



UNDANG-UNDANG MALAYSIA

Akta A1452

AKTA BINATANG (PINDAAN) 2013

Tarikh Perkenan Diraja 18 Mac 2013

Tarikh penyiaran dalam *Warta* 20 Mac 2013

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada **Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik)**.

UNDANG-UNDANG MALAYSIA

Akta A1452

AKTA BINATANG (PINDAAN) 2013

Suatu Akta untuk meminda Akta Binatang 1953.

[]

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Binatang (Pindaan) 2013.

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

Pindaan seksyen 2

2. Akta Binatang 1953 [*Akta 647*], yang disebut “Akta ibu” dalam Akta ini, dipinda dalam seksyen 2—

(a) dengan memasukkan selepas takrif “dog” takrif yang berikut:

‘ “enforcement officer” means an enforcement officer appointed under the Malaysian Quarantine and Inspection Services Act 2011 [*Act 728*];

“entry point” has the same meaning assigned to it under the Malaysian Quarantine and Inspection Services Act 2011;’;

(b) dengan memasukkan selepas takrif “litter” takrif yang berikut:

‘ “MAQIS” means the Malaysian Quarantine and Inspection Services as provided under the Malaysian Quarantine and Inspection Services Act 2011;

“MAQIS Act” means the Malaysian Quarantine and Inspection Services Act 2011;’; dan

(c) dengan menggantikan takrif “quarantine station” dengan takrif yang berikut:

‘ “quarantine station” means any building or place where quarantine is carried out and includes an examination station or hulk, and for the purposes of conducting quarantine under MAQIS Act, has the same meaning assigned to it under the Act;’.

Pindaan seksyen 5

3. Seksyen 5 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes any order made under paragraph (1)(b) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.”.

Penggantian seksyen 6

4. Akta ibu dipinda dengan menggantikan seksyen 6 dengan seksyen yang berikut:

“6. Except as specifically provided in any order made under paragraph 5(1)(a), no person shall import any animal or bird except in accordance with a licence in that behalf issued by the Director General of Quarantine and Inspection under MAQIS Act.”.

Seksyen baru 6A

5. Akta ibu dipinda dengan memasukkan selepas seksyen 6 seksyen yang berikut:

“No person to import carcass, product of animals or birds, etc., without permit

6A. Except as specifically provided in any order made under paragraph 5(1)(b), no person shall import any carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance that is likely to convey or spread disease except in accordance with a permit in that behalf issued by the Director General of Quarantine and Inspection under MAQIS Act.”.

Penggantian seksyen 7

6. Akta ibu dipinda dengan menggantikan seksyen 7 dengan seksyen yang berikut:

“Examination and detention of imported animals and birds

7. All animals and birds imported or about to be imported shall be examined by an enforcement officer at the entry points, quarantine stations or quarantine premises in accordance with MAQIS Act.”.

Pindaan seksyen 8

7. Seksyen 8 Akta ibu dipinda—

(a) dalam subseksyen (1), dengan menggantikan perkataan “veterinary authority” dengan perkataan “MAQIS office”;

(b) dengan memotong subseksyen (2), (3) dan (4); dan

(c) dengan menggantikan subseksyen (5) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 9**8. Seksyen 9 Akta ibu dipinda—***(a)* dalam subseksyen (1)—

- (i) dengan menggantikan perkataan “If any animal, bird or carcass” dengan perkataan “If any animal, bird or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance”;
- (ii) dengan memasukkan selepas perkataan “imported” perkataan “under section 6 or 6A”;
- (iii) dengan memasukkan selepas perkataan “carcass” di mana jua ia terdapat dalam perenggan *(b)* perkataan “, semen, fodder, litter, dung, or any product of animals or birds or any article or substance”;
- (iv) dengan menggantikan perkataan “a veterinary authority” dengan perkataan “an enforcement officer”; dan
- (v) dengan menggantikan perkataan “the veterinary authority” dengan perkataan “the enforcement officer”;

(b) dalam subseksyen (2)—

- (i) dengan memasukkan selepas perkataan “bird” perkataan “or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance”; dan
- (ii) dengan menggantikan perkataan “of the carcass” dengan perkataan “it”;

(c) dalam subseksyen (3), dengan memasukkan selepas perkataan “bird” perkataan “or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance”; dan*(d)* dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

“(4) For the purpose of paragraph (1)(b), the destruction and disposal shall be conducted without undue delay in accordance with the procedures prescribed under MAQIS Act.”.

