

D.R. 24/2004

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Lembaga Pemasaran Pertanian Persekutuan 1965.

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1.(1) Akta ini bolehlah dinamakan Akta Lembaga Pemasaran Pertanian Persekutuan (Pindaan) 2004.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pindaan tajuk panjang

2. Akta Lembaga Pemasaran Pertanian Persekutuan 1965 [*Akta 141*], yang disebut "Akta ibu" dalam Akta ini, dipinda dalam tajuk panjang—

- (a) dengan memasukkan selepas perkataan "co-ordinate" perkataan ", regulate"; dan
- (b) dengan memasukkan selepas perkataan "Malaysia," perkataan "including the importing and exporting of agricultural produce,".

Pindaan seksyen 1A**3. Seksyen 1A Akta ibu dipinda—**

(a) dalam takrif "agricultural produce"—

(i) dalam perenggan (b), dengan menggantikan perkataan "Yang di-Pertuan Agong." dengan perkataan "Minister,"; dan

(ii) dengan memasukkan selepas perkataan "rubber," perkataan "oil palm,";

(b) dengan memasukkan selepas takrif "Director General" takrif yang berikut:

' "export" means to take or cause to be taken out of Malaysia by land, water or air any agricultural produce for purposes of trade;

"Fund" means the fund established by section 9;

"import" means to bring or cause to be brought into Malaysia from any place outside Malaysia by land, water or air any agricultural produce for purposes of trade;'; dan

(c) dalam takrif "marketing", dengan memasukkan selepas perkataan "packaging" perkataan ", labelling, preserving, exporting, importing".

Pindaan seksyen 2**4. Seksyen 2 Akta ibu dipinda—**

(a) dengan memotong subseksyen (4); dan

(b) dengan memasukkan selepas subseksyen (6) subseksyen yang berikut:

"(7) No member of the Authority shall incur personal liability for any loss or damage caused by any act undertaken by him in administering the affairs of the Authority, unless the loss or damage is occasioned by an intentionally wrongful act on his part."

Pindaan seksyen 3

5. Seksyen 3 Akta ibu dipinda—

(a) dalam subseksyen (1)—

- (i) dalam perenggan (e), dengan memotong perkataan "and" di hujung perenggan itu;
- (ii) dalam perenggan (f), dengan menggantikan noktah di hujung perenggan itu dengan perkataan "; and"; dan
- (iii) dengan memasukkan selepas perenggan (f) perenggan yang berikut:

"(g) to deal with any other matter relating to the marketing of agricultural produce.";

(b) dalam subseksyen (2)—

- (i) dalam perenggan (a), dengan menggantikan perkataan "particularly through" dengan perkataan "including by the";
- (ii) dalam perenggan (c), dengan menggantikan perkataan "packing" dengan perkataan "packaging, labelling";
- (iii) dengan menggantikan perenggan (d) dengan perenggan yang berikut:

"(d) construct, establish, equip, maintain, let, lease, control, manage or operate markets or market premises for purposes of facilitating and regulating the purchase and sale of any agricultural produce;";

- (iv) dalam perenggan (f), dengan memotong perkataan "processing or";
- (v) dalam perenggan (j), dengan memasukkan sebelum perkataan "receive" perkataan "provide technical, advisory or consultancy services, or any other services to any person, corporation or party, and to";

- (vi) dalam perenggan (l), dengan memotong perkataan "and" di hujung perenggan itu;
- (vii) dalam perenggan (m), dengan menggantikan noktah di hujung perenggan itu dengan koma bertitik; dan
- (viii) dengan memasukkan selepas perenggan (m) perenggan yang berikut:
 - "(n) acquire, purchase, establish, construct, equip, maintain, let, lease, control, manage or operate a warehouse for the storage and inspection of any agricultural produce in any public quay, wharf or street, adjacent to any airport or sea port or any waterway connected to such sea port; and
 - (o) prescribe the manner in which credit facilities are provided, including administrative fees payable, the period of credit, the method of repayment and the type of securities to be provided."; dan
- (c) dalam perenggan (3)(b), dengan menggantikan perkataan "establish or promote the establishment" dengan perkataan "incorporate or promote the incorporation".

