

**THE NATURAL RESOURCES
AND ENVIRONMENT ORDINANCE
(CAP. 84 - LAWS OF SARAWAK, 1958 Ed.)**

**THE NATURAL RESOURCES
AND ENVIRONMENT (COMPOUNDING
OF OFFENCES) RULES, 1997**

(Made Under section 18(B))

(Incorporating all amendments up to 21st June 2001)



**THE
SARAWAK GOVERNMENT GAZETTE**

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**THE NATURAL RESOURCES AND ENVIRONMENT
ORDINANCE**

**THE NATURAL RESOURCES AND ENVIRONMENT
(COMPOUNDING OF OFFENCES) RULES, 1997**

(Made under section 18(B))

In exercise of the powers conferred by section 11A(1) of the Natural Resources and Environment Ordinance, the Majlis Mesyuarat Kerajaan Negeri has made the following Rules:

Cap. 84
(1958 Ed.).

1. These Rules may be cited as the Natural Resources and Environment (Compounding of Offences) Rules, 1997, and shall come into force on the 1st day of February, 1997.

Citation and
Commencement

2. In these Rules —

Interpretation.

“Board” means the Natural Resources and Environment Board constituted under section 3 of the Ordinance;

“Controller of Environmental Quality” means the Controller of Environmental Quality, appointed by the Board under section 3(9) of the Ordinance.

"Ordinance" means the Natural Resources and Environment Ordinance.

Cap. 84
(1958 Ed.)

*Compoundable
Offences.*

3. The following offences are hereby prescribed as offences which may be compounded by the Secretary of the Board or the Controller of Environmental Quality or any officer specially authorized in writing in that behalf by the Board, namely:

(a) offences under sections 7(4), 10(3), 14(3), 15, 30, 30A, 30B and 31 of the Ordinance; and

(b) offences under any rules made pursuant to section 18 of the Ordinance.

*Offer to
compound*

4.—(1) Where the Secretary of the Board or the Controller of Environmental Quality or any duly authorized officer of the Board 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 and offer to compound as in Form a in the 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.

*Sum to be
collected
and
made of
payment*

5.—(1) The sum of money to be collected for compounding an offence shall not be more than thirty per centum of the maximum fine prescribed for the offence.

(2) All monies for payment of the compound shall be made in cash, or by money order, postal order, cashier's order, banker's order or bank draft made payable to the Natural Resources and Environment Board and crossed "Account Payee Only".

(3) Payment may be delivered personally to the officer making the offer to compound, but, if sent by post, must be addressed to the Controller of Environmental Quality, 18 & 19th Floor, Menara Pelita, Petra Jaya, 93050 Kuching, Sarawak, or at such other place as may be specified by the Board.

(4) Every payment received shall be accounted for as money belonging to the Board and an official receipt shall be issued for the payment as in Form B in the Schedule.

(5) Notwithstanding rule 4(2), the officer making the offer to compound may accept in composition any sum of the correct amount paid later than the time allowed in the offer to compound.

SCHEDULE

FORM A

THE NATURAL RESOURCES AND ENVIRONMENT
(COMPOUNDING OF OFFENCES) RULES, 1997

(Rule 4 (1))

Ref. No. :
Date :

To :
.....
.....
.....

Sir/Madam,

OFFER TO COMPOUND OFFENCE

It appears to me, on information/complaint received and upon investigation, that you have committed the following offence :

Relevant Provision of the Law
Date of Offence Time :
Place of Offence
Particulars of Offence

2. You are hereby informed that by virtue of the powers vested in me by rule 4(1) of the Natural Resources and Environment (Compounding of Offences) Rules, 1997, I am prepared, and hereby offer, to compound the offence for the total sum of Ringgit If this offer is accepted, payment shall be made in cash, or by money order, postal order or bank draft made payable to the Controller of Environmental Quality 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 (date) If the sum stated above is received by the close of business on the date, no further proceedings will be taken against you in respect of the offence. Otherwise, prosecution may be instituted against you without further notice.

