



THE
SARAWAK GOVERNMENT GAZETTE
PART IV

Published by Authority

Vol. LIV

7th October, 1999

No. 17

Swk. L.G. 64

THE LOCAL AUTHORITIES ORDINANCE, 1996

THE LOCAL AUTHORITIES (COMPOUNDING OF OFFENCES)
BY-LAWS, 1999

ARRANGEMENT OF BY-LAWS

By-law

1. Citation, commencement and application.
2. Interpretation.
3. Specification of compoundable offences.
4. Offer to compound.
5. Payment.
6. Revocation.

FIRST SCHEDULE — Form A — Form for compounding of offence.

Form B — Form for payment.

Form C — Receipt.

SECOND SCHEDULE — Revocation.

THE LOCAL AUTHORITIES ORDINANCE, 1996

THE LOCAL AUTHORITIES (COMPOUNDING OF OFFENCES)
BY-LAWS, 1999

(Made under sections 91, 93 and 156)

WHEREAS by virtue of sections 91 and 156 of the Local Authorities Ordinance, 1996, a local authority may, with the approval of the Yang di-Pertua Negeri, make by-laws to prescribe the offences which may be compounded and the method and procedure thereof in respect of the whole or part of its local authority area: *Cap. 20.*

AND WHEREAS it is provided by section 93 of that Ordinance that the Yang di-Pertua Negeri may make, amend or revoke any by-law for any local authority in Sarawak:

NOW, THEREFORE, in exercise of the powers conferred on a local authority by sections 91 and 156 of the Local Authorities Ordinance, 1996, and vested in the Yang di-Pertua Negeri by virtue of section 93 of that Ordinance, the Yang di-Pertua Negeri has made the following By-laws:

1.—(1) These By-laws may be cited as the **Local Authorities (Compounding of Offences) By-laws, 1999**, and shall come into force on the 1st day of November, 1999. Citation, commencement and application.

(2) These By-laws shall apply to all local authorities in Sarawak.

2. In these By-laws—

Interpretation.

“Chief Administrative Officer” means the person designated as the Chief Administrative Officer of a local authority in section 35(1) of the Ordinance;

“local authority” means a local authority named in the First Schedule to the Ordinance;

“Ordinance” means the Local Authorities Ordinance, 1996. Cap. 20.

3. The following offences are hereby prescribed as offences which may be compounded by any police officer not below the rank of Inspector or any officer of a local authority specially authorized in writing in that behalf by that local authority, namely— Specification of compoundable offences.

(a) offences under any of the following sections of the Ordinance:

sections 87(6), 106, 108(2), 109(4), 110(1), 113(5), 116, 117, 129(2), 136(1), 145(5), 162 and 166(2);

(b) offences under any By-laws made under sections 91, 93, 105 and 128 of the Ordinance; and

Cap. 116.
(1958 Ed.).
Cap. 117.
(1958 Ed.).

(c) offences under any By-laws made under the former Kuching Municipal Ordinance and Local Authority Ordinance.

Offer to compound.

4.—(1) When a police officer not below the rank of Inspector or a duly authorized officer of a local authority decides to compound an offence, he shall send or cause to be sent to or personally serve or cause to be personally served on the person reasonably suspected of having committed the offence an offer to compound as in Form A in the First Schedule, which may be modified as necessary.

(2) The offer shall state the sum for which the offence will be compounded and the date by which the sum must be paid.

Payment.

5.—(1) Payment of the sum stated in an offer to compound may be made in cash or by way of a money order, postal order, bank draft or cheque made payable to the local authority as indicated in Form A and crossed "Account Payee Only".

(2) Payment may be delivered personally to the person making the offer to compound, but, if sent by post, must be addressed to the Chief Administrative Officer of the local authority as indicated in Form A, together with the form for payment as in Form B in the First Schedule.

(3) Every payment received must be accounted for as money belonging to the local authority and an official receipt for the payment as in Form C in the First Schedule shall be issued to the person to whom the offer to compound was made.

(4) Notwithstanding by-law 4(2), the police officer or the duly authorized officer of the local authority may accept in composition any sum of the correct amount paid later than the time allowed in the offer to compound.

Revocation.

