

D.R. 7/94

Naskhah Sahih—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Kawalan Harga 1946.

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MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Kawalan Harga (Pindaan) 1994 dan hendaklah mula berkuatkuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*. Tajuk ringkas dan mula berkuatkuasa.
2. Akta Kawalan Harga 1946, yang disebut "Akta ibu" dalam Akta ini, adalah dipinda dalam seksyen 2— Pindaan seksyen 2. Akta 121.
 - (a) dengan memasukkan selepas takrif "maximum price" takrif yang berikut:
 - ' "premises" includes—
 - (a) any shop, stall, building or place; and
 - (b) any vehicle or vessel,

used for trade;' dan

(b) dengan memasukkan selepas takrif "sale" takrif yang berikut:

' "the regulations" means the regulations made under this Act;'

Pindaan
seksyen 3.

3. Akta ibu adalah dipinda dengan menggantikan seksyen 3 dengan seksyen yang berikut:

"Appoint-
ment of
Price
Controller,
Deputy
Price
Controller,
Assistant
Price
Controllers,
etc.

3. (1) The Minister may appoint, from amongst public officers, a Price Controller, a Deputy Price Controller and such number of Assistant Price Controllers and other officers as may be necessary for the purposes of this Act and the regulations.

(2) The Price Controller shall, subject to the general direction and control of the Minister, perform the duties and functions imposed and exercise the powers conferred upon him under this Act and the regulations.

(3) The Deputy Price Controller, Assistant Price Controllers and other officers appointed under subsection (1) shall be under the direction and control of the Price Controller.

(4) Except as provided in subsection (5), the Deputy Price Controller may perform all the duties and functions imposed and exercise all the powers conferred upon the Price Controller under this Act.

(5) The duties and Junctions to be performed and the powers to ,be exercised by the Price Controller under sections 4, 13, 18(1)(c) and (e) and 28 shall be performed and exercised by the Price Controller personally.

(6) The Price Controller or Deputy Price Controller may perform all the duties and functions imposed and exercise all the powers conferred upon an Assistant Price Controller under this Act or the regulations.

(7) All officers appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.".

*F.M.S.
Cap. 45*

4. Akta ib.u adalah dipinda dengan memasukkan selepas seksyen 3 seksyen yang berikut: Seksyen baru 3A

“National Advisory Council for Consumers’ Protection. 3A. The Minister may establish a National Advisory Council for Consumers' Protection consisting of such representatives of business, government and other organisations as he may appoint to advise him on the following matters:

- (a) the fixing or control of prices of any goods;
- (b) the displaying of marks or labels relating to any goods as required by any order made under section 13(1);
- (c) the maintenance of stockpile of any goods for the purpose of price stabilisation; and
- (d) any other matters which may be referred to it by the Minister for the proper and effective implementation of this Act."

5. Subseksyen 12(2) Akta ibu adalah dipinda dengan memotong perkataan "Chief Price Inspector,". Pindaan seksyen 12.

6. Seksyen 14 Akta ibu adalah dipinda— Pindaan seksyen 14.

- (a) dalam subseksyen (1), dengan memotong perkataan "Chief Price Inspector or"; dan
- (b) dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

"(2) Where any price-controlled goods have been seized under subsection (1)(a), then—

- (a) if, within ninety days of the seizure, no proceedings are instituted against

any person for an offence alleged to have been committed in relation to those goods—

- (i) the Price Controller shall restore the goods and accompanying appliances to the person from whom they were seized, if he can be found; or
 - (ii) if the person from whom the goods were seized cannot be found, the Price Controller shall direct that the matter be referred to a Magistrate for a decision as to the disposal of the goods; or
- (b) if, within ninety days of the seizure, proceedings are instituted against any person, an order for the forfeiture or for the release of any goods seized shall be made by the court before which the prosecution with regard thereto has been held:

Provided that where any goods which have been seized under subsection (1)(a) are of a perishable nature they may be sold by the order of the Price Controller, the Deputy Price Controller or any Assistant Price Controller and this subsection shall apply to the disposal of the proceeds of the sale in the same manner as they would have applied to the disposal of those goods if the goods had not been sold."

8. Seksyen 17 Akta ibu adalah dipinda dengan memotong perkataan ", Chief Price Inspector". Pindaan seksyen 17.

9. Akta ibu adalah dipinda dengan memasukkan selepas seksyen 17 seksyen yang berikut: Seksyen baru 17A.

“Com-
pounding
of
offences. 17 A. (1) The Price Controller or the Deputy Price Controller may compound any offence under this Act or the regulations which is prescribed to be a compoundable offence by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding such amount as may be prescribed.