Pindaan seksyen 3A

- 6. Seksyen 3A Akta ibu dipinda dengan memotong perkataan "processing or".

Pemotongan seksyen 6

- 7. Akta ibu dipinda dengan memotong seksyen 6.

Pemotongan seksyen 6A

- 8. Akta ibu dipinda dengan memotong seksyen 6A.

Pemotongan seksyen 6B

9. Akta ibu dipinda dengan memotong seksyen 6B.

Seksyen baru 6c

10. Akta ibu dipinda dengan memasukkan sebelum seksyen 7 seksyen yang berikut:

"Protection of Director General, duly appointed officers, authorized officers, etc.

6c. No action or prosecution shall be brought, instituted or maintained in any court against the Director General, any officer duly appointed under this Act, any authorized officer, or any other person acting under the order, direction or instruction of the Director General or any officer duly appointed under this Act, for or on account of or in respect of any act done or purported to be done by him, if the act was done in good faith and in the reasonable belief that it was necessary for the purpose intended to be served by it."

Pindaan seksyen 9

11. Seksyen 9 Akta ibu dipinda dalam subseksyen (1)—

(a) dengan memotong perkataan "(hereinafter referred to as the Fund)"; dan

(b) dalam perenggan (1)(a)—

(i) dalam subperenggan (iv), dengan memotong perkataan "and" di hujung subperenggan itu;

(ii) dalam subperenggan (v), dengan memotong perkataan "and" di hujung subperenggan itu; dan

Rang Undang-Undang

(iii) dengan memasukkan selepas subperenggan (v) subperenggan yang berikut:

"(vi) all moneys earned from technical, advisory or consultancy services or any other services provided by the Authority; and

(vii) all moneys collected by the Authority under the regulations made under this Act; and".

Pemotongan seksyen 11A

12. Akta ibu dipinda dengan memotong seksyen 11A.

Pindaan seksyen 12

13. Seksyen 12 Akta ibu dipinda—

(a) dalam perenggan (b), dengan memotong perkataan "and" di hujung perenggan itu; dan

(b) dengan memasukkan selepas perenggan (b) perenggan yang berikut:

"(ba) prescribe the offences under this Act and the regulations made thereunder which may be compounded; and".

Pemotongan seksyen 12A

14. Akta ibu dipinda dengan memotong seksyen 12A.

Pindaan seksyen 14

15. Seksyen 14 Akta ibu dipinda dalam perenggan (l)(b)—

(a) dengan memasukkan selepas perkataan "established," perkataan "incorporated,"; dan

(b) dengan menggantikan perkataan "3(4)" dengan perkataan "3(3A)".

Seksyen baru 15A

16. Akta ibu dipinda dengan memasukkan selepas seksyen 15 seksyen yang berikut:

"Power to compound offences

15A. (1) The Director General may, with the consent of the Public Prosecutor, compound any offence under this Act or the regulations made under this Act which has been prescribed to be compoundable by accepting from the person reasonably suspected of having committed the offence such amount, not exceeding fifty per centum of the amount of maximum fine for that offence, within such time as may be specified in a written offer to compound made to such person.

(2) An offer to compound under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) Where the amount specified in the offer to compound is not paid within the time specified in that offer, or within such extended time as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer to compound was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall, within the time specified in subsection (3), be instituted in respect of the offence against the person to whom the offer to compound was made.

(5) The Director General may in writing delegate his functions and duties under this section to any officer of the Authority subject to such terms and conditions as he thinks fit, but a delegation under this subsection shall not preclude the Director General from performing or exercising at any time the functions and duties that have been delegated."

Pindaan seksyen 18

17. Subseksyen 18(1) Akta ibu dipinda dengan memasukkan selepas perkataan "commission of an offence" perkataan "against this Act or any regulations made thereunder,".

