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Act 613

ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES ACT 2001

As at 1 July 2022

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ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES ACT 2001

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*ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES ACT 2001

An Act to provide for the offence of money laundering, the measures to be taken for the prevention of money laundering and terrorism financing offences and to provide for the forfeiture of property involved in or derived from money laundering and terrorism financing offences, as well as terrorist property, proceeds of an unlawful activity and instrumentalities of an offence, and for matters incidental thereto and connected therewith.

[*15 January 2002, P.U. (B) 15/2002*]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the *Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001.

(2) This Act comes into operation on a date to be appointed by the Minister of Finance by notification in the *Gazette*.

**NOTE*—Previously known as the Anti-Money Laundering and Anti-Terrorism Financing Act 2001. Change in short title *vide* section 3 of the Anti-Money Laundering and Anti-Terrorism Financing (Amendment) Act 2014 [*Act A1467*] which comes into operation on 1 September 2014–*see* P.U. (B) 400/2014.

Application

2. (1) This Act shall apply to any serious offence, foreign serious offence or unlawful activity whether committed before or after the commencement date.

(2) This Act shall apply to any property, whether it is situated in or outside Malaysia.

(3) Nothing in this Act shall impose any duty or confer any power on any court in or in connection with any proceedings under this Act against a person for a serious offence in respect of which he has been convicted by a court before the commencement date.

Interpretation

3. (1) In this Act, unless the context otherwise requires—

"enforcement agency" includes a body or agency that is for the time being responsible in Malaysia for the enforcement of laws relating to the prevention, detection and investigation of any serious offence;

"accounts" includes records of any financial transactions conducted by any reporting institution listed in the First Schedule;

"unlawful activity" means—

(a) any activity which constitutes any serious offence or any foreign serious offence; or

(b) any activity which is of such a nature, or occurs in such circumstances, that it results in or leads to the commission of any serious offence or any foreign serious offence,

regardless whether such activity, wholly or partly, takes place within or outside Malaysia;

"Bank Negara Malaysia" means the Central Bank of Malaysia established by the Central Bank of Malaysia Act 2009 [*Act 701*];

"thing" includes material;

"specify" means specify in writing, and a power to specify includes the power to specify differently for different persons or different classes of persons and to amend any specification;

"prescribed" means prescribed by regulations made under this Act, and a power to prescribe includes the power to make different provisions in the regulations for different persons or classes of persons;

"document" has the same meaning as in the Evidence Act 1950 [*Act 56*];

"constituent document", in relation to an institution, means the statute, charter, memorandum of association and articles of association, rules and by-laws, partnership agreement, or other instrument, under or by which the institution is established and its governing and administrative structure and the scope of its functions and business are set out, whether contained in one or more documents;

"proceeds of an unlawful activity" means any property, or any economic advantage or economic gain from such property, within or outside Malaysia—

(a) which is wholly or partly—

(i) derived or obtained, directly or indirectly, by any person from any unlawful activity;

(ii) derived or obtained from a disposal or other dealings with the property referred to in subparagraph (i); or

(iii) acquired using the property derived or obtained by any person through any disposal or other dealings referred to in subparagraph (i) or (ii); or

(b) which, wholly or partly, due to any circumstances such as its nature, value, location or place of discovery, or to the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to other property referred to in subparagraph *(a)*(i), (ii) or (iii), can be reasonably believed to be property falling within the scope of subparagraph *(a)*(i), (ii) or (iii);

"property" means—

(a) assets of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, however acquired; or

(b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including currency, bank credits, deposits and other financial resources, traveller's cheques, bank cheques, money orders, capital market products, drafts and letters of credit,

whether situated within or outside Malaysia, and includes a legal or equitable interest, whether full or partial, in any such property;

"terrorist property" has the same meaning as in section 130B of the Penal Code [*Act 574*];

"financial institution" means—

(a) a licensed bank, licensed insurer and investment bank under the Financial Services Act 2013 [*Act 758*];

(b) a licensed international Islamic bank, licensed international takaful operator, licensed Islamic bank and licensed takaful operator under the Islamic Financial Services Act 2013 [*Act 759*];

(c) a prescribed institution under the Development Financial Institutions Act 2002 [*Act 618*];

(d) a licensee under the Money Services Business Act 2011 [*Act 731*];

(e) a person licensed or registered under the *Capital Markets and Services Act 2007 [*Act 671*];

(f) the central depository established under the Securities Industry (Central Depositories) Act 1991 [*Act 453*];

(g) a bank licensee, an insurance licensee, a securities licensee and any entity licensed or registered under the Labuan Financial Services and Securities Act 2010 [*Act 704*];

(h) an Islamic bank licensee, a takaful licensee, an Islamic securities licensee and any entity licensed or registered under the Labuan Islamic Financial Services and Securities Act 2010 [*Act 705*]; and

(i) a person prescribed by the Minister of Finance under section 12A;

"reporting institution" means any person, including branches and subsidiaries outside Malaysia of that person, who carries on any activity listed in the First Schedule;

"conveyance" includes any vessel, train, motor vehicle, aircraft and any other means of transport by which persons or goods can be carried;

"serious offence" means—

(a) any of the offences specified in the Second Schedule;

(b) an attempt to commit any of those offences; or

**NOTE*—This Act has replaced the Securities Industry Act 1983 [*Act 280*] and the Futures Industry Act 1993 [*Act 499*] which comes into operation on 28 September 2007 except for Division 2 of Part VI–*see* subsection 381(2) of Act 671 and P.U. (B) 143/2010 which comes into operation on 1 April 2010.

(c) the abetment of any of those offences;

"foreign serious offence" means an offence—

(a) against the law of a foreign State stated in a certificate purporting to be issued by or on behalf of the government of that foreign State; and

(b) that consists of or includes an act or activity which, if it had occurred in Malaysia, would have constituted a serious offence;

"terrorism financing offence" means any offence under section 130N, 130O, 130P or 130Q of the Penal Code;

"money laundering offence" means an offence under subsection 4(1);

"Labuan Financial Services Authority" means the Authority established under section 3 of the Labuan Financial Services Authority Act 1996 [*Act 545*];

"material" includes any book, document or other record in any form and any container or article relating to it;

"Minister of Home Affairs" means the Minister charged with the responsibility for internal security;

"Minister of Finance" means the Minister charged with the responsibility for finance;

"foreign State" means any country or territory outside Malaysia;

"customer" includes a client;

"controller", in relation to an institution, means—

(a) the chief executive officer of the institution or of a body corporate of which the institution is a subsidiary;

(b) a person, either alone or with any associate—

(i) has interest in one third or more of its voting shares;

(ii) has the power to appoint, or cause to be appointed, a majority of its directors; or

(iii) has the power to make a decision, or cause a decision to be made, in respect of its business or administration;

"instrumentalities of an offence" means—

(a) any thing which is used in, or in connection with, the commission of any unlawful activity; or

(b) any property which is wholly or partly used in, or in connection with, the commission of any unlawful activity,

whether the thing or property is situated within or outside Malaysia;

"business" means—

(a) any business registered under any written law providing for the registration of businesses;

(b) a corporation incorporated or registered under the *Companies Act 2016 [*Act 777*] and an associate of that corporation; or

(c) any venture or concern in any trade, commerce, profession, vocation or any other similar activity, whether or not it is carried on for a pecuniary gain or profit, and whether or not conducted on a regular, repetitive or continuous basis,

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**NOTE*—This Act has replaced the Companies Act 1965 [*Act 125*]–*see* subsection 620(1) of Act 777.

and includes all assets derived from or used in or for the purpose of carrying on such business activity, and all interests, rights and liabilities arising from such business activity;

"competent authority" means the person appointed under subsection 7(1);

"premises" includes—

(a) a structure (whether or not movable or offshore), building, tent, vehicle, vessel, hovercraft or aircraft;

(b) a place (whether or not enclosed or built upon); and

(c) part of any premises (including premises of a kind referred to in paragraph *(a)* or *(b)*);

"capital market products" has the same meaning as in the Capital Markets and Services Act 2007;

"process" means any summons, warrant, order or other document in respect of a criminal matter that is issued—