Pindaan seksyen 10

9. Seksyen 10 Akta ibu dipinda—

- (a) dalam subseksyen (1), dengan menggantikan perkataan “a veterinary authority” dengan perkataan “an enforcement officer”;
- (b) dalam subseksyen (2), dengan memasukkan selepas perkataan “loss” perkataan “through the MAQIS office”; dan
- (c) dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) The master of any ship who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 11

10. Seksyen 11 Akta ibu dipinda—

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

“(1) If any animal or bird examined by an enforcement officer for the purposes of importation is found to be suffering from injury which in the opinion of the enforcement officer cannot be relieved, the enforcement officer may cause such animal or bird to be destroyed at once and its carcass to be disposed of in such manner as he may direct.”; dan

- (b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) The destruction and disposal under subsection (1) shall be conducted without undue delay and in accordance with the procedures prescribed under MAQIS Act.”.

Pindaan seksyen 12**11. Seksyen 12 Akta ibu dipinda—**

- (a) dalam subseksyen (1), dengan menggantikan perkataan “a veterinary authority” dengan perkataan “an enforcement officer”; dan
- (b) dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes subsection (1) or fails to comply with any direction given by an enforcement officer as to the manner of disposal of carcass commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 13**12. Seksyen 13 Akta ibu dipinda—**

- (a) dengan menomborkan semula seksyen yang sedia ada sebagai subseksyen (1);
- (b) dalam subseksyen (1), dengan menggantikan perkataan “a veterinary authority” dengan perkataan “an enforcement officer”; dan
- (c) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(2) The destruction and disinfection under subsection (1) shall be conducted without undue delay and in accordance with the procedures prescribed under MAQIS Act.”.

Penggantian seksyen 14**13. Akta ibu dipinda dengan menggantikan seksyen 14 dengan seksyen yang berikut:**

“No person to export any animal or bird or its carcass without licence

14. No person shall export any animal, bird or its carcass except in accordance with a licence in that behalf issued by the Director General of Quarantine and Inspection under MAQIS Act.”.

Seksyen baru 14A

14. Akta ibu dipinda dengan memasukkan selepas seksyen 14 seksyen yang berikut:

“No person to export carcass, product of animals or birds, etc., without permit

14A. No person shall export any carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance that is likely to convey or spread disease except in accordance with a permit in that behalf issued by the Director General of Quarantine and Inspection under MAQIS Act.”.

Pemotongan seksyen 15

15. Akta ibu dipinda dengan memotong seksyen 15.

Pindaan seksyen 16

16. Seksyen 16 Akta ibu dipinda dengan memasukkan selepas perkataan “Every animal” perkataan “or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance”.

Penggantian seksyen 17

17. Akta ibu dipinda dengan menggantikan seksyen 17 dengan seksyen yang berikut:

“Diseased animal or bird, or carcass, etc., not to be exported

17. Upon the examination by a veterinary authority as required under section 16, if any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance which is about to be exported is in the opinion of the veterinary authority to be infected with any disease or likely to have been in contact with any infected or diseased animal, bird or carcass or any other infected articles or materials, the veterinary authority may refuse to permit such animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance thereof to be exported.”.

Pindaan seksyen 18

18. Seksyen 18 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who fails to comply with any order made under subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 21

19. Seksyen 21 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who fails to comply with any order made under subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 22

20. Seksyen 22 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 23

21. Seksyen 23 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 24

22. Seksyen 24 Akta ibu dipinda dengan menggantikan subseksyen (4) dengan subseksyen yang berikut:

“(4) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 25

23. Seksyen 25 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 26

24. Seksyen 26 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 27

25. Seksyen 27 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 28

26. Seksyen 28 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 30

27. Seksyen 30 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who—

- (a) has in his possession any culture or vaccine contrary to this section commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit; and
- (b) inoculates any animal or bird contrary to this section commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.”.