Pindaan seksyen 19

18. Seksyen 19 Akta ibu dipinda—

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

"(1) Whenever it appears to any Magistrate upon written information on oath and after such inquiry as he considers necessary, that there is reasonable cause to believe that in or on any dwelling house, shop, or other building or place there is concealed or deposited any agricultural produce as to which an offence against this Act or any regulations made thereunder has been committed, the Magistrate may issue a warrant authorizing any authorized officer or police officer named therein, at any reasonable time by day or night and with or without assistance, to enter the dwelling house, shop, or other building or place, and there—

(a) search for, inspect, collect samples of, or seize any agricultural produce as to which such offence is suspected to have been committed;

(b) search for and seize any book, record, account, computerized data or other documents which are reasonably believed to contain information in respect of such offence suspected to have been committed;

(c) inspect, make copies of, or take extracts from, any book, record, account, computerized data or other documents so seized; or

(d) search for, inspect or seize any machinery, contrivance, or other equipment or article."; dan

(b) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

"(3) A list of all things seized in the course of a search made under this section and of the places in which they are respectively found shall be prepared by the authorized officer or police officer conducting the search and signed by him.

(4) The occupant of the premises entered under subsection (1), or some person on his behalf, shall in every instance be permitted to attend during the search, and a copy of the list prepared and signed under subsection (3) shall immediately be delivered to such occupant or person."

Pindaan seksyen 21A

19. Seksyen 21A Akta ibu dipinda—

- (a) dengan menggantikan perkataan "conveyance or other article" di mana-mana jua terdapat dengan perkataan "conveyance, machinery, contrivance, or other equipment or article";
- (b) dalam perenggan (2)(b), dengan memasukkan selepas perkataan "possession" perkataan "of the agricultural produce"; dan
- (c) dalam perenggan (3)(b), dengan memasukkan selepas perkataan "possession" perkataan "of the conveyance, machinery, contrivance, or other equipment or article".

Pindaan seksyen 22**20. Seksyen 22 Akta ibu dipinda—**

(a) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

"(1A) An authorized officer or police officer may, for the purpose of investigating an offence under this Act or any regulations made there under-

(a) require any person, orally or in writing, to produce books, records, accounts, computerized data or other documents which may, in the opinion of the authorized officer or police officer, assist in the investigation of the offence, and to inspect, make copies of, or take extracts from, any of the books, records, accounts, computerized data or other documents;

(b) require a person suspected to have committed any offence or involved in the commission of any offence under this Act or any regulations made there under to produce documents verifying his identity; and

(c) make such inquiry as may be necessary."; dan

(b) dalam subseksyen (2), dengan menggantikan perkataan "document or matter" di mana-mana jua terdapat dengan perkataan "record, account, computerized data or other document".

Pemotongan seksyen 23**21. Akta ibu dipinda dengan memotong seksyen 23.****Pindaan seksyen 24**

22. Seksyen 24 Akta ibu dipinda dengan menggantikan perkataan "shall be guilty of an offence under this Act" dengan perkataan "commits an offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both".

Seksyen baru 24A

23. Akta ibu dipinda dengan memasukkan selepas seksyen 24 seksyen yang berikut:

"False declaration, return, certificate or other document or information, etc.

24A. A person who makes or causes to be made, orally or in writing, or signs or furnishes, any declaration, return, certificate or other document or information required under this Act which is false, inaccurate or misleading in any material particular commits an offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both."

Pindaan seksyen 25

24. Akta ibu dipinda dengan menggantikan seksyen 25 dengan seksyen yang berikut:

"Offences by body corporate, etc.

25. (1) Any body corporate which commits an offence under, or fails to comply with, this Act or any regulations made there under, shall be liable on conviction to a fine not exceeding twenty-five thousand ringgit and, for a second or subsequent offence to a fine not exceeding fifty thousand ringgit.