(a) out of any court; or

(b) out of any court of a foreign State,

or by any judge, magistrate or officer of such a court, as the case may be;

"criminal proceedings" means a trial of a person for a serious offence or foreign serious offence, as the case may be, and includes any proceedings to determine whether a particular person should be tried for the offence;

"relative", in relation to a person, means—

(a) a spouse of that person;

(b) a brother or sister of that person;

(c) a brother or sister of the spouse of that person; or

(d) any lineal ascendant or descendant of that person;

"associate", in relation to a person, means—

(a) any person who is a nominee or an officer of that person;

(b) any person who manages the affairs of that person;

(c) any firm of which such person, or any nominee of his, is a partner or a person in charge or in control of its business or affairs;

(d) any corporation within the meaning of the *Companies Act 2016, of which such person, or any nominee of his, is a director or is in charge or in control of its business or affairs, or in which such person, alone or together with any nominee of his, has or have a controlling interest, or shares to the total value of not less than thirty per centum of the total issued capital of that corporation; or

(e) the trustee of any trust, where—

(i) the trust has been created by that person; or

(ii) the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, amounts, at any time, to not less than twenty per centum of the total value of the assets of the trust;

**NOTE*—This Act has replaced the Companies Act 1965 [*Act 125*]–*see* subsection 620(1) of Act 777.

"Securities Commission" means the Securities Commission established under the *Securities Commission Malaysia Act 1993 [*Act 498*];

"diminished in value", in relation to any property, means the whole or part of the property being expended, utilised, destroyed, or being subjected to any dealing, process or other act, so that it ceases to exist, or is reduced in value or size, or is altered in character;

"transaction" includes an arrangement to open an account involving two or more persons and any related transaction between any of the persons concerned and another;

"dealing", in relation to any property, includes—

(a) receiving or acquiring the property;

(b) concealing or disguising the property (whether by concealing, or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it or otherwise);

(c) disposing of or converting the property;

(d) bringing the property into or removing the property from Malaysia;

(e) using the property to borrow money, or as security (whether by way of charge, mortgage or pledge or otherwise); or

(f) where a debt is owed to the person holding the property, making a payment to any person in reduction of the amount of the debt.

(2) For the purposes of this Act—

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* *NOTE*—Previously known as the Securities Commission Act 1993 [*Act 498*]. Change in short title *vide* section 2 of the Capital Markets and Services (Amendment) Act 2015 [*Act A1499*] which comes into operation on 15 September 2015–*see* P.U. (B) 369/2015.

(a) a reference to a foreign State includes a reference to—

(i) a territory of that foreign State; and

(ii) a ship or aircraft of, or registered in, that foreign State; and

(b) a reference to the law of a foreign State includes a reference to the law in force in any part of that foreign State.

PART II

MONEY LAUNDERING OFFENCES

Offence of money laundering

4. (1) Any person who—

(a) engages, directly or indirectly, in a transaction that involves proceeds of an unlawful activity or instrumentalities of an offence;

(b) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes of or uses proceeds of an unlawful activity or instrumentalities of an offence;

(c) removes from or brings into Malaysia, proceeds of an unlawful activity or instrumentalities of an offence; or

(d) conceals, disguises or impedes the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of an unlawful activity or instrumentalities of an offence,

commits a money laundering offence and shall on conviction be liable to imprisonment for a term not exceeding fifteen years and shall also

be liable to a fine of not less than five times the sum or value of the proceeds of an unlawful activity or instrumentalities of an offence at the time the offence was committed or five million ringgit, whichever is the higher.

(2) For the purposes of subsection (1), it may be inferred from any objective factual circumstances that—

(a) the person knows, has reason to believe or has reasonable suspicion that the property is the proceeds of an unlawful activity or instrumentalities of an offence; or

(b) the person without reasonable excuse fails to take reasonable steps to ascertain whether or not the property is the proceeds of an unlawful activity or instrumentalities of an offence.

(3) For the purposes of any proceedings under this Act, where the proceeds of an unlawful activity are derived from one or more unlawful activities, such proceeds need not be proven to be from any specific unlawful activity.

(4) A person may be convicted of an offence under subsection (1) irrespective of whether there is a conviction in respect of a serious offence or foreign serious offence or that a prosecution has been initiated for the commission of a serious offence or foreign serious offence.

Offence of structuring transactions to evade reporting requirement

4A. (1) No person shall structure, or direct, assist or participate in structuring, any transaction in the domestic or foreign currency to avoid the application of paragraph 14(1)*(a)*.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not more than five times the aggregate sum or value of the transaction at the time the

offence was committed or to imprisonment for a term not exceeding seven years or to both.

(3) In determining whether a transaction was conducted in contravention of this section, the following matters may be taken into consideration:

(a) the value of the money or property involved in each transaction;

(b) the total value of the transactions;

(c) the period of time over which the transactions took place;

(d) the interval of time between any of the transactions;

(e) the locations at which the transactions took place.

Protection of informers and information

5. (1) Where a person discloses to an enforcement agency his knowledge or belief that any property is derived from or used in connection with a money laundering offence or any matter on which such knowledge or belief is based—

(a) If he does any act in contravention of subsection 4(1) and the disclosure relates to the arrangement concerned, he does not commit an offence under that subsection if the disclosure is made—

(i) before he does the act concerned, being an act done with the consent of the enforcement agency; or

(ii) after he does the act, but the disclosure is made on his initiative and as soon as it is reasonable for him to make it;

(b) notwithstanding any other written law, the disclosure shall not be treated as a breach of any restriction on the disclosure of information imposed by any law, contract or rules of professional conduct; and

(c) he shall not be liable for damages for any loss arising out of—

(i) the disclosure; or

(ii) any act done or omitted to be done in relation to the property in consequence of the disclosure.

(2) Where any information relating to an offence under this Act is received by an officer of the competent authority or reporting institution, the information and the identity of the person giving the information shall be secret between the officer and that person and everything contained in such information, the identity of that person and all other circumstances relating to the information, including the place where it was given, shall not be disclosed except for the purposes of subsection 8(1) or section 14.

(3) Any person who knowingly discloses any false information under this section commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one million ringgit.

Restriction on revealing disclosure under section 5

6. (1) No person shall, subject to subsection (2)—

(a) reveal that a disclosure was made under section 5;

(b) reveal the identity of any person as the person making the disclosure; or

(c) answer any question if the answer would lead, or would tend to lead, to the revealing of any fact or matter referred to in paragraph *(a)* or *(b)*.

(2) Subsection (1) shall not apply to a witness in any civil or criminal proceedings—

(a) for an offence under subsection 4(1) or subsection (3) of this section; or

(b) where the court is of the opinion that justice cannot fully be done between the parties without revealing the disclosure or the identity of any person as the person making the disclosure.

(3) No person shall publish in writing or broadcast any information, including a report of any civil or criminal proceedings but excluding information published for statistical purposes by a competent authority or the Government, so as to reveal or suggest—

(a) that a disclosure was made under section 5; or

(b) the identity of any person as the person making the disclosure.

(4) Subsection (3) shall not apply in respect of proceedings against the person making the disclosure for an offence under subsection 4(1) or subsection (1).

(5) If information is published or broadcast in contravention of subsection (3), each of the following persons, namely—

(a) in the case of publication as part of a newspaper or periodical publication, any proprietor, editor, publisher and distributor of the newspaper or periodical publication;

(b) in the case of a publication otherwise than as part of a newspaper or periodical publication, any person who publishes it and any person who distributes it;

(c) in the case of a broadcast, any person who broadcasts the information and, if the information is contained in a programme, any person who transmits or provides the programme and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

commits an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding three years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

(6) In this section, "broadcast" includes any broadcast by radio, film, videotape, television or electronic media.

PART III

FINANCIAL INTELLIGENCE

Functions of the competent authority

7. *(1) The Minister of Finance may, by order published in the *Gazette*, appoint a person to be the competent authority and such person shall have all the functions conferred on the competent authority by this Act.

(2) The competent authority may authorize any of its officers or any other person to perform any or all of its functions or render such

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**NOTE*—Bank Negara Malaysia appointed as the competent authority which comes into operation on 15 January 2002–*see* P.U. (A) 19/2002.

assistance in the performance of its functions under this Act as it may specify.