(2) Upon receipt of the payment under subsection (1), no further proceedings shall be taken against such person in respect of such offence and where possession has been taken of any goods or documents, such goods or documents may be released, subject to such conditions as may be imposed.

(3) The power to compound offences under subsection (1) shall be exercised by the Price Controller or the Deputy Price Controller personally.".

10. Akta ibu adalah dipinda dengan menggantikan seksyen 23 dengan seksyen yang berikut: Pindaan seksyen 23.

“Jurisdic-
tion to try
offences. 23. Notwithstanding anything to the contrary contained in any law, a Court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Act and the regulations and to impose the full punishment for any such offence.".

11. Subseksyen 26(1) Akta ibu adalah dipinda dengan mcnggantikan perkataan "section 13(2)(a) or under scction 18(1)(c) or (e) or under section 28, to the Deputy Price Controller or" dengan perkataan "sections 4, 13, 18(1)(c) and (e) and 28 to". Pindaan seksyen 26.

Pindaan
seksyen 29.

12. Subseksyen 29(2) Akta ibu adalah dipinda—

- (a) dengan memotong perkataan "and" dalam perenggan (c);
- (b) dengan menggantikan koma di akhir perenggan (d) dengan koma bernoktah dan perkataan "and"; dan
- (c) dengan memasukkan selepas perenggan (d) perenggan yang berikut:
 - "(e) prescribe the offences under this Act or the regulations which may be compounded, the amount of such compound and the procedure to be followed in compounding such offences."

HURAIAN

Rang Undang-Undang ini bertujuan meminda Akta Kawalan Harga 1946 ("Akta").

2. *Fasal 2* bertujuan meminda seksyen 2 Akta untuk memasukkan takrif bagi perkataan yang digunakan dalam Akta.
3. *Fasal 3* bertujuan meminda seksyen 3 Akta untuk memberi Menteri kuasa untuk melantik Pengawal Harga, Timbalan Pengawal Harga dan Penolong Pengawal Harga dan mana-mana pegawai lain yang perlu bagi maksud Akta.
4. *Fasal 4* bertujuan memperbuat semula subseksyen 3(4) yang sedia ada mengenai Majlis Penasihat Negara bagi Perlindungan Pengguna-Pengguna sebagai seksyen baru 3A.
5. *Fasal 5* bertujuan meminda subseksyen 12(2) untuk memotong sebutan mengenai Ketua Merinyu Harga. Pindaan yang serupa dibuat dalam *fasal 6(a)* and *8* manakala dalam *fasal 7* kedua-dua istilah "Chief Price Inspector" dan juga "Price Inspector" dipotong.
6. *Fasal 6(b)* bertujuan meminda subseksyen 14(2) Akta untuk membolehkan Pengawal Harga melupuskan barang-barang dalam hal di mana tiada prosiding telah dimulakan terhadap mana-mana orang dan jika pemunya barang-barang itu tidak boleh dijumpai, perkara itu hendaklah dirujuk kepada Majistret bagi suatu keputusan

tentang pelupusan barang-barang itu. Jika prosiding dimulakan pada hakikatnya, soal tentang sama ada barang-barang hendak dilucuthakkan atau dilepaskan akan ditentukan oleh mahkamah yang di hadapannya pendakwaan itu diadakan.

7. *Fasal 9* bertujuan untuk memasukkan seksyen baru 17A untuk memberi Pengawal Harga dan Timbalan Pengawal Harga kuasa untuk mengkompaun kesalahan tertentu di bawah Akta dan peraturan-peraturan.

8. *Fasal 10* bertujuan meminda seksyen 23 Akta untuk memberi Majistret Kelas Satu bidang kuasa untuk membicarakan kesalahan di bawah Akta dan peraturan-peraturan dan untuk mengenakan hukuman penuh bagi kesalahan itu.

9. *Fasal 11* bertujuan meminda subseksyen 26(1) Akta berhubung dengan kuasa, kewajipan dan fungsi Pengawal Harga di bawah Akta yang tidak boleh diwakilkan olehnya.

10. *Fasal 12* bertujuan meminda subseksyen 29(2) untuk membolehkan Menteri menetapkan kesalahan yang boleh dikompaun, amaun kompaun dan prosedur yang hendaklah diikuti apabila mengkompaun kesalahan.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan. [PN. (U²) 1812.]