Pindaan seksyen 31

28. Seksyen 31 Akta ibu dipinda dengan menggantikan subseksyen (4) dengan subseksyen yang berikut:

“(4) Any person who—

- (a) fails to make a report as is required under this section commits an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit;
- (b) fails to cause any animal or bird to be confined and isolated as is required under subsection (1) or permits the carcass of an animal to be moved contrary to subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 33

29. Seksyen 33 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any direction given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 34

30. Seksyen 34 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 35

31. Seksyen 35 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with an order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 36

32. Seksyen 36 Akta ibu dipinda—

(a) dalam subseksyen (4) dan (5), dengan menggantikan perkataan “may be seized and detained until its forfeiture has been ordered” dengan perkataan “may be dealt with in accordance with section 68 of this Act”; dan

(b) dengan menggantikan subseksyen (7) dengan subseksyen yang berikut:

“(7) Any person who fails to comply with any order made under subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit.”.

Pindaan seksyen 38

33. Seksyen 38 Akta ibu dipinda dengan menggantikan subseksyen (8) dengan subseksyen yang berikut:

“(8) Any person who contravenes subsection (1) or (6) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 39

34. Seksyen 39 Akta ibu dipinda dengan menggantikan subseksyen (6) dengan subseksyen yang berikut:

“(6) Any person who—

(a) contravenes subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three months; and

(b) contravenes subsection (4) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 40

35. Seksyen 40 Akta ibu dipinda dengan menggantikan subseksyen (6) dengan subseksyen yang berikut:

“(6) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 41

36. Seksyen 41 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 42

37. Seksyen 42 Akta ibu dipinda dengan menggantikan subseksyen (8) dengan subseksyen yang berikut:

“(8) Any owner or person in charge of a dog who fails to comply with any order made or any direction given under subsection (1) or (4) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 44

38. Subseksyen 44(1) Akta ibu dipinda dengan menggantikan perkataan “shall be guilty of an offence of cruelty and shall be liable to a fine of two hundred ringgit or to imprisonment for a term of six months or to both” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.”.

Pindaan seksyen 45

39. Subseksyen 45(3) Akta ibu dipinda dengan menggantikan perkataan “may, subject to any order made in respect of the animal by a Magistrate, be there detained until the accused has been tried” dengan perkataan “be dealt with according to subsection 68(2) of this Act”.

Pindaan seksyen 47

40. Seksyen 47 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who fails to comply with any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 50A

41. Seksyen 50A Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.”.

Pindaan seksyen 51

42. Seksyen 51 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who contravenes any order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit.”.

Pindaan seksyen 55

43. Seksyen 55 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit.”.

Pindaan seksyen 58

44. Seksyen 58 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who fails to make any report required to be made under this section or fails to produce a licence as required by this section commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 60

45. Seksyen 60 Akta ibu dipinda dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) Any person who fails to comply with the requirement of the notice served under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 61

46. Seksyen 61 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Penggantian Bahagian VII

47. Akta ibu dipinda dengan menggantikan Bahagian VII dengan Bahagian yang berikut:

“PART VII

ENFORCEMENT

Power to enter and search building, premises or land

67. (1) A veterinary authority or a veterinary police officer for the purpose of ascertaining whether any offence against this Act is being committed or any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance is infected with any disease or likely to have been in contact with any infected or diseased animal, bird or carcass or any other infected articles or materials, as the case may be—

- (a) enter any building, premises or land belonging to or in the occupation of any person;
- (b) search for any animal or bird, or carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance, or document as he may consider necessary;

- (c) carry out inspection and examination of any animal or bird, or carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance, or document and may open any package or receptacle as he may consider necessary;
- (d) collect any kind of sample, take any photograph via any means or including electronic means, enquire and record any information about the inspection and examination as he may consider necessary;
- (e) require the production of, inspect, make copies of, or take extracts from any books or documents found in the building or premises for the purpose of ascertaining by taking or otherwise; or
- (f) take any photograph,

which may furnish evidence of the commission of an offence against this Act and the owner or the occupier of such building, premises or land shall render such veterinary authority or veterinary police officer all necessary assistance and furnish such information as may be required of him.