6. The Compounding of Offences By-laws specified in the Second Schedule are revoked.

FIRST SCHEDULE

THE LOCAL AUTHORITIES (COMPOUNDING OF OFFENCES)
BY-LAWS, 1999

FORM A

(By-law 4(1))

FORM FOR COMPOUNDING OF OFFENCE

(State name and address of local authority)

Ref: No.

Date:

To:

Sir/Madam,

OFFER TO COMPOUND OFFENCE

It appears to me, on information/complaint received, that you have committed the following offences:

Relevant provisions of the law:

Date:

Time:

Place:

Particular of offence:

2. You are hereby informed that, by virtue of the powers vested in me by section 156 of the Local Authorities Ordinance, 1996 (Cap. 20), I am prepared, and hereby offer, to compound the offence for the sum of RM (Ringgit). If the offer is accepted, payment should be made in cash or by way of a money order or postal order or bank draft or cheque made payable to (state name of local authority) and crossed "Account Payee Only" and delivered to the above-quoted office. An official receipt will be issued upon payment.

3. This offer to compound the offence will lapse on (state the date) If the sum stated above is received by the close of business on that date, no further proceedings will be taken against you in respect of the offence. Otherwise, prosecution may be instituted against you without further notice.

*.....

*(To be signed by the person authorized to compound, whose name and designation must appear below the signature.)

THE LOCAL AUTHORITIES (COMPOUNDING OF OFFENCES)
BY-LAWS, 1999

FORM B

(By-law 5(2))

FORM FOR PAYMENT

Date:

To: *(State designation and address of
Chief Administrative Officer of local authority)*

ACCEPTANCE AND PAYMENT OF COMPOUND

I refer to the offer to compound an offence, Reference No.
dated I accept the offer and enclose herewith *cash/ money
order/postal order/bank draft/cheque No. for the sum of
RM (Ringgit) in full settlement
of the compound.

Signature:

Name (Block Letters):

Identification Card No.:

Address:

**Delete wherever inapplicable.*

THE LOCAL AUTHORITIES (COMPOUNDING OF OFFENCES)
BY-LAWS, 1999

FORM C

(By-law 5(3))

RECEIPT

Receipt No.:

Received from

of

the sum of RM (Ringgit only)
in acceptance and payment of an offer of composition of the offence referred

to in Reference No. dated

Dated 19

.....
Police Officer/Officer of.....
(State name of local authority)

N.B.: Should you receive any further correspondence or notice of summons in respect
of the offence referred to above, you should reply immediately quoting this
receipt number.

SECOND SCHEDULE

REVOCATION

(By-law 6)

*Reference to the
Compounding of Offences
By-laws*
Local Authorities

(a)	Swk. L. G. 14/92	Betong District Council.
(b)	Swk. L. G. 27/91	Bintulu Development Authority.
(c)	Swk. L. N. 12/91	Commissioner of the City of Kuching North.
(d)	Swk. L. G. 37/90	Council of the City of Kuching South.
(e)	Swk. L. G. 41/91	Dalat and Mukah District Council.
(f)	Swk. L. G. 15/92	Kapit District Council.
(g)	Swk. L. G. 42/91	Padawan Municipal Council (Formerly Kuching Rural District Council).
(h)	Swk. L. G. 41/94	Lawas District Council.
(i)	Swk. L. G. 34/92	Limbang District Council.
(j)	Swk. L. G. 99/92	Maradong and Julau District Council.
(k)	Swk. L. G. 47/93	Marudi District Council.
(l)	Swk. L. G. 42/95	Matu and Daro District Council.
(m)	Swk. L. G. 38/90	Miri Municipal Council.
(n)	Swk. L. G. 122/92	Samarahan District Council.
(o)	Swk. L. G. 45/93	Saratok District Council.
(p)	Swk. L. G. 29/91	Sarikei District Council.
(q)	Swk. L. G. 43/91	Serian District Council.
(r)	Swk. L. G. 39/90	Sibu Municipal Council.
(s)	Swk. L. G. 43/95	Sibu Rural District Council.
(t)	Swk. L. G. 25/96	Simunjan District Council.
(u)	Swk. L. G. 35/93	Sri Aman District Council.
(v)	Swk. L. G. 27/99	Kanowit District Council.

Made by the Yang di-Pertua Negeri this 1st day of September,
1999.

By Command,

DATUK AMAR JAMES WONG KIM MIN,
Minister of Environment and Public Health



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK