

INTERNATIONAL TRADE IN ENDANGERED SPECIES ACT 2008

INTERNATIONAL TRADE IN ENDANGERED SPECIES (COMPOUNDING OF OFFENCES) REGULATIONS 2010

In exercise of the powers conferred by paragraph 54(2)(e) of the International Trade in Endangered Species Act 2008 [Act 686], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **International Trade in Endangered Species (Compounding of Offences) Regulations 2010**.

(2) These Regulations come into operation on 23 July 2010.

Compoundable offences

2. The offences that may be compounded shall be as specified in the First Schedule.

Offer and acceptance of compound

3. (1) An offer to compound an offence shall be made by the Management Authority in Form 1 of the Second Schedule.

(2) A person who accepts an offer to compound an offence shall furnish the payment for the compound by using Form 2 of the Second Schedule.

Service of Notice of Offer to Compound Offences

4. (1) For the purpose of subregulation 3(1), the Management Authority may serve the Notice of Offer to Compound Offences as specified in Form 1 of the Second Schedule on the person through the following means:

- (a) personal service;
- (b) Acknowledged Receipt (A.R) registered post to the last known address;
- (c) by affixing the Notice at the conspicuous place of the usual place of business.

(2) If it appears to the Management Authority that it is impracticable in effecting service of the Notice through the means as specified under subregulation (1), the Management Authority may serve the Notice through any means as the Management Authority may determine.

(3) The service of the Notice under this regulation shall be treated to have been served on the person.

Payment of compound

5. (1) The person who accepts the offer to compound shall make payment to the Management Authority by money order, postal order, cashier's order, banker's cheque, bank draft to the Management Authority and crossed with the words "Account Payee Only", or by any means as the Management Authority may direct.

(2) A proof of payment shall be issued by the Management Authority to the person upon receiving the payment of the compound.

(Regulation 2)

OFFENCES THAT MAY BE COMPOUNDED

The offences committed under the provisions of the International Trade in Endangered Species Act 2008 that may be compounded are as follows:

(a) subsection 15(3);

(b) subsection 17(4);

(c) subsection 28(3);

(d) subsection 30(2);

(e) section 39;

(f) section 47*.

*Note: The offence committed under this section is a compoundable offence provided that the offence committed is in relation to the offence committed under paragraphs *(a)*, *(b)*, *(c)*, *(d)*, and *(e)* as specified in this Schedule.

SECOND SCHEDULE

FORM 1

INTERNATIONAL TRADE IN ENDANGERED SPECIES ACT 2008

INTERNATIONAL TRADE IN ENDANGERED SPECIES (COMPOUNDING OF OFFENCES)
REGULATIONS 2010

[Subregulation 3(1)]

NOTICE OF OFFER TO COMPOUND OFFENCES

When replying please quote :

Reference number :

Date :

To :

.....
.....
.....
.....

Sir/Madam*,

An investigation has been conducted and you are found to have committed an offence under the International Trade of Endangered Species Act 2008 [Act 686] with the following particulars:

(a) Relevant provision under the Act:

(b) Date : Time :

(c) Place :

(d) Particulars of offence :

.....
.....

2. Pursuant to subsection 42(1) of the Act, you are offered a compound for the offence as stated above for the sum of RM..... (Ringgit Malaysia:). Payment shall be made by money order/postal order/cashier's order/banker's cheque/bank draft* to the Management Authority and crossed with the words "Account Payee Only", or by any means as the Management Authority may direct.

3. A proof of payment shall be issued on receipt of the payment of the compound.

4. This offer to compound remains in force until and if no payment is received on or before that date, prosecution for the offence may be instituted against you without further notice.

*Delete whichever is inapplicable

Date :

.....

For and on behalf of the Management Authority

FORM 2

INTERNATIONAL TRADE IN ENDANGERED SPECIES ACT 2008

INTERNATIONAL TRADE IN ENDANGERED SPECIES (COMPOUNDING OF OFFENCES)
REGULATIONS 2010

[Subregulation 3(2)]

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

Report Number :

To :

Management Authority

.....
.....
.....

I refer to the Notice of Offer to Compound Offences bearing the reference number dated

2. I accept the offer to compound and enclosed herewith is the sum of RM..... (Ringgit Malaysia :.....) as full settlement of the sum stipulated in paragraph 2 of the Notice of Offer to Compound Offences.

Signature :

Name:

(In capital letter)

Identity Card Number:

Address:

.....

Date:

For official use only

I hereby certify to have compounded this offence for the sum of RM (Ringgit Malaysia:
.....)

Signature:

Official seal:

Management Authority:

Proof of payment no.:

Date:

Made June 2010

[NRE(S) 44/4/1/47 ; PN(PU²)672]

DATO SRI DOUGLAS UGGAH EMBAS
Minister of Natural Resources and Environment