Power to stop and search conveyance

67A. (1) Where a veterinary authority, a police officer or an officer of customs has reasonable suspicion that a conveyance is carrying any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance in contravention of any provision of this Act or any subsidiary legislation made under this Act, it shall be lawful for such officer to stop, enter and examine the conveyance for the purpose of ascertaining whether any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance is contained therein or is being moved or transported contrary to such provision and the person in control or in charge of the conveyance shall if required to do so by the officer, stop the conveyance and allow the officer to examine it.

(2) The person in control or in charge of the conveyance examined under the provision of subsection (1) shall, on request of the veterinary authority, police officer or officer of customs, open all parts of the conveyance for examination by such officer and take measures necessary to enable the examination as the officer considers necessary to be made.

Power to seize, dispose and destroy animal or bird, or carcass, product of animals or birds, etc.

68. (1) If a veterinary authority, a police officer or an officer of customs has reason to believe that any person has committed an offence against this Act, he may seize any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document in any building, premises or lands by means of which such offence has been committed and which is a subject matter in relation to the evidence necessary to establish the commission of the offence.

(2) Where under this section any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document has been seized in respect of such offence then the veterinary authority, the police officer or the officer of customs may apply to a Magistrate for an order to detain the animal, bird, carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance, conveyance or document until the conclusion of such criminal proceedings.

(3) If upon the application, the Magistrate is satisfied that, and where applicable, any of the said animal or bird, or carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance—

- (a) is subject to speedy and natural decay;
- (b) is liable to die, deteriorate in quality or spoil within a short time;
- (c) is liable to depreciate in value within a short time;
or
- (d) the custody of which is unreasonable in view of the expense or inconvenience that would thereby involved,

he may order the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance to be destroyed or otherwise disposed of in such manner as the Magistrate thinks fit, and the proceeds of sale, if any, shall be kept until the conclusion of such criminal proceedings.

(4) If upon the application, the Magistrate is satisfied that any of the said animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance is found to be imported or exported without any import or export licence, permit or certificate under the Act or from an unknown source or any source not approved under the Act, he shall order the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance to be disposed of or destroyed immediately by the veterinary authority.

(5) Notwithstanding any other provisions of this Act where a Magistrate is not immediately available under subsection (2), the veterinary authority may destroy, sell or otherwise dispose of any of the said animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance as he thinks fit.

(6) The owner of the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance that has been seized under subsection (1) shall pay such sum as the Magistrate may consider reasonable to cover the expenses connected with the removal to a place of detention and unless such sum is paid within a specified time the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance shall be forfeited.

Power to seal building, premises, etc.

68A. (1) Where applicable and by reason of its nature, size or amount it is not practicable to remove any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document that has been seized in or on any building, premises or land or any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance or document in any conveyance referred to in subsection 36(5), 45(1) or 68(1), the veterinary authority, the police officer or the officer of customs shall by any means and in such a manner as he deems fit, seal the building, premise or land or seal the conveyance from where the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance or document was found.

(2) The owner or the occupier of the building, premises, land or conveyance where applicable shall be responsible for the general care or the welfare of the animal or bird if any, the overall maintenance and safe keeping of the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document that has been sealed in the building, premises or land or the animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance or document inside the conveyance referred to in subsection (1).

(3) It shall be an offence for a person without any written permission or lawful authority to break or tamper with the seal mentioned in subsection (1), or to remove any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document from such place or any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance or document from such conveyance or any attempt to do so.

Power to temporarily return animal or bird, or carcass, product of animals or birds, *etc.*, to the owner

68B. (1) Where under section 68, any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document has been seized and upon a written application by the owner of the same or person entitled to under any written law, a veterinary authority, a police officer or an officer of customs may at his discretion temporarily release or return it to the owner or person entitled to it and shall subject to—

- (a) such terms and conditions as he may impose; and
- (b) sufficient security being furnished to his satisfaction,

provided that the said owner or person entitled to it shall surrender the animal or bird, or carcass, semen, fodder, litter, dung or any product of animals or birds or any article

or substance, conveyance or document to the veterinary authority, the police officer or the officer of customs on demand being made.