* Signature :
:
Name :
:
Designation :

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

FORM FOR PAYMENT

Date:

To: The Controller of Environmental Quality
Natural Resources and Environment Board
18 & 19 Floor, Menara Pelita
Petra Jaya, 93050 Kuching
Sarawak

Sir/Madam,

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

Signature:

Name (BLOCK LETTERS):

Identity Card No.:

Address:

** Delete wherever inapplicable.*

**THE NATURAL RESOURCES AND ENVIRONMENT
(COMPOUNDING OF OFFENCES) RULES, 1997**

(Rule 4(4))

RECEIPT

Receipt No.:
Date :

Received from.....
of
the sum of RM(Ringgit:)
only in acceptance and payment of an offer of composition in respect of the offence referred
to in Reference No. dated

Signature :
Name :
Designation :

(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.)

Made this 24th day of October, 1996

KIT SU LEN
Clerk to Majlis Mesyuarat Kerajaan Negeri

MEMORANDUM RASMI

DARIPADA : Timbalan Pengerusi Lembaga Sumber Asli dan Persekitaran Sarawak	KEPADA : Regional Environmental Control Officer (Southern Region/ Central Region/ Northern Region)
PERKARA : Compounding of Offences under the Natural Resources & Environment (Compounding of Offences) Rules, 1997	SALINAN : KPD.
RUJ. KAMI : (23)NREB/4-1/12	RUJ. TUAN : ()NREB/
TARIKH : 21 August 2001	

I refer to the above matter.

2. This is to inform you that the amendment to the above-quoted Rules has been made and came into force from the 26th June 2001. In relation to the amendment, the Board has in its Twelfth Meeting also decided and approved the proposed rates for compounding for various compoundable offences relating to relating to the Natural Resources & Environment Ordinance, 1993.

... 3. A copy of the Sarawak Government Gazette Part II Vol. LVI No. 16, SWK. L.N.66 dated 25th June 2001 and the Guidelines on the rates of compound for offences committed under the aforesaid Ordinance are attached herewith for your reference.

4. Therefore, with effect from the date of this letter, all Regional Environmental Control Officers, and the enforcement staff in the respective Regional Offices are, hereby, duly authorised to offer compound to any offenders of compoundable offences under the aforesaid Ordinance. This is for effective enforcement of the Natural Resources and Environment Ordinance and its related Rules and Regulations. However, as a precaution, your officers should be advised to collect all the necessary evidence in the process of issuing the offer to compound the offences in case of any dispute.

"BERSATU BERUSAHA BERBAKTI"

[YB Dr. JAMES DAWOS MAMIT]
Timbalan Pengerusi
Lembaga Sumber Asli dan Persekitaran Sarawak

THE NATURAL RESOURCES AND ENVIRONMENT ORDINANCE

**THE NATURAL RESOURCES AND ENVIRONMENT
(COMPOUNDING OF OFFENCES) (AMENDMENT) RULES, 2001**

(Made under section 18(B))

In exercise of the powers conferred by section 18(B) of the Natural Resources and Environment Ordinance, the Majlis Mesyuarat Kerajaan Negeri has made the following Rules:-

Cap. 84
(1958 Ed.)

Citation and commencement.

1. These Rules may be cited as the Natural Resources and Environment (Compounding of Offences) (Amendment) Rules, 2001, and shall come into force on the 26th day of June, 2001.

Amendment of rule 3 of the Principal Rules.

2. Rule 3 of the Natural Resources and Environment (Compounding of Offences) Rules, 1997 (hereinafter referred to as the "Principal Rules") is amended by inserting immediately after the figure '30' in paragraph (a), a comma and the figure "30A, 30B".

Swk. L.N 3/97

Amendment of rule 5

3. Rule 5 of the Principal Rules is amended -

(a) by deleting the words "less than percentum nor" in line 2 of paragraph (1); and

(b) by substituting the words "Wisma Sumber Alam" in paragraph (3) with the words "Menara Pelita".

Dated this 21st day of June, 2001..