Provisions relating to the competent authority

8. (1) The Minister of Finance may, upon the recommendation of the competent authority, who shall consult the relevant supervisory authority of a reporting institution (if any), by order published in the *Gazette*, *invoke any or all of the provisions of Part IV in respect of that reporting institution (if any).

(2) For the avoidance of doubt, it is declared that a competent authority may exercise its powers under this section in respect of reporting institutions carrying on any or all of the activities listed in the First Schedule, and shall—

(a) receive and analyze information and reports from any person, including reports issued by reporting institutions under section 14;

(b) send any report received under paragraph *(a)* or any information derived from any such report to an enforcement agency if it is satisfied or has reason to believe or suspect that a transaction involves proceeds of an unlawful activity or a serious offence is being, has been or is about to be committed; and

(c) send any information derived from an examination carried out under Part IV to an enforcement agency if it has reason to suspect that a transaction involves proceeds of an unlawful activity or a serious offence is being, has been or is about to be committed.

**NOTE*—Paragraph 14*(b)*, sections 20 and 24 invoked on institutions carrying on banking business, finance company business, merchant banking business and Islamic banking business which comes into operation on 15 January 2002–*see* P.U. (A) 20/2002.

(3) The competent authority may—

(a) compile statistics and records;

(b) give instructions to a reporting institution in relation to any report or information received under section 14;

(c) make recommendations to the relevant supervisory authority, enforcement agency and reporting institutions arising out of any report or information received under subsection (2); and

(d) create training requirements and provide training for any reporting institutions in respect of their transactions and reporting and record-keeping obligations under Part IV.

Authorization to release information

9. (1) Subject to subsection (2), the competent authority may, in writing, authorize any enforcement agency or its designated officers to have access to such information as the competent authority may specify for the purposes of performing the enforcement agency's functions.

(2) In respect of any information received from a reporting institution carrying on any business activity listed under Part II of the First Schedule, the competent authority shall authorize Labuan Financial Services Authority or its designated officers to have access to that information.

(3) The competent authority may, in writing, authorize the Attorney General or his designated officer to have access to such information as the competent authority may specify for the purpose of dealing with a foreign State's request in relation to mutual assistance in criminal matters.

Disclosure to corresponding authority of foreign State

10. (1) The Minister of Finance may enter into an agreement or arrangement, in writing, with the government of a foreign State regarding the exchange, between the competent authority and any corresponding authority of that foreign State, of information that the competent authority or the corresponding authority has reasonable grounds to suspect would be relevant to the investigation or the prosecution of a money laundering offence or a terrorism financing offence or an offence that is substantially similar to either offence.

(2) The competent authority may enter into an agreement or arrangement, in writing, with a corresponding authority of a foreign State regarding the exchange, between the competent authority and that corresponding authority, of information that the competent authority or the corresponding authority has reasonable grounds to suspect would be relevant to the investigation or the prosecution of a money laundering offence or a terrorism financing offence or an offence that is substantially similar to either offence.

(3) Notwithstanding any other written law or rule of law, the competent authority may communicate any information reported to it under section 14 or any other information received by it or disclosed to it by any person under this Act to a corresponding authority of a foreign State if—

(a) the competent authority has reasonable grounds to suspect that the information would be relevant to the investigation or prosecution of a money laundering offence or a terrorism financing offence or an offence that is substantially similar to either offence; and

(b) either—

(i) the Minister of Finance has, in accordance with subsection (1), entered into an agreement or

arrangement with that foreign State regarding the exchange of such information; or

(ii) the competent authority has, in accordance with subsection (2), entered into an agreement or arrangement with that corresponding authority regarding the exchange of such information,

under which the corresponding authority of the foreign State has agreed to communicate to the competent authority, upon the competent authority's request, information received by the corresponding authority that corresponds to any information required to be reported to the competent authority under section 14 or any other information received by or disclosed to the competent authority under this Act; and

(c) the competent authority is satisfied that the corresponding authority has given appropriate undertakings—

(i) for protecting the confidentiality of any thing communicated to it; and

(ii) for controlling the use that will be made of it, including an undertaking that it will not be used as evidence in any other proceedings.

(4) The competent authority shall record in writing the reasons for all decisions made under paragraph (3)*(a)* to communicate any information.

(5) In this section, "corresponding authority", in relation to a foreign State, means the authority of that foreign State responsible for receiving information that corresponds to any information required to be reported to a competent authority under section 14.

Prohibited disclosure

11. Subject to section 12, no person who has obtained information from a competent authority under Part IV shall—

(a) while he is authorized under section 9, disclose or communicate the information except to another officer authorized under that section, for the purposes of, or in connection with, the performance of his duties; and

(b) when he is no longer authorized under section 9, make a record of the information, or disclose or communicate the information in any circumstances.

Permitted disclosure

12. (1) Nothing in section 11 shall prevent the communication of the competent authority's information under this Part with respect to a prosecution or legal proceedings in connection with the commission of a serious offence, a foreign serious offence, an offence under subsection 4(1) or a terrorism financing offence.

(2) Nothing in section 11 shall prevent the communication of the competent authority's information under this Part in respect of the affairs of a person by the person authorized under section 9 to—

(a) if the person is not a company, that person;

(b) if the person is a company—

(i) any person who is, or has been, a director or an officer of the company; or

(ii) any person who is, or has been directly involved in, or responsible for, the preparation of information furnished on behalf of the company; or

(c) the person who furnished the information to the competent authority.

(3) No person to whom the competent authority or person authorized under section 9 communicates any information under this Part and the information does not relate to the affairs of the person shall make a record of the information or disclose, or communicate the information to any person in any circumstances.

(4) Any person who contravenes subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(5) Except where it is necessary to do so for the purposes of carrying into effect the provisions of this Act, a person who obtains information from the competent authority under this Part shall not be required to produce in court any document containing any of the information or to disclose or communicate to any court such information.

Prescription of additional financial institutions

12A. The Minister of Finance may, on the recommendation of the competent authority, by order published in the *Gazette*, prescribe a person that is carrying on a financial business that is regulated or supervised by or subject to the oversight of a relevant regulatory or supervisory authority pursuant to the laws enforced by such regulatory or supervisory authority to be a financial institution for the purposes of the definition of "financial institution" under subsection 3(1).

PART IV

REPORTING OBLIGATIONS

Record-keeping by reporting institutions

13. (1) A reporting institution shall keep a record of any transaction involving the domestic currency or any foreign currency exceeding such amount as the competent authority may specify.

(2) The record referred to in subsection (1) shall be in such form as the competent authority may specify.

(3) The record referred to in subsection (1) shall include the following information for each transaction:

(a) the identity and address of the person in whose name the transaction is conducted;

(b) the identity and address of the beneficiary or the person on whose behalf the transaction is conducted, where applicable;

(c) the identity of the accounts affected by the transaction, if any;

(d) the type of transaction involved, such as deposit, withdrawal, exchange of currency, cheque cashing, purchase of cashier's cheques or money orders or other payment or transfer by, through, or to such reporting institution;

(e) the identity of the reporting institution where the transaction occurred; and

(f) the date, time and amount of the transaction,

and shall also include such other information as the competent authority may specify in writing.

(4) For the purposes of this Part, multiple cash transactions in the domestic or foreign currency which, in aggregate, exceeds the amount specified by the competent authority pursuant to subsection (1) shall be treated as a single transaction if they are undertaken by or on behalf of any one person during any one day or such other period as the competent authority may specify.

Report by reporting institutions

14. (1) A reporting institution shall promptly report to the competent authority—

**(a)* any transaction exceeding such amount as the competent authority may specify;

***(b)* any transaction where the identity of the person involved, the transaction itself or any other circumstances concerning that transaction gives any officer or employee of the reporting institution reason to suspect that the transaction involves proceeds of an unlawful activity or instrumentalities of an offence;

****(c)* any transaction or property where any officer or employee of the reporting institution has reason to suspect that the transaction or property involved is related or linked to, is used or is intended to be used for or by, any terrorist act, terrorist, terrorist group, terrorist entity or person who finances terrorism.