(2) A person who fails to surrender on demand to a veterinary authority, a police officer or an officer of customs any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any other article or substance, conveyance or document that is temporarily released or returned to him under subsection (1), or fails to comply with the terms and conditions imposed under paragraph (1)(a) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Power to arrest

69. (1) A veterinary authority, a police officer or an officer of customs may arrest without warrant any person whom he sees or finds committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence against this Act if the person—

- (a) refuses to give his name and residence;
- (b) gives a name or residence which has reason to believe to be false;
- (c) he is likely to abscond; or
- (d) gives his residence in a place not within Malaysia.

(2) Every person so arrested under subsection (1) shall without unnecessary delay be handed over to the nearest police officer or in the absence of a police officer be taken to the nearest police station.

(3) The police officer shall re-arrest every person so arrested under subsection (1) and deal with it as provided for under section 24 of the Criminal Procedure Code [Act 593].

Power of investigation

69A. (1) A veterinary authority shall have the power to investigate the commission of an offence against this Act.

(2) A veterinary authority may, in relation to an investigation in respect of an offence committed against this Act, exercise the special powers in relation to police investigation except that of the power to arrest without warrant in a seizable offence given under the Criminal Procedure Code that may not be exercised by him.

Power to require attendance of person acquainted with case

69B. (1) Any veterinary authority making an investigation under section 69A may, by order in writing require the attendance before himself of any person who appears to the veterinary authority to be acquainted with the circumstances of the case, and the person shall attend as so required.

(2) If the person fails to attend as so required, the veterinary authority may report the failure to a Magistrate who shall issue a summons to secure the attendance of the person as required by the order aforesaid.

Examination of person acquainted with case

69C. (1) Any veterinary authority making an investigation under section 69A may obtain information from any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person shall be legally bound to answer all questions relating to the case put to him by the veterinary authority:

Provided that the person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not the statement is made wholly or partly in answer to questions.

(4) The veterinary authority obtaining information from a person shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by a person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make correction he may wish.

Admission of statements in evidence

69D. (1) Except as provided in this section, no statement made by any person to a veterinary authority in the course of an investigation under this Part shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by that witness to a veterinary authority in the course of an investigation under this Part and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [*Act 56*].

(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within section 27 or paragraph 32(1)(a) of the Evidence Act 1950.

(5) When a person is charged with any offence in relation to—

(a) the making; or

(b) the contents,

of any statement made by him to a veterinary authority in the course of investigation made under this Part, that statement may be used as evidence in the prosecution's case.

Powers of enforcement officers

69E. An enforcement officer exercising any powers under this Act shall only do so at the entry points, quarantine stations and quarantine premises in accordance with MAQIS Act.”.

Penggantian seksyen 70

48. Akta ibu dipinda dengan menggantikan seksyen 70 dengan seksyen yang berikut:

“Obstructing officers in the execution of their duties

70. Any person who, without lawful excuse, obstructs or impedes or assists in obstructing or impeding any veterinary authority, police officer or officer of customs in the exercise of his duty under this Act or any subsidiary legislation made under this Act commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.”.

Penggantian seksyen 71

49. Akta ibu dipinda dengan menggantikan seksyen 71 dengan seksyen yang berikut:

“Altering licences, permits or documents

71. Any person who, without lawful authority, alters or forges any licence, permit or any other written document issued under this Act or any subsidiary legislation made under

this Act or knowingly makes use of any licence or permit or document so altered or forged, commits an offence and shall on conviction be liable to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding six months or to both.”.

Penggantian seksyen 72

50. Akta ibu dipinda dengan menggantikan seksyen 72 dengan seksyen yang berikut:

“General penalty

72. (1) Any person who commits an offence under this Act for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) Any body corporate which commits an offence under this Act for which no penalty is expressly provided, shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit.”.

Seksyen baru 73A

51. Akta ibu dipinda dengan memasukkan selepas seksyen 73 seksyen yang berikut:

“Offences committed by the body corporate and by agents and servants

73A. (1) Where a body corporate commits an offence under this Act or any of its subsidiary legislation, any person who at the time of the commission of the offence was a chief executive officer, director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—

(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(b) where the body corporate is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

(i) that the offence was committed without his knowledge, consent or connivance; and

(ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable under this Act or any of its subsidiary legislation to any punishment or penalty for any act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of such agent, if such act, omission, neglect or default was committed—

(a) by his employee in the course of his employment;

(b) by the agent when acting on his behalf; or

(c) by the employee of such agent in the course of his employment by such agent or otherwise on behalf of the agent.