(2) Where a person charged with an offence under this Act or any regulations made there under is a body corporate—

(a) every person who, at the time of the commission of the offence is a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate; and

(b) where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to have committed that offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both, unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(3) Any person who would have been liable under this Act or any regulations made there under to any penalty for anything done or omitted if the thing had been done or omitted by him personally, shall be liable to the same penalty if the thing had been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of the thing."

Pindaan seksyen 27

25. Perenggan 21(b) Akta ibu dipinda dengan menggantikan perkataan "or other article" dengan perkataan ", machinery, contrivance or other equipment or article".

Kecualian dan peralihan

26. (1) Apa-apa presiding yang masih belum selesai pada tarikh mula berkuatkuasanya Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000 [*Akta 605*] di hadapan Jawatankuasa Tatatertib atau Lembaga Rayuan Tatatertib yang ditubuhkan di bawah Akta ibu hendaklah, selepas tarikh mula berkuatkuasanya Akta ini, diteruskan seolah-olah Akta ibu tidak dipinda oleh Akta ini.

(2) Apa-apa kesalahan tatatertib yang dilakukan atau yang dikatakan telah dilakukan oleh seseorang pegawai atau pekhidmat Lembaga sebelum tarikh mula berkuatkuasanya Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000 hendaklah, selepas tarikh mula berkuatkuasanya Akta ini, diuruskan mengikut Akta ibu seolah-olah Akta ibu tidak dipinda oleh Akta ini.

(3) Walau apa pun subseksyen (2), pegawai atau pekhidmat yang disebut dalam subseksyen itu hendaklah diberitahu bahawa dia boleh memilih untuk kesalahan tatatertib itu diuruskan mengikut peruntukan Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000, dan jika dia memilih sedemikian kesalahan tatatertib itu hendaklah diuruskan mengikut Akta itu.

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Lembaga Pemasaran Pertanian Persekutuan 1965 ("Akta 141").

2. *Fasal 3* bertujuan untuk meminda seksyen 1A Akta 141 untuk memasukkan takrif baru dan meminda takrif bagi istilah tertentu yang digunakan dalam Akta itu.

3. *Fasal 4* bertujuan untuk memasukkan suatu subseksyen baru (7) ke dalam seksyen 2 Akta 141 yang mengadakan peruntukan bagi perlindungan anggota Lembaga daripada liabiliti peribadi berkenaan dengan perkara yang mungkin berbangkit semasa anggota sedemikian mentadbir hal-ehwal Lembaga. Suatu seksyen baru 6c, sebagaimana yang dicadangkan dalam *fasal 10*, bertujuan untuk mengadakan peruntukan bagi perlindungan pegawai Lembaga, termasuk Ketua Pengarah dan pegawai yang diberi kuasa, daripada dikenakan apa-apa tindakan atau prosiding yang berkenaan dengan apa-apa perbuatan yang dibuat dengan suci hati oleh pegawai Lembaga semasa melaksanakan peruntukan Akta itu.

4. *Fasal 5* bertujuan untuk meminda seksyen 3 Akta itu bagi mengadakan peruntukan yang memberi Lembaga kuasa tambahan. Kuasa tambahan ini termasuk kuasa bagi menentukan perkara yang berhubungan dengan pemberian kemudahan kredit oleh Lembaga. Melalui/asaZ ini juga dicadangkan supaya kuasa Lembaga di bawah perenggan 3(2)(d) Akta 141 ditambahkan lagi untuk membolehkan Lembaga menubuhkan, membina, melengkapkan, menyenggara, menyewakan, memajakkan, mengawal, mengurus atau mengendalikan pasar atau premis pasar bagi maksud memudahkan dan mengawal selia jualan keluaran pertanian.

5. Pindaan yang dicadangkan dalam *fasal 7, 8, 9, 12 dan 14* bertujuan untuk memotong seksyen 6, 6A, 6B, 11A dan 12A Akta itu memandangkan bahawa Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000 terpakai kepada Lembaga berkenaan dengan perkara yang berhubungan dengan tatatertib, penamatan perkhidmatan demi kepentingan awam dan surcaj bagi pegawai dan pekhidmat Lembaga.