(2) For the purposes of this section, "transaction" includes any attempted transaction or proposed transaction.

Prohibition against disclosure of reports and related information

14A. (1) Any person who knows or has reason to suspect that a reporting institution is proposing to report, is reporting or has lodged a report under section 14 or is proposing to provide, is providing or has provided any other related information to the

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**NOTE*—Paragraph 14(1)*(a)*–*see* Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Invocation of Part IV) (No. 2) Order 2014 [*P.U. (A) 324/2014*].

***NOTE*—Invoked pursuant to section 8 of this Act on institutions carrying on banking business, finance company business, merchant banking business and Islamic banking business which comes into operation on 15 January 2002 –*see* P.U. (A) 20/2002.

****NOTE*—*See* Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Invocation of Part IV) (No. 2) Order 2014 [*P.U. (A) 324/2014*].

competent authority and discloses such knowledge, suspicion or information to any other person commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any person to whom a disclosure of any knowledge, suspicion or information in contravention of subsection (1) has been made who makes a record of the knowledge, suspicion or information, or further discloses that knowledge, suspicion or information to any other person in any circumstances commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(3) Subsections (1) and (2) do not apply to the disclosure of information by a person if the disclosure is made—

(a) in the course of acting in connection with the performance of his duties or the exercise of his functions under this Act;

(b) for the purpose of informing of the risks involved in dealing with a particular customer, to a related corporation of the reporting institution where that related corporation is incorporated in Malaysia and is engaged in financial services in Malaysia;

(c) in the course of acting in connection with the performance of his duties as a director, officer or employee of a reporting institution, to the supervisory authority of the reporting institution; or

(d) with the written authorisation of the competent authority.

(4) For the purposes of subsection (3), "related" in relation to a corporation means related within the meaning of section 6 of the *Companies Act 1965.

Centralization of information

15. A reporting institution shall provide for the centralization of the information collected pursuant to this Part.

Customer due diligence

16. (1) **A reporting institution—

(a) shall not open or operate any anonymous account or any account which is in a fictitious, false or incorrect name;

(b) shall not establish or conduct any business relationship, transaction or activity involving a fictitious, false or incorrect name; and

(c) shall maintain—

(i) accounts in the name of an account holder; and

(ii) records or information of any business relationship, transaction or activity in the name of a customer.

(2) A reporting institution shall undertake customer due diligence measures in all or any of the following circumstances:

(a) establishing or conducting a business relationship, conducting any transaction with a customer or carrying out

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**NOTE*—The Companies Act 1965 [*Act 125*] has since been repealed by the Companies Act 2016 [*Act 777*] which comes into operation on 31 January 2017–*see* subsection 620(1) of Act 777.

***NOTE*—The provisions of section 16 of the Act shall be invoked in respect of persons licensed to carry on money services business as defined in the Money Services Business Act 2011 [*Act 731*]–*see* P.U. (A) 144/2014 which comes into operation on 27 May 2014.

any activity for or on behalf of a customer, whether the customer is an occasional or usual customer, including when opening a new account or passbook, entering into any fiduciary transaction, renting of a safe deposit box, performing any other transaction or activity as the competent authority may specify;

(b) the transaction or activity to be carried out exceeds such amount as the competent authority may specify;

(c) there is reasonable suspicion of the commission of a money laundering offence or a terrorism financing offence;

(d) there is reasonable doubt about the veracity or adequacy of previously obtained customer identification data.

(3) A reporting institution, in undertaking customer due diligence measures, shall—

(a) ascertain the identity, representative capacity, domicile, legal capacity, occupation or business purpose of any person, whether he is an occasional or usual customer;

(b) verify, by reliable means or from an independent source, or from any document, data or information, the identity, representative capacity, domicile, legal capacity, occupation or business purpose of any person, through the use of documents which include identity card, passport, birth certificate, driver's licence, constituent document or any other official or private document as well as other identifying information relating to that person, whether he is an occasional or usual customer;

(c) verify the identity and authority of any person purporting to act on behalf of a customer in the opening of an account,

the conduct of any transaction or the carrying out of any activity;

(d) take reasonable steps to obtain and record information about the true identity of any person on whose behalf an account is opened or a transaction or activity is conducted if there is reasonable doubt that the person is not acting on his own behalf, particularly where the person is not conducting any commercial, financial or industrial operations in a foreign State where the person has his headquarters or domicile; and

(e) take reasonable steps to verify the identity of natural persons who own or exercise effective control over a customer who is not a natural person.

(4) A reporting institution shall conduct ongoing due diligence on all accounts, business relationships, transactions and activities.

(5) The competent authority shall, upon consultation with the relevant supervisory authority of a reporting institution (if any), issue such directions or guidelines to a reporting institution on the undertaking of customer due diligence measures as it considers necessary—

(a) to give full effect to internationally accepted standards for the detection or prevention of a money laundering offence or terrorism financing offence; and

(b) to specify additional customer due diligence measures to be undertaken by a reporting institution.

(6) A reporting institution shall record any information, data or details obtained under this section and shall, upon request in writing, provide a copy of such record to the competent authority.

(7) For the purposes of this Part—

(a) "transaction" and "activity" includes a single transaction or activity or a series of transactions or activities, as the case may be; and

(b) "person" includes any person who is a nominee, agent, beneficiary, beneficial owner or principal and any other person specified by the competent authority in relation to a transaction or activity.

Retention of records

17. (1) Notwithstanding any provision of any written law pertaining to the retention of documents, a reporting institution shall maintain any account, record, business correspondence and document relating to an account, business relationship, transaction or activity with a customer or any person as well as the results of any analysis undertaken, as the case may be, for a period of at least six years from the date the account is closed or the business relationship, transaction or activity is completed or terminated.

(2) A reporting institution shall also maintain records to enable the reconstruction of any transaction in excess of such amount as the competent authority may specify under section 14, for a period of at least six years from the date the transaction is completed or terminated.

(3) Subsections (1) and (2) will not apply where a reporting institution has transmitted the account, record, business correspondence and document to the competent authority or an enforcement agency.

(4) Any reporting institution which contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

Opening of account or conducting business relationship, transaction or activity in fictitious, false or incorrect name

***18.** (1) No person shall—

(a) open, operate or authorize the opening or the operation of an account; or

(b) establish, conduct or perform any business relationship, transaction or activity,

with a reporting institution in a fictitious, false or incorrect name.

(2) Where a person is commonly known by two or more names, the person shall not use one of those names when—

(a) opening, operating or authorising the opening or operation of an account; or

(b) establishing, conducting or performing any business relationship, transaction or activity,

with a reporting institution unless the person has previously disclosed the other name or names to the reporting institution.

(3) Where a person using a particular name in his dealings with a reporting institution discloses to it a different name or names by which he is commonly known, the reporting institution shall make a record of the disclosure, and shall, upon request in writing from the competent authority, give the competent authority a copy of that record.

(4) For the purposes of paragraphs (1)*(a)* and (2)*(a)*—

(a) a person opens an account in a fictitious, false or incorrect name if that person, in opening the account, or becoming

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**NOTE*—The provisions of section 18 of the Act shall be invoked in respect of persons licensed to carry on money services business as defined in the Money Services Business Act 2011 [*Act 731*]–*see* P.U. (A) 144/2014 which comes into operation on 27 May 2014.

a signatory to the account, uses a name other than a name by which the person is commonly known;

(b) a person operates an account in a fictitious, false or incorrect name if that person does any act or thing in relation to the account (whether by way of making a deposit or withdrawal or by way of communication with the reporting institution concerned or otherwise) and, in doing so, uses a name other than a name by which the person is commonly known; and

(c) an account is in a false name if it was opened in a fictitious, false or incorrect name, whether before or after the commencement of this section.

