(3); and

(i) Section 112(2).

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SECOND SCHEDULE

FORM 1

[Subregulation 2(2)]

NATIONAL HERITAGE ACT 2005
NATIONAL HERITAGE (COMPOUNDING OF OFFENCES) REGULATIONS 2019

CONSENT TO COMPOUND OFFENCES

IN exercise of the powers conferred by subsection 119(1) of the National Heritage Act 2005 [*Act 645*] and 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 offence/offences committed under .... which is/are said to be done on ....(*date*)............................ at ....(*place*) ....

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

....

Public Prosecutor/
Deputy Public Prosecutor

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FORM 2

[Subregulation 3(1)]

NATIONAL HERITAGE ACT 2005

NATIONAL HERITAGE (COMPOUNDING OF OFFENCES) REGULATIONS 2019

OFFER TO COMPOUND OFFENCE

Reference number : ....

Date : ....

To:

....

....

....

....

Sir/Madam,*

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

*(state name of the company/business/other body, if any)**

and you are found to have committed the offence under the National Heritage Act 2005 [*Act 645*]/regulations made under the Act with the following particulars:

(a) relevant provisions of the Act/regulations*:

....

....

(b) date:

....

(c) time:

....

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(d) place:

....

(e) particulars of offence:

....

....

2. Pursuant to subsection 119(1) of the National Heritage Act 2005, with the consent in writing of the Public Prosecutor, you are offered a compound for the offence stated above for the sum of RM .... (Ringgit Malaysia .... only).

3. If an offer to compound is accepted, payment may be made by banker's cheque or bank draft crossed with the words "Account Payee Only" made payable to the Commissioner of Heritage or through electronic banking and sent by prepaid registered post to the following address:

Blok B, Bangunan Sultan Abdul Samad
Jalan Raja
50050 Kuala Lumpur

Tel: 03-26044800
Faks: 03-26044900

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

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

6. If there is no payment received within period referred to in paragraph 5, prosecution for the offence may be instituted against you/ ....*

*(name of the company/business/other body) **

without further notice.

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……………………………………………………………………
Signature of Commissioner of Heritage

** Delete whichever is inapplicable*
*** Insert citation of relevant legislation*

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FORM 3

[Subregulation 3(2)]

NATIONAL HERITAGE ACT 2005

NATIONAL HERITAGE (COMPOUNDING OF OFFENCES) REGULATIONS 2019

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

Report number: ………………………

To:

Commissioner of Heritage

....

....

....

Sir/Madam,*

I refer to the Offer to Compound Offences bearing the references number................................ and dated ....

2. I accept the offer to compound and enclosed herewith the payment by banker's cheque or bank draft crossed with the words "Account Payee Only" made payable to the Commissioner of Heritage or proof of payment through electronic banking for the sum of RM ………………………... (Ringgit Malaysia: .... only) as full settlement of the sum stipulated in paragraph 2 of the Offer to Compound Offences.

Signature : ....

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

Identification Card Number/Passport* : ....

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Designation : ....
(*If applicable*)

On behalf : ....
(*State name of the company/business/other body, if any**) (*If applicable*)

Company Seal/Business Stamp or other body*:

Company Registration Number /License Number/Permits Number* (*If applicable*):

Address:

....

....

Date: ....

** Delete whichever is inapplicable*

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Note: Payment of compound shall be made under the name of:

"Commissioner of Heritage"

FOR OFFICE USE
Payment Date:
…………………………………………..
Official Receipt No.:
………………………………………….
Recipient's Signature:
…………………………………………..

Made 9 July 2019
[JWN.DW.600-4/1/10; PN(PU2)652/XVII]

DATUK MOHAMADDIN BIN KETAPI
Minister of Tourism, Arts and Culture

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