6. Pindaan kepada seksyen 9 Akta 141, sebagaimana yang dicadangkan dalam *fasal 11*, mengadakan peruntukan bagi pembayaran ke dalam Tabung sumber wang tambahan yang diterima oleh Lembaga semasa Lembaga menjalankan fungsi tambahan yang dicadangkan dalam *fasal 5*.
7. *Fasal 16* bertujuan untuk memasukkan suatu seksyen baru 15A ke dalam Akta 141 untuk mengadakan peruntukan bagi pengkompaunan kesalahan di bawah Akta itu atau peraturan-peraturan yang dibuat di bawah Akta itu. Kesalahan tersebut ialah kesalahan yang ditetapkan sebagai kesalahan yang boleh dikompaun di bawah pindaan yang dicadangkan dalam *fasal 13*.
8. Kuasa seseorang pegawai yang diberi kuasa atau pegawai polis untuk mengeledah mana-mana premis dengan suatu waran di bawah seksyen 19 Akta itu, dan untuk menyiasat sesuatu kesalahan di bawah seksyen 22 Akta itu, ditambahkan lagi melalui pindaan yang dicadangkan masing-masing, dalam *fasal 18* dan *20*.
9. *Fasal 23* bertujuan untuk memasukkan suatu seksyen baru 24A ke dalam Akta 141 yang menjadikan suatu kesalahan bagi mana-mana orang untuk membuat atau memberikan akuan, penyata, sijil atau dokumen atau maklumat lain yang palsu, tidak betul atau yang mengelirukan.
10. *Fasal 26* mengandungi peruntukan kecualian dan peralihan.
11. Pindaan lain yang tidak diperkatakan dengan khusus dalam Huraian ini ialah pindaan kecil atau yang berbangkit.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U²)2293]

A BILL

intituled

An Act to amend the Federal Agricultural Marketing Authority Act 1965.

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Federal Agricultural Marketing Authority (Amendment) Act 2004.

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

Amendment of long title

2. The Federal Agricultural Marketing Authority Act 1965 [*Act 141*], which is referred to as the "principal Act" in this Act, is amended in the long title—

(a) by inserting after the word "co-ordinate" the words ", regulate"; and

Bill

- (b) by inserting after the words "Malaysia," the words "including the importing and exporting of agricultural produce,".

Amendment of section 1A

3. Section 1A of the principal Act is amended—

- (a) in the definition of "agricultural produce"—

(i) in paragraph (b), by substituting for the words "Yang di-Pertuan Agong." the words "Minister,"; and

(ii) by inserting after the words "rubber," the words "oil palm,";

- (b) by inserting after the definition of "Director General" the following definitions:

' "export" means to take or cause to be taken out of Malaysia by land, water or air any agricultural produce for purposes of trade;

"Fund" means the fund established by section 9;

"import" means to bring or cause to be brought into Malaysia from any place outside Malaysia by land, water or air any agricultural produce for purposes of trade;'; and

- (c) in the definition of "marketing", by inserting after the word "packaging" the words ", labelling, preserving, exporting, importing".

Amendment of section 2

4. Section 2 of the principal Act is amended—

- (a) by deleting subsection (4); and

(b) by inserting after subsection (6) the following subsection:

"(7) No member of the Authority shall incur personal liability for any loss or damage caused by any act undertaken by him in administering the affairs of the Authority, unless the loss or damage is occasioned by an intentionally wrongful act on his part."