Compounding of offences

73B. (1) The Minister may by order prescribe method, amount and offence to be compounded under this section.

(2) The Director General, the State Director or to whom the Director General or State Director has delegated such power in writing as the case may be, may compound any offence by collecting the amount to be paid from person reasonably suspected of having committed such offence through a written offer specifying the amount to be paid within such time.

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

(4) If the amount specified in the offer under subsection (2) is not paid within the time specified in the offer or within such extended period as the Director General, the State Director or to whom the Director General or State Director has delegated such power in writing may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(5) Where an offence has been compounded under subsection (2), no prosecution shall thereafter be instituted against such person in respect of such offence and where seizure has been taken of any carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance, conveyance or documents under this Act or any subsidiary legislation made under this Act or the proceeds of any sale under it, the Director General, the State Director or any veterinary authority, may destroy, forfeit or release such property in a manner as he may think fit with the approval of court.

Jurisdiction to try offences

73c. Notwithstanding any written law to the contrary, a Magistrate Court shall have jurisdiction to try any offence under this Act or any subsidiary legislation made under this Act, and to impose full punishment for any such offence.”.

Penggantian seksyen 74

52. Akta ibu dipinda dengan menggantikan seksyen 74 dengan seksyen yang berikut:

“Forfeiture

74. (1) Any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance or document that has been seized or any proceeds of a sale under this Act or any subsidiary legislation made under this Act shall be liable to forfeiture.

(2) Any order for the forfeiture or for the release of any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance or conveyance or document that had been seized in exercise of any power conferred under this Act or any subsidiary legislation made under this Act or the proceeds of any sale under it shall be made by the court before which the prosecution with regard thereto has been held and an order for its forfeiture shall be made if it is proved to the satisfaction of the court that an offence against this Act has been committed and it was the subject matter of or was used in the commission of the offence, notwithstanding that no person may have been convicted of such offence:

Provided that no order of forfeiture shall be made in respect of a conveyance unless the owner, if his name and place of residence is known, shall have had an opportunity of appearing to show cause why such order should not be made.

(3) Any animal or bird, or carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance, document or the proceeds from any sale forfeited under this section shall be disposed of in accordance with the directions of the Magistrate.”.

Seksyen baru 74A

53. Akta ibu dipinda dengan memasukkan selepas seksyen 74 seksyen yang berikut:

“Carcass, etc., or any product of animals or birds, etc., seized in respect of which there is no prosecution

74A. (1) If there is no prosecution with regard to any carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyance, receptacle, package, or document that had been seized in exercise of any power conferred under this Act or any subsidiary legislation made under this Act or the proceeds of any sale under it, it shall deem to be forfeited at the expiration of one hundred and

eighty days from the date of the publication of a public notice in accordance with subsection (2) by the Director General or State Director unless a claim thereto is made before the expiration of the said notice in the manner hereinafter set out.

(2) The Director General or State Director shall issue a public notice specifying the date, locality, types of offence and carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance seized in subsection (1) and requiring any person who has any claim of it to appear before a veterinary authority and establish his claim within one hundred and eighty days from the date of such public notification.

(3) The public notice mentioned in subsection (2) shall be published by posting it in a conspicuous place at the office of any veterinary centre in the district in which such carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance was seized or in any local newspaper as the Director General or State Director may feel necessary.

(4) The public notice mentioned in subsection (2) shall be published in the *Gazette* if it involves a conveyance or the value of each item of the carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance amounts to fifty ringgit or more.

(5) A veterinary authority may require the owner or person entitled to the carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyances, receptacles, packages or document who had laid a claim within one hundred and eighty days from the date of the publication of public notice under this section, to show proof of such entitlement before deciding to return the carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyances, receptacles, packages or document.

(6) If a veterinary authority is doubtful of the claim of ownership of such carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, he may refer the claimant to a Magistrate to determine the rightful ownership of such carcass, semen, fodder, litter,

dung or any product of animals or birds or any article or substance, conveyances, receptacles, packages or document; and the burden shall be on the claimant to prove that he is the rightful owner and such carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyances, receptacles, packages or document were not a subject matter of the offence or used in the commission of such offence.