(5) For the purpose of paragraphs (1)*(b)* and (2)*(b)*—

(a) a person establishes a business relationship, transaction or activity in a fictitious, false or incorrect name if that person, in establishing such business relationship, transaction or activity, or becoming a signatory to any agreement or arrangement, uses a name other than a name by which the person is commonly known;

(b) a person conducts or performs a business relationship, transaction or activity in a fictitious, false or incorrect name if that person does any act or thing in relation to such business relationship, transaction or activity (whether by way of communication with the reporting institution concerned or otherwise) and, in doing so, uses a name other than a name by which the person is commonly known; and

(c) a business relationship, transaction or activity is in a false name if it was established in a fictitious, false or incorrect name, whether before or after the commencement of this section.

(6) Any person who contravenes this section commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

Compliance programme

19. (1) A reporting institution shall adopt, develop and implement internal programmes, policies, procedures and controls to guard against and detect any offence under this Act.

(2) The programmes in subsection (1) shall include—

(a) the establishment of procedures to ensure high standards of integrity of its employees and a system to evaluate the personal, employment and financial history of these employees;

(b) on-going employee training programmes, such as "know-your- customer" programmes, and instructing employees with regard to the responsibilities specified in sections 13, 14, 14A, 15, 16 and 17; and

(c) an independent audit function to check compliance with such programmes.

(3) A reporting institution shall implement compliance programmes under subsection (1) on its branches and subsidiaries in and outside Malaysia.

(4) A reporting institution shall also designate compliance officers at management level in each branch and subsidiary who will be in charge of the application of the internal programmes and procedures, including proper maintenance of records and reporting of suspicious transactions.

(5) A reporting institution shall develop audit functions to evaluate such policies, procedures and controls to test compliance with the

measures taken by the reporting institution to comply with the provisions of this Act and the effectiveness of such measures.

Secrecy obligations overridden

***20.** The provisions of this Part shall have effect notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed by any written law or otherwise.

Obligations of supervisory or licensing authority

21. (1) The relevant supervisory authority of a reporting institution or such other person as the relevant supervisory authority may deem fit may—

(a) adopt the necessary measures to prevent or avoid having any person who is unsuitable from controlling, or participating, directly or indirectly, in the directorship, management or operation of the reporting institution;

(b) examine and supervise reporting institutions, and regulate and verify, through regular examinations, that a reporting institution adopts and implements the compliance programmes in section 19;

(c) issue guidelines to assist reporting institutions in detecting suspicious patterns of behaviour in their customer and these guidelines shall be developed taking into account modern and secure techniques of money management and will serve as an educational tool for reporting institutions' personnel; and

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**NOTE*—Invoked pursuant to section 8 of this Act on institutions carrying on banking business, finance company business, merchant banking business and Islamic banking business which omes into operation on 15 January 2002–*see* P.U. (A) 20/2002.

(d) co-operate with other enforcement agencies and lend technical assistance in any investigation, prosecution or proceedings relating to any unlawful activity or offence under this Act.

(2) The licensing authority of a reporting institution may, upon the recommendation of the competent authority, revoke or suspend the reporting institution's licence if it has been convicted of an offence under this Act.

(3) The relevant supervisory authority shall report promptly to the competent authority any information received from any reporting institutions relating to transactions or activities that could be related to any unlawful activity or offence under this Act.

Powers to enforce compliance

22. (1) An officer of a reporting institution shall take all reasonable steps to ensure the reporting institution's compliance with its obligations under this Part.

(2) The competent authority, upon application to the Magistrate's Court and satisfying the Court that a reporting institution has failed without reasonable excuse to comply in whole or in part with any obligations in this Act, shall obtain an order against any or all of the officers or employees of that reporting institution on such terms as the Court deems necessary to enforce compliance with such obligations.

(3) Notwithstanding subsection (2), the competent authority may direct or enter into an agreement with any reporting institution that has without reasonable excuse failed to comply in whole or in part with any obligations in this Part to implement any action plan to ensure compliance with its obligations under this Part.

(4) Any person who contravenes subsection (1) or fails to comply with a directive under subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding three years or to both, and, in

the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

23. (*Deleted by Act A1467*).

Protection of persons reporting

***24.** (1) No civil, criminal or disciplinary proceedings shall be brought against a person who—

(a) discloses or supplies any information in any report made under this Part; or

(b) supplies any information in connection with such a report, whether at the time the report is made or afterwards;

in respect of—

(aa) the disclosure or supply, or the manner of the disclosure or supply, by that person, of the information referred to in paragraph *(a)* or *(b)*; or

(bb) any consequences that follow from the disclosure or supply of that information,

unless the information was disclosed or supplied in bad faith.

(2) In proceedings against any person for an offence under this Part, it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

**NOTE*—Invoked pursuant to section 8 of this Act on institutions carrying on banking business, finance company business, merchant banking business and Islamic banking business which comes into operation on 15 January 2002–*see* P.U. (A) 20/2002

Examination of a reporting institution

25. (1) For the purposes of monitoring a reporting institution's compliance with this Part, the competent authority may authorize an examiner to examine—

(a) any of the reporting institution's records or reports that relate to its obligations under this Part, which are kept at, or accessible from, the reporting institution's premises; and

(b) any system used by the reporting institution at its premises for keeping those records or reports.

(2) In carrying out the examination under subsection (1), the examiner may—

(a) ask any question relating to any record, system or report of a reporting institution; and

(b) make any note or take any copy of the whole or part of any business transaction of the reporting institution.

Examination of person other than a reporting institution

26. (1) An examiner authorized under section 25 may examine—

(a) a person who is, or was at any time, a director or an officer of a reporting institution or of its agent;

(b) a person who is, or was at any time, a customer, or otherwise having dealings with a reporting institution; or

(c) a person whom he believes to be acquainted with the facts and circumstances of the case, including an auditor or an advocate and solicitor of a reporting institution,

and that person shall give such document or information as the examiner may require within such time as the examiner may specify.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

(3) Notwithstanding any other written law, an agent, including an auditor or an advocate and solicitor of a reporting institution, shall not be liable for breach of a contract relating to, or a duty of, confidentiality for giving any document or information to the examiner.

Appearance before examiner

27. (1) A director or an officer of a reporting institution examined under subsection 25(1), or a person examined under subsection 26(1), shall appear before the examiner at his office upon being called to do so by the examiner at such time as the examiner may specify.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

28. (*Deleted by Act A1467*).

PART IVA

CROSS BORDER MOVEMENTS OF CASH AND BEARER NEGOTIABLE INSTRUMENTS

Interpretation in relation to this Part

28A. (1) In this Part, unless the context otherwise requires—

"business day" means—

(a) in States where Sunday is observed as the weekly holiday, a day other than a Saturday, Sunday or public holiday; or

(b) in States where Friday is observed as the weekly holiday, a day other than a Friday, Saturday or public holiday;

"bearer negotiable instrument" includes—

(a) a traveller's cheque;

(b) any negotiable instrument in bearer form, endorsed without any restriction, made out to a fictitious payee or otherwise in such form that title of such instrument passes upon delivery; and

(c) any negotiable instrument that is signed but the name of the payee is omitted;

"authorized officer" means an officer of customs or an officer authorized by the competent authority to perform or assist in the performance of its functions under this Part;

"officer of customs" has the same meaning as in the Customs Act 1967 [*Act 235*];

"commercial goods carrier" means a person who, in the normal course of a business, carries goods or mail for reward, and includes his employee;

"commercial passenger carrier" means a person who, in the normal course of a business, carries passengers for reward, and includes his employee;

"cash" means coin and printed money (whether of Malaysia or of a foreign State) that—

(a) is designated as legal tender; and

(b) circulates as, and is customarily used and accepted as, a medium of exchange in the country of issue;

"printed money" means money comprising a note printed, written or otherwise made on polymer, paper or any other material.

(2) In determining whether an amount of cash or bearer negotiable instruments exceeds the value prescribed by the competent authority under this Part, such amount shall be converted to the currency prescribed by the competent authority at the rate of exchange applicable at the relevant time.

Persons leaving or entering Malaysia with cash or bearer negotiable instruments

28B. (1) Any person leaving or entering Malaysia with an amount in cash, bearer negotiable instruments or both exceeding the value as prescribed by the competent authority by order published in the *Gazette*, shall declare such amount to the competent authority.