Amendment of section 3

5. Section 3 of the principal Act is amended—

(a) in subsection (1)—

- (i) in paragraph (e), by deleting the word "and" at the end of the paragraph;
- (ii) in paragraph (f), by substituting for the full stop at the end of the paragraph the words "; and"; and
- (iii) by inserting after paragraph (f) the following paragraph:

"(g) to deal with any other matter relating to the marketing of agricultural produce.";

(b) in subsection (2)—

- (i) in paragraph (a), by substituting for the words "particularly through" the words "including by the";
- (ii) in paragraph (c), by substituting for the word "packing" the words "packaging, labelling";
- (iii) by substituting for paragraph (d) the following paragraph:

"(d) construct, establish, equip, maintain, let, lease, control, manage or operate markets or market premises for purposes of facilitating and regulating the purchase and sale of any agricultural produce;"

Bill

- (iv) in paragraph *(f)*, by deleting the words "processing or";
- (v) in paragraph *(j)*, by inserting before the word "receive" the words "provide technical, advisory or consultancy services, or any other services to any person, corporation or party, and to";
- (vi) in paragraph *(I)*, by deleting the word "and" at the end of the paragraph;
- (vii) in paragraph *(m)*, by substituting for the full stop at the end of the paragraph a semicolon; and
- (viii) by inserting after paragraph *(m)* the following paragraphs:
 - "(«) acquire, purchase, establish, construct, equip, maintain, let, lease, control, manage or operate a warehouse for the storage and inspection of any agricultural produce in any public quay, wharf or street, adjacent to any airport or sea port or any waterway connected to that sea port; and
 - (o) prescribe the manner in which credit facilities are provided, including administrative fees payable, the period of credit, the method of repayment and the type of securities to be provided."; and
- (c) in paragraph *(3)(b)*, by substituting for the words "establish or promote the establishment" the words "incorporate or promote the incorporation".

Amendment of section 3A

- 6.** Section 3A of the principal Act is amended by deleting the words "processing or".

Deletion of section 6

7. The principal Act is amended by deleting section 6.

Deletion of section 6A

8. The principal Act is amended by deleting section 6A.

Deletion of section 6B

9. The principal Act is amended by deleting section 6B.

New section 6c

10. The principal Act is amended by inserting before section 7 the following section:

"Protection of Director General, duly appointed officers, authorized officers, etc.

6c. No action or prosecution shall be brought, instituted or maintained in any court against the Director General, any officer duly appointed under this Act, any authorized officer, or any other person acting under the order, direction or instruction of the Director General or any officer duly appointed under this Act, for or on account of or in respect of any act done or purported to be done by him, if the act was done in good faith and in the reasonable belief that it was necessary for the purpose intended to be served by it."

Amendment of section 9

11. Section 9 of the principal Act is amended in subsection (1)—
- (a) by deleting the words "(hereinafter referred to as the Fund)"; and

(b) in paragraph *(l)(a)*—

- (i) in subparagraph (iv), by deleting the word "and" at the end of the subparagraph;
- (ii) in subparagraph (v), by deleting the word "and" at the end of the subparagraph; and
- (iii) by inserting after subparagraph (v) the following subparagraphs:
 - "(vi) all moneys earned from technical, advisory or consultancy services or any other services provided by the Authority; and
 - (vii) all moneys collected by the Authority under the regulations made under this Act; and".

Deletion of section 11A

12. The principal Act is amended by deleting section 11A.

Amendment of section 12

13. Section 12 of the principal Act is amended—

- (a)* in paragraph *(b)*, by deleting the word "and" at the end of the paragraph; and
- (b)* by inserting after paragraph *(b)* the following paragraph:
 - "*(ba)* prescribe the offences under this Act and the regulations made there under which may be compounded; and".

Deletion of section 12A

14. The principal Act is amended by deleting section 12A.

Amendment of section 14

- 15.** Section 14 of the principal Act is amended in paragraph *(l)(b)*—
- (a)* by inserting after the words "established," the words "incorporated,"; and
 - (b)* by substituting for the words "3(4)" the words "3(3A)".

New section 15A

- 16.** The principal Act is amended by inserting after section 15 the following section:

"Power to compound offences

15A. (1) The Director General may, with the consent of the Public Prosecutor, compound any offence under this Act or the regulations made under this Act which has been prescribed to be compoundable by accepting from the person reasonably suspected of having committed the offence such amount, not exceeding fifty per centum of the amount of maximum fine for that offence, within such time as may be specified in a written offer to compound made to such person.