(7) If at the expiration of the period of one hundred and eighty days from the date of the publication of public notice under this section, no person has made any claim of such carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyances, receptacles, packages or document, any veterinary authority may apply for an order to destroy or dispose of the carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance, conveyances, receptacles, packages or document as the Magistrate may think fit and the proceeds of sale, if any, shall be credited to the Government revenue.”.

Penggantian seksyen 76

54. Akta ibu dipinda dengan menggantikan seksyen 76 dengan seksyen yang berikut:

“Prosecution

76. No prosecution for any offence under this Act or any rules made under this Act shall be instituted except by or with the written consent of the Public Prosecutor.”.

Penggantian seksyen 79

55. Akta ibu dipinda dengan menggantikan seksyen 79 dengan seksyen yang berikut:

“Brands or other identification marks applied to animals, etc.

79. (1) Any person who has charge of any animal or bird shall ensure that the animal or bird bears any mark of identification which the Minister may prescribe by order.

(2) Any person who fails to comply with any order made under subsection (1) commits an offence.

(3) A veterinary authority may, if he deems it necessary and where applicable for purposes of identification, brand, label, tattoo, notch or otherwise mark either permanently or temporarily any carcass, semen, fodder, litter, dung, or any product of animals or birds or any article or substance.

(4) Any person who counterfeits, copies, alters, defaces or erases, any brand, label, tattoo, notch or mark applied by a veterinary authority commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.”.

Pindaan seksyen 84

56. Seksyen 84 Akta ibu dipinda—

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

“(1A) Upon receiving the written permission from the Director General, such person shall apply for a permit to import into Peninsular Malaysia in accordance with MAQIS Act.”; dan

(b) dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

“(2) Any person who contravenes this section shall be dealt with in accordance with MAQIS Act.”.

Pindaan seksyen 85

57. Seksyen 85 Akta ibu dipinda dengan memasukkan selepas perkataan “under instructions of a veterinary authority” perkataan “or an enforcement officer”.

Pindaan seksyen 86

58. Seksyen 86 Akta ibu dipinda—

(a) dalam subseksyen (2)—

- (i) dengan memotong perenggan (c);
- (ii) dengan memotong perenggan (e);
- (iii) dengan menggantikan perenggan (ka) dengan perenggan yang berikut:

“(ka) regulating the licensing, control, supervision and inspection of places in which animals or birds are or may be kept in captivity for sale, export or exhibition, recreation or sports, research or scientific experiments and such rules may—

- (i) prescribe the conditions subject to which animals or birds may be so kept;
 - (ii) specify the authorities by which such licences may be granted; and
 - (iii) prescribe the circumstances in which such licences may be revoked or suspended;”;
- (iv) dengan memotong perenggan (m); dan

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

“(3) Rules made under this section may prescribe any act or omission in contravention of the rules to be an offence and may prescribe penalties of a fine not exceeding ten thousand ringgit, and in the case of a continuing offence, may prescribe a further fine of five hundred ringgit for every day or part of a day during which the offence continues after conviction.”.

Peralihan dan kecualian

59. (1) Apabila mula berkuat kuasanya Akta ini, apa-apa kaedah yang dibuat di bawah perenggan 86(2)(*c*) dan (*e*) Akta ibu sebelum mula berkuat kuasanya Akta ini hendaklah disifatkan telah dibuat di bawah Akta Perkhidmatan Kuarantin dan Pemeriksaan Malaysia 2011 dan hendaklah terus berkuat kuasa sehingga dipinda, dibatalkan atau digantikan oleh apa-apa perundangan subsidiari yang dibuat di bawah Akta Perkhidmatan Kuarantin dan Pemeriksaan Malaysia 2011.

(2) Apa-apa perkara yang berhubungan dengan permohonan bagi pengeluaran lesen atau permit untuk mengimport dan mengeksport binatang atau burung, atau karkas, mani, makanan binatang, jerami, tahi binatang, atau apa-apa keluaran binatang atau burung atau apa-apa barang atau bahan yang belum selesai sebelum tarikh mula berkuat kuasanya Akta ini tidak terjejas oleh Akta ini telah dan hendaklah diteruskan seolah-olah Akta ini telah tidak diperbuat.