(2) For the purposes of this section, a person leaves or enters Malaysia with cash or bearer negotiable instruments if the person brings the cash or bearer negotiable instruments with him in his accompanying baggage or on any conveyance or otherwise.

(3) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding three

million ringgit or to imprisonment for a term not exceeding five years or to both.

Movement of cash or bearer negotiable instruments by post, etc.

28C. (1) Any person who moves into or out of Malaysia through the postal, courier or freight forwarding services, or by any other means, any cash, bearer negotiable instruments or both exceeding the value as prescribed by the competent authority by order published in the *Gazette*, shall declare such amount to the competent authority.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

Exceptions to requirement to make declaration

28D. (1) Section 28B shall not apply if—

(a) the person is a commercial passenger carrier; and

(b) the cash or bearer negotiable instrument is in the possession of the commercial passenger carrier's passenger.

(2) Section 28C shall not apply if—

(a) the person is a commercial goods carrier;

(b) the cash or bearer negotiable instrument is carried on behalf of another person;

(c) the other person has not disclosed to the commercial goods carrier that the goods carried on his behalf include cash or bearer negotiable instruments; and

(d) the commercial goods carrier does not know and has no reasonable ground to believe that the goods carried on behalf of the other person include cash or bearer negotiable instruments.

(3) The burden of proving the matters referred to in subsection (1) or (2) lies with the person who wishes to rely on that subsection.

Declaration about receipts of cash or bearer negotiable instruments from outside Malaysia

28E. (1) Any person who receives cash or bearer negotiable instruments or both which is moved to the person from outside Malaysia exceeding the value as prescribed by the competent authority by order published in the *Gazette*, shall declare such amount to the competent authority and provide such other information as may be required by the competent authority.

(2) A declaration under subsection (1) shall be made within five business days from the day of the receipt of the cash or bearer negotiable instruments or both.

(3) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding five years or to both.

Declaration to competent authority

28F. (1) A declaration to the competent authority under this Part shall—

(a) be made in such form as the competent authority may specify; and

(b) contain full and accurate information relating to the matter being declared as is specified in the form.

(2) A declaration under this Part, except under section 28E, shall be made to the competent authority through an authorized officer.

(3) An authorized officer shall make available to the competent authority, upon the request of the competent authority, within a reasonable time—

(a) any declaration submitted to the authorized officer; or

(b) any information about suspicious cross border movements of cash or bearer negotiable instruments.

(4) Any person who makes a declaration which is false, inaccurate or incomplete commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

Structuring to avoid declaration under this Part

28G. (1) No person shall structure, or direct, assist or participate in structuring any cross border transportation or movements of cash or bearer negotiable instruments to avoid making a declaration under this Part.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not more than five times the aggregate sum or value of the amount of cash or bearer negotiable instruments at the time the offence was committed or to imprisonment for a term not exceeding seven years or to both.

Questioning and search powers in relation to cash or bearer negotiable instruments

28H. (1) Any person leaving or entering Malaysia shall if required to do so by an authorized officer do all or any of the following:

(a) declare whether or not the person has with him any cash or bearer negotiable instruments;

(b) declare the total value of any cash or bearer negotiable instruments that the person has with him;

(c) declare whether or not a declaration under section 28B has been made in respect of any cash or bearer negotiable instruments that the person has with him;

(d) produce to the authorized officer any cash or bearer negotiable instruments that the person has with him;

(e) answer any question that the authorized officer may have with respect to the cash or bearer negotiable instruments.

(2) An authorized officer may, with such assistance as is reasonable and necessary—

(a) search a person or examine any article, baggage or property which the person has with him for the purpose of finding out whether a person has with him any cash or bearer negotiable instruments in respect of which a declaration under section 28B is required to be made;

(b) enter any premises and examine or search the premises for the purposes of ascertaining whether there is at or in the premises any cash or bearer negotiable instruments in respect of which a declaration under section 28B or 28C is required to be made;

(c) board any conveyance and examine or search the conveyance for the purpose of ascertaining whether there is on board the conveyance any cash or bearer negotiable instruments in respect of which a declaration under section 28B or 28C is required to be made;

(d) open, examine or search any article, container, package, receptacle or any thing found at or in the premises or on the conveyance for the purpose of ascertaining whether or not there is any cash or bearer negotiable instrument in respect of which a declaration under section 28B or 28C is required to be made;

(e) detain any cash, bearer negotiable instruments or any other thing found in the course of an examination or search under paragraph *(a)*, *(b)*, *(c)* or *(d)* if an authorized officer has reason to suspect that such cash, bearer negotiable instruments or other thing may afford evidence relating to the commission of an offence under this Part; or

(f) take possession of, and remove from the premises or conveyance, any cash, bearer negotiable instruments or other thing so detained.

(3) No person shall be searched under this Part except by an authorized officer of the same gender and such search shall be carried out with strict regard to decency.

(4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1), or pursuant to any such requirement knowingly or recklessly makes a declaration or gives an answer that is false in a material particular, commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

(5) Any person who fails to comply with any lawful demands of any authorized officer in the exercise of his powers under this Part commits an offence and shall on conviction be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

Power of arrest without warrant

28I. An authorized officer investigating an offence under this Part may arrest without warrant any person whom he reasonably believes has committed or is attempting to commit an offence under section 28B or 28C.

Submission of information to competent authority

28J. Notwithstanding the Central Bank of Malaysia Act 2009, the Financial Services Act 2013 and the Islamic Financial Services Act 2013, the Bank may submit to the competent authority information received under section 214 of the Financial Services Act 2013 and section 225 of the Islamic Financial Services Act 2013.

Declaration under this Part deemed to be a declaration in a matter relating to customs

28K. Any declaration required to be made under this Part, except under section 28E, shall for the purposes of the Customs Act 1967 be deemed to be a declaration in a matter relating to customs.

Forfeiture of detained cash or bearer negotiable instruments

28L. (1) Subject to section 61, in any prosecution for an offence under this Part, the court shall make an order for the forfeiture of the cash, bearer negotiable instruments or any other thing which is proved to be the subject-matter or evidence relating to the commission of the offence as it considers appropriate notwithstanding that no person may have been convicted of such offence.

(2) Subject to section 61, where in respect of any cash, bearer negotiable instrument or any thing used in the commission of an offence seized under this Part there is no prosecution or conviction for an offence under this Part, the Public Prosecutor shall, before the

expiration of twelve months from the date of the seizure, apply to a judge of the High Court for an order of forfeiture of the cash, bearer negotiable instrument or thing, as the case may be, if he is satisfied that the cash, bearer negotiable instrument or thing is the subject-matter or evidence relating to the commission of such offence.

(3) The judge to whom an application is made under subsection (2) shall make an order for the forfeiture of the cash, bearer negotiable instrument or any other thing used in the commission of an offence if he is satisfied that the cash, bearer negotiable instrument or thing is the subject-matter or evidence relating to the commission of an offence under this Part.

PART V

INVESTIGATION

Investigation by competent authority and enforcement agencies

29. (1) Where—

(a) the competent authority has reason to suspect the commission of an offence under Part III or IV;

(b) an enforcement agency having the power to enforce the law under which a related serious offence is committed has reason to suspect the commission of an offence under any other provisions of this Act; or

(c) an enforcement agency has reason to suspect the commission of a terrorism financing offence, or an offence under section 4A or Part IVA,

the competent authority or the relevant enforcement agency shall cause an investigation to be made and for such purpose may exercise all the powers of investigation provided for under this Act.

(2) The competent authority or the relevant enforcement agency, as the case may be, may instruct any person to take such steps as may be necessary to facilitate an investigation under subsection (1).

(3) The competent authority and the relevant enforcement agency shall coordinate and co-operate with any other enforcement agency in and outside Malaysia, with respect to an investigation into any serious offence or foreign serious offence, or any terrorism financing offence, or any offence under section 4A or Part IVA, as the case may be.

Appointment of investigating officer

30. (1) For purposes of an investigation under this Part, the competent authority or relevant enforcement agency, as the case may be, may appoint its employee or any other person to be an investigating officer.