ROBERT TNAY CHUAN SOON,
Clerk to Majlis Mesyuarat Kerajaan Negeri

GUIDELINES FOR COMPOUNDING OF OFFENCES COMMITTED UNDER THE NATURAL RESOURCES AND ENVIRONMENT (AMENDMENT) ORDINANCE 1997 AND IN RELATION TO THE NATURAL RESOURCES AND ENVIRONMENT (COMPOUNDING OF OFFENCES) (AMENDMENT) RULES, 2001

1. Background

At its last meeting on 12 April 2000, the Board decided that the amendment to the Natural Resources and Environment (Compounding of Offences) rules 1997, particularly, with respect to its rule 5 (1) on the percentum of the compound to be collected for prescribed offences, are necessary for effective enforcement of the provision under the Natural Resources and Environment Ordinance.

Based on the existing provision of Rule 5(1) of the Natural Resources and Environment (Compounding of Offences) Rules 1997, the limit of compound for any prescribed offences has been set to be **not less than ten percentum nor more than thirty percentum of the maximum fine.** With a minimum limit of ten percent of the maximum penalty, the amount of compound to be offered in actual monetary term is definitely too exorbitant of certain offences, such as those involving ordinary individuals and in respect of small-scale and backyard burning and illegal dumping of wastes in urban and peripheral areas.

Pursuant to subsection (B) of Section 18 of the Natural Resources and Environment Ordinance (Cap. 84 - Laws of Sarawak), the **Majlis Mesyuarat Kerajaan Negeri** at its meeting held on **12th October 2000** has approved the **Natural Resources and Environment (Compounding of Offences) (Amendment) Rules, 2000** (vide Official letter from the Setiausaha Tetap, Kementerian Alam Sekitar dan Kesihatan Awam Ref: KAS/ADM/222/1(20) dated 31 October 2000). Thereafter, the amendment was made and become effective with effect from the **26th June 2001** as per the Sarawak Government Gazette Part II Vol.LV1 No. 16 (Swk. L.N.66) dated 25th June 2001.

With the **amendment to delete the minimum limit** of the compound, the Board shall have the discretion to decide on its quantum based on the gravity of the offence. Issuing of compound directly to the offenders will also serve as a deterrent to would-be offenders, and therefore, help to enforce the particular rules in urban and peripheral areas more effectively. The ultimate objective is to create greater awareness and instill better attitude and commitment among the local community in maintaining clean air and healthy urban environment.

2. BASIC RATES FOR COMPOUNDABLE OFFENCES

These rates are applicable to the most common offences in the urban and peripheral areas, namely, those relating to open burning and illegal dumping.

No.	Nature of Offences	Minimum Amount of Compound	Relevant Section and Maximum Penalty
1	Backyard burning of vegetative wastes, paper and other combustible materials by individual households within residential areas.	RM 50 - 200	Sect. 30(1)(a) - RM 20,000
2	Open burning of nonhazardous wastes, including wood waste, paper and other combustible materials by commercial and industries.	10% of minimum penalty	Sect. 30(1)(a) - RM 20,000
3	Open burning of nonhazardous wastes, including plastic materials, rubber tyre, paints, and used oil by commercial and industries	10% of minimum penalty	Sect. 30(1)(a) - RM 20,000
4	Open burning of construction wastes by housing and property developers.	10% of minimum penalty	Sect. 30(1)(a) - RM 20,000
5	Illegal dumping of construction wastes by commercial and industries.	10% of minimum penalty	Sect. 30(1)(b) - RM 20,000
6	Illegal dumping of solid wastes by individuals.	RM 50 - 200	Sect. 30(1)(b) - RM 20,000
7	Open burning in plantation.	10% of minimum penalty	Sect. 30(2) - RM 30,000
8	Illegal discharge of toxic substance into inland water.	10% of minimum penalty	Sect. 30(A) - RM 50,000
9	Illegal discharge of animal carcasses into inland water.	RM 300 - 1000	Sect. 30(A) - RM 50,000

Note:

- (1) Compound less than RM100 should be settled within 14 days from the date of issue and within one month for those over RM 100.