(2) An offer to compound under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) Where the amount specified in the offer to compound is not paid within the time specified in that offer, or within such extended time as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer to compound was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall, within the time specified in subsection (3), be instituted in respect of the offence against the person to whom the offer to compound was made.

(5) The Director General may in writing delegate his functions and duties under this section to any officer of the Authority subject to such terms and conditions as he thinks fit, but a delegation under this subsection shall not preclude the Director General from performing or exercising at any time the functions and duties that have been delegated."

Amendment of section 18

17. Subsection 18(1) of the principal Act is amended by inserting after the words "commission of an offence" the words "against this Act or any regulations made there under,"

Amendment of section 19

18. Section 19 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

"(1) Whenever it appears to any Magistrate upon written information on oath and after such inquiry as he considers necessary, that there is reasonable cause to believe that in or on any dwelling house, shop, or other building or place there is concealed or deposited any agricultural produce as to which an offence against this Act or any regulations made there under has been committed, the Magistrate may issue a warrant authorizing any authorized officer or police officer named therein, at any reasonable time by day or night and with or without assistance, to enter the dwelling house, shop, or other building or place, and there—

(a) search for, inspect, collect samples of, or seize any agricultural produce as to which such offence is suspected to have been committed;

(b) search for and seize any book, record, account, computerized data or other documents which are reasonably believed to contain information in respect of such offence suspected to have been committed;

- (c) inspect, make copies of, or take extracts from any book, record, account, computerized data or other documents so seized; or
 - (d) search for, inspect or seize any machinery, contrivance, or other equipment or article."; and
- (b) by inserting after subsection (2) the following subsections:

"(3) A list of all things seized in the course of a search made under this section and of the places in which they are respectively found shall be prepared by the authorized officer or police officer conducting the search and signed by him.

(4) The occupant of the premises entered under subsection (1), or some person on his behalf, shall in every instance be permitted to attend during the search, and a copy of the list prepared and signed under subsection (3) shall immediately be delivered to such occupant or person."

Amendment of section 21A

19. Section 21A of the principal Act is amended—

- (a) by substituting for the words "conveyance or other article" wherever appearing the words "conveyance, machinery, contrivance, or other equipment or article";
- (b) in paragraph (2)(b), by inserting after the word "possession" the words "of the agricultural produce"; and
- (c) in paragraph (3)(b), by inserting after the word "possession" the words "of the conveyance, machinery, contrivance, or other equipment or article".

Amendment of section 22

20. Section 22 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

"(1A) An authorized officer or police officer may, for the purpose of investigating an offence under this Act or any regulations made there under—

(a) require any person, orally or in writing, to produce books, records, accounts, computerized data or other documents which may, in the opinion of the authorized officer or police officer, assist in the investigation of the offence, and to inspect, make copies of, or take extracts from, any of the books, records, accounts, computerized data or other documents;

(b) require a person suspected to have committed any offence or involved in the commission of any offence under this Act or any regulations made there under to produce documents verifying his identity; and

(c) make such inquiry as may be necessary."; and

(b) in subsection (2), by substituting for the words "document or matter" wherever appearing the words "record, account, computerized data or other document".

Deletion of section 23

21. The principal Act is amended by deleting section 23.

Amendment of section 24

22. Section 24 of the principal Act is amended by substituting for the words "shall be guilty of an offence under this Act" the words "commits an offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both".

New section 24A

23. The principal Act is amended by inserting after section 24 the following section:

"False declaration, return, certificate or other document or information, etc.

24A. A person who makes or causes to be made, orally or in writing, or signs or furnishes, any declaration, return, certificate or other document or information required under this Act which is false, inaccurate or misleading in any material particular commits an offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both."

Amendment of section 25

24. The principal Act is amended by substituting for section 25 the following section:

"Offences by body corporate etc.