(2) An investigating officer who is not an employee of the competent authority or the relevant enforcement agency shall be subject to, and enjoy such rights, protection, and indemnity as may be specified in this Act or other written law applicable to an employee of the competent authority or the relevant enforcement agency, as the case may be.

(3) An investigating officer shall be subject to the direction and control of the competent authority or the relevant enforcement agency, which has authorized him to act on its behalf, as the case may be.

Powers of an investigating officer

31. (1) Where an investigating officer is satisfied, or has reason to suspect, that a person has committed an offence under this Act, he may, without a search warrant—

(a) stop, enter, board, inspect, detain and search any conveyance for any property, document or information;

(b) enter, inspect and search any premises belonging to or in the possession or control of the person or his employee, and in the case of a body corporate, its director or manager for any property, document or information;

(c) break open, examine and search any article, container or receptacle found in any premises or conveyance that is being searched;

(d) detain, take possession of, and remove from the premises or conveyance any property, document or information found in the premises, conveyance, article, container or receptacle, and detain it for such period as he considers necessary;

(e) inspect, make copies of or take extracts from any document or information so detained;

(f) search any person who is in, or on, such premises or conveyance, if the investigating officer has reason to suspect that the person has on his person any property, document or information, including personal documents, which in the opinion of the investigating officer are necessary for the purpose of an investigation into an offence under this Act and detain any thing found on such person.

(2) An investigating officer may, if it is necessary to do so—

(a) break open any outer or inner door of such premises or conveyance and enter such premises or conveyance;

(b) remove by force any obstruction to such entry, search, detention or removal as he is empowered to effect; or

(c) detain any person found on such premises, or in such conveyance, until the search is completed.

(2A) Where it appears to an investigating officer that by reason of its' nature, size or amount it is not practicable or it is otherwise not desirable to remove any thing detained by him in the exercise of his powers under this Act, he may, by any means, seal such thing in the premises, conveyance, article, container or receptacle in which it is found, and it shall be an offence for any person without lawful authority to break, tamper with or damage such seal or remove such thing or attempt to do so.

(3) An investigating officer may take possession of, and detain for such duration as he thinks necessary, any property, document or information produced before him in the course of his investigation or found on the person who is being searched by him.

(4) An investigating officer, in the course of his investigation or search, shall—

(a) prepare and sign a list of every property, document or information detained; and

(b) state in the list the location in which, or the person on whom, the property, document or information is found.

(5) The occupant of the premises entered in the course of investigation, or any person on his behalf, shall be permitted to attend during the search, and a copy of the list prepared under subsection (4) shall be delivered to such person at his request.

Power to examine persons

32. (1) Notwithstanding any written law, or oath, undertaking or requirement of secrecy or confidentiality to the contrary, or an obligation under an agreement or arrangement, express or implied, to the contrary, an investigating officer conducting an investigation shall have the power to administer an oath or affirmation to the person being examined.

(2) An investigating officer may order, orally or in writing, any person whom he believes to be acquainted with the facts and circumstances of the case—

(a) to attend before him for examination;

(b) to produce before him any property, document or information; or

(c) to furnish to him a statement in writing made on oath or affirmation setting out such information as he may require.

(3) A person to whom an order under paragraph (2)*(a)* has been given shall—

(a) attend the examination in accordance with the terms of the order, and shall continue to attend from day to day where so directed until the examination is completed; and

(b) during such examination, disclose all information which is within his knowledge, or which is available to him, in respect of the matter in relation to which he is being examined, and answer any question put to him truthfully and to the best of his knowledge and belief, and shall not refuse to answer any question on the ground that it tends to incriminate him or his spouse.

(4) A person to whom an order under paragraph (2)*(c)* has been given shall, in his statement, furnish and disclose truthfully all information required under the order which is within his knowledge, or which is available to him, or which is capable of being obtained by him, and shall not refuse to furnish or disclose the information on the ground that it tends to incriminate him or his spouse.

(5) (*Deleted by Act A1467*).

(6) An investigating officer examining a person under subsection (2) shall first inform that person of the provisions of subsections (3) and (4), as the case requires.

(7) A statement made by any person under paragraph (2)*(a)* shall be reduced into writing and signed by the person making it or affixed with his thumb print—

(a) after it has been read to him in the language in which he made it; and

(b) after he has been given an opportunity to make any correction he may wish.

(8) Any person who—

(a) fails to appear before an investigating officer as required under paragraph (2)*(a)*;

(b) refuses to answer any question put to him by an investigating officer under subsection (3); or

(c) furnishes to an investigating officer any information or statement that is false or misleading in any material particular,

commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

Search of a person

33. (1) An investigating officer searching any person under paragraph 31(1)*(f)* may detain the person for such period as may be necessary to have the search carried out, which shall not in any case exceed twenty-four hours without the authorization of a magistrate, and may, if necessary, remove the person in custody to another place to facilitate such search.

(2) No person shall be searched under this Part except by an investigating officer of the same gender and such search shall be carried out with strict regard to decency.

Obstruction to exercise of powers by an investigating officer

34. Any person who—

(a) refuses any investigating officer access to any premises or conveyance, or fails to submit to the search of his person;

(b) assaults, obstructs, hinders or delays an investigating officer in effecting any entrance which he is entitled to effect;

(c) fails to comply with any lawful demands of any investigating officer in the execution of his duties under this Part;

(d) refuses to give to an investigating officer any property, document or information which may reasonably be required of him and which he has in his power to give;

(e) fails to produce to, or conceal or attempt to conceal from, an investigating officer, any property, document or information, which the investigating officer requires;

(f) rescues or attempts to rescue any thing which has been duly detained;

(g) furnishes to an investigating officer as true any information which he knows or has reason to believe to be false; or

(h) before or after any search or detention, breaks or otherwise destroys any thing to prevent its detention, or the securing of the property, document or information,

commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

Tipping-off

35. (1) Any person who—

(a) knows or has reason to suspect that an investigating officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted under or for the purposes of this Act or any subsidiary legislation made under it and discloses to any other person information or any other matter which is likely to prejudice that investigation or proposed investigation; or

(b) knows or has reason to suspect that a disclosure has been made to an investigating officer under this Act and discloses to any other person information or any other matter which is likely to prejudice any investigation which might be conducted following the disclosure,

commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Nothing in subsection (1) makes it an offence for an advocate and solicitor or his employee to disclose any information or other matter—

(a) to his client or the client's representative in connection with the giving of advice to the client in the course and for

the purpose of the professional employment of the advocate and solicitor; or

(b) to any person in contemplation of, or in connection with and for the purpose of, any legal proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any illegal purpose.

(4) In proceedings against a person for an offence under this section, it is a defence to prove that—

(a) he did not know or suspect that the disclosure made under paragraph (1)*(b)* was likely to prejudice the investigation; or

(b) he had lawful authority or reasonable excuse for making the disclosure.

(5) An investigating officer or other person does not commit an offence under this section in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Act or of any other written law relating to a serious offence.

Requirement to provide translation

36. (1) Where an investigating officer finds, detains, or takes possession of any property, document or information which, wholly or partly, is in a language other than the national language or English language, or is in any sign or code, the investigating officer may, orally or in writing, require the person who had the possession, custody or control of the property, document or information to furnish to him a translation in the national language or English language within such period as he may specify.

(2) No person shall knowingly furnish a translation under subsection (1) which is not an accurate, faithful and true translation of the document.

(3) Any person who fails to comply with the requirement in subsection (1) or contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

(4) Where the person required to furnish a translation under subsection (1) is not the person who is suspected to have committed the offence, the competent authority or the relevant enforcement agency, as the case may be, may pay him reasonable fees and reimburse him for such reasonable expenses as he may have incurred in furnishing the translation.

Delivery of property, document or information

37. (1) An investigating officer may, by a notice in writing, require any person to deliver to him any property, document or information which he has reason to suspect has been used in the commission of an offence under this Act or is able to assist in the investigation of an offence under this Act that is in the possession or custody of, or under the control of, that person or within the power of that person to furnish.

(2) An investigating officer may grant permission to any person to inspect the property, document or information he had detained and taken possession of under subsection (1) if the person is entitled to inspect such property, document or information under this Act.

(3) A person who—

(a) fails to deliver any property, document or information that is required by an investigating officer; or

(b) obstructs or hinders an investigating officer while exercising any of his powers under subsection (1),

commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

Detention of property, document or information

38. An investigating officer may detain, take possession of and retain for such duration as he deems necessary, any property, document or information produced before him in the course of an examination under paragraph 32(2)*(a)* or *(b)*, or search of the person under subsection 33(1), for ascertaining whether anything relevant to the investigation is concealed, or is otherwise, upon such person.

Release of property, document or information detained

39. (1) An investigating officer shall, unless otherwise ordered by any court—

(a) at the close of an investigation or any proceedings arising from the investigation; or

(b) with the prior written consent of the competent authority or the relevant enforcement agency, as the case may be, or of any investigating officer superior to him in rank, at any time before the close of an investigation,

release any property, document or information detained or removed by him or any other investigating officer, to such person as he determines

to be lawfully entitled to the property, document or information if he is satisfied that it is not required for the purpose of any prosecution or proceedings under this Act, or for the purpose of any prosecution under any other written law.

(2) The investigating officer effecting the release under subsection (1) shall record in writing the circumstances of, and the reason for, such release.

(3) Where the investigating officer is unable to determine the person who is lawfully entitled to the property, document or information or where there is more than one claimant to the property, document or information, or where the investigating officer is unable to locate the person under subsection (1) who is lawfully entitled to the property, document or information, the investigating officer shall report the matter to a magistrate who shall then deal with the property, document or information as provided for under subsections 413(2), (3) and (4) and sections 414, 415 and 416 of the Criminal Procedure Code [*Act 593*].

Statement to be admissible

40. The record of an examination under paragraph 32(2)*(a)*, any property, document or information produced under paragraph 32(2)*(b)* or any statement under paragraph 32(2)*(c)* shall, notwithstanding any written law or rule of law to the contrary, be admissible as evidence in any proceedings in any court for, or in relation to, an offence or any other matter under this Act or any offence under any other written law, regardless whether such proceedings are against the person who was examined, or who produced the property, document or information, or who made the written statement on oath or affirmation, or against any other person.

Investigating officer may arrest without warrant

41. An investigating officer appointed under section 30 may arrest without warrant a person whom he reasonably suspects to have committed or to be committing any offence under this Act.

Arrested person to be made over to police officer

42. An investigating officer, other than a police officer, making an arrest under section 41 shall make over the person so arrested to the nearest police officer or, in the absence of a police officer, take such person to the nearest police station, and the person arrested shall be dealt with according to the law relating to criminal procedure for the time being in force as if he had been arrested by a police officer.

Investigating officer deemed to be public servant and public officer

43. An investigating officer shall be deemed to be a public servant for the purposes of the Penal Code, and to be a public officer for the purposes of the Criminal Procedure Code.

PART VI

FREEZING, SEIZURE AND FORFEITURE

Freezing of property

44. (1) Subject to section 50, an enforcement agency may issue an order to freeze any property of any person, or any terrorist property, as the case may be, wherever the property may be, and whether the property is in his possession, under his control or due from any source to him, if—

(a) an investigation with regard to an unlawful activity has commenced against that person; and

(b) either—

(i) the enforcement agency has reasonable grounds to suspect that an offence under subsection 4(1) or a terrorism financing offence has been or is being or is about to be committed by that person; or

(ii) the enforcement agency has reasonable grounds to suspect that the property is the proceeds of an unlawful activity or the instrumentalities of an offence.

(2) An order under subsection (1) may include—

(a) an order to direct that the property, or such part of the property as is specified in the order, is not to be disposed of, or otherwise dealt with, by any person, except in such manner and in such circumstances, if any, as are specified in the order;

(b) an order to authorize any of its officers to take custody and control of the property, or such part of the property as is specified in the order if the enforcement agency is satisfied that the circumstances so require;

(c) where custody and control of the property is taken under paragraph *(b)*, an order to authorize any of its officers to sell any frozen moveable property by a public auction or in such other manner as may be practicable if the enforcement agency is of the opinion that the property is liable to speedy decay or deterioration;

(d) an order to authorize any of its officers to hold the proceeds of the sale, after deducting therefrom the costs and expenses of the maintenance and sale of the property sold under paragraph *(c)*; and

(e) an order as to the manner in which the property should be administered or dealt with.

(3) In making an order under subsection (1), the enforcement agency may give directions to the person named or described in the order relating to the disposal of the property for the purpose of—

(a) determining any dispute as to the ownership of or other interest in the property or any part of it;

(b) its' proper administration during the period of the order;

(c) the payment of the costs of that person to defend criminal proceedings against him.

(4) An order made under subsection (1) may direct that the person named or described in the order shall—

(a) be restrained, whether by himself or by his nominees, relatives, employees or agents, from selling, disposing of, charging, pledging, transferring or otherwise dealing with or dissipating his property;

(b) not remove from or send out of Malaysia any of his money or property; and

(c) not leave or be permitted to leave Malaysia and shall surrender any travel documents to the Director General of Immigration within one week of the service of the order.

(5) An order made under subsection (1) shall cease to have effect after ninety days from the date of the order, if the person against whom the order was made has not been charged with an offence under this Act or a terrorism financing offence, as the case may be.

(6) An enforcement agency shall not be liable for any damages or cost arising directly or indirectly from the making of an order under this section unless it can be proved that the order under subsection (1) was not made in good faith.

(7) Where an enforcement agency directs that frozen property be administered or dealt with, the person charged with the administration of the property shall not be liable for any loss or establish a claim to the property or to an interest in the property unless the court before which the claim is made finds that the person charged with the administration of the property has been negligent in respect of the administration of the property.

(8) The enforcement agency effecting any order to freeze any property under this section shall send a copy of the order and a list of the frozen property to the Public Prosecutor forthwith.

(9) Where the frozen property is in the possession, custody or control of a financial institution, the enforcement agency shall notify the relevant regulatory or supervisory authority (if any), as the case may be, of such order.

(10) Any person who fails to comply with an order of the enforcement agency issued under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five times the sum or value of the frozen property at the time the property was frozen or five million ringgit, whichever is the higher, or to imprisonment for a term not exceeding seven years or to both.

Variation or revocation of order to freeze property

44A. (1) An order to freeze property issued under section 44 may be varied or revoked by the enforcement agency that issued the order—

(a) where an officer senior in rank to the officer who issued the order is satisfied that such property is not liable to seizure under this Act; or

(b) on the application of the person named or described in the order.

(2) For the purpose of paragraph (1)*(a)*, where an officer senior in rank to the officer who issued the order is satisfied that such property is not liable to seizure under this Act, he may vary the order in accordance with paragraph (4)*(a)* or revoke the order.

(3) For the purpose of paragraph (1)*(b)*, an application shall be made in writing to the enforcement agency specifying the grounds on which the variation or revocation of the order is sought and, on receipt, shall be dealt with by an officer senior in rank to the officer who issued the order.

(4) On consideration of an application under paragraph (1)*(b)*, the senior officer concerned may—

(a) vary the order with regard to—

(i) the duration of the order;

(ii) the payment of debts incurred in good faith and due to a creditor before the making of the order under section 44; or

(iii) the provision of an allocation for reasonable subsistence and other expenses of that person, his family or employees;

(b) revoke such order; or

(c) refuse the application on the ground that there is reasonable suspicion that the property is—

(i) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(ii) terrorist property;

(iii) the proceeds of an unlawful activity; or

(iv) the instrumentalities of an offence.

(5) Where the senior officer concerned varies or revokes the order under subsection (2) or (4), he shall release the property or any part thereof as may be relevant to the person named or described in the order.

(6) The officer effecting any release of any property under this section shall make a record in writing in respect of such release specifying in the record in detail the circumstances of, and the reason for, such release, and he shall send a copy of such record to the Public Prosecutor forthwith.

(7) The release of any property under this section does not affect the power of the Public Prosecutor under this Act to seize the property subsequently if the Public Prosecutor is satisfied that the property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence.

Seizure of movable property

45. (1) In the course of an investigation into an offence under subsection 4(1) or a terrorism financing offence, an