25. (1) Any body corporate which commits an offence under, or fails to comply with, this Act or any regulations made there under, shall be liable on conviction to a fine not exceeding twenty-five thousand ringgit and, for a second or subsequent offence to a fine not exceeding fifty thousand ringgit.

(2) Where a person charged with an offence under this Act or any regulations made there under is a body corporate—

(a) every person who, at the time of the commission of the offence is a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate; and

(b) where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to have committed that offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both, unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(3) Any person who would have been liable under this Act or any regulations made there under to any penalty for anything done or omitted if the thing had been done or omitted by him personally, shall be liable to the same penalty if the thing had been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of the thing."

Amendment of section 27

25. Paragraph 21 (b) of the principal Act is amended by substituting for the words "or other article" the words ", machinery, contrivance or other equipment or article".

Saving and transitional

26. (1) Any proceedings pending on the date of coming into operation of the Statutory Bodies (Discipline and Surcharge) Act 2000 [Act 605] before the Disciplinary Committee or the Disciplinary Appeal Board established under the principal Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

(2) Any disciplinary offence committed or alleged to have been committed by an officer or servant of the Authority before the date of coming into operation of the Statutory Bodies (Discipline and Surcharge) Act 2000 shall, after the date of coming into operation of this Act, be dealt with in accordance with the principal Act as if it had not been amended by this Act.

(3) Notwithstanding subsection (2), the officer or servant referred to in that subsection shall be notified that he may elect to have the disciplinary offence dealt with in accordance with the provisions of the Statutory Bodies (Discipline and Surcharge) Act 2000, and if he so elects the disciplinary offence shall be dealt in accordance with that Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Federal Agricultural Marketing Authority Act 1965 ("Act 141").

2. *Clause 3* seeks to amend section 1A of Act 141 to introduce new definitions and to amend definitions of certain terms used in the Act.
3. *Clause 4* seeks to introduce a new subsection (7) into section 2 of Act 141 to provide for the protection of members of the Authority from personal liability in respect of matters that may arise when such members administer the affairs of the Authority. A new section 6c, as proposed in *clause 10*, seeks to provide for the protection of officers of the Authority, including the Director General and authorized officers, from any action or proceeding in respect of any act done by them in good faith in carrying out the provisions of the Act.
4. *Clause 5* seeks to amend section 3 of the Act to provide the Authority with additional powers. These include the power to determine matters relating to the provision of credit facilities by the Authority. It is also proposed in this *clause* that the power of the Authority under paragraph 3(2)(d) of Act 141 be further enhanced to enable it to establish, construct, equip, maintain, let, lease, control, manage or operate markets or market premises for the purposes of facilitating and regulating the sale of agricultural produce.
5. Amendments proposed in *clauses 7, 8, 9, 12 and 14* seek to delete sections 6, 6A, 6B, 11A and 12A of the Act since the Statutory Bodies (Discipline And Surcharge) Act 2000 applies to the Authority in respect of matters relating to the discipline, termination of service in public interest and surcharge of officers and servants of the Authority.
6. Amendments to section 9 of Act 141, as proposed in *clause 11*, provide for the payment into the Fund of additional sources of money received by the Authority when it performs the additional functions proposed in *clause 5*.
7. *Clause 16* seeks to introduce a new section 15A into Act 141 to provide for the compounding of offences under the Act or the regulations made under the Act. These are offences that are prescribed as compoundable under the amendments proposed in *clause 13*.

8. The powers of an authorized officer or police officer to search any premises with a warrant under section 19 of the Act and to investigate an offence under section 22 of the Act are further enhanced by amendments proposed in *clauses 18 and 20*, respectively.
9. *Clause 23* seeks to introduce a new section 24A into Act 141 that makes it an offence for any person to make or give false, inaccurate or misleading declarations, returns, certificates or other documents or information.
10. *Clause 26* contains saving and transitional provisions.
11. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

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

[PN(U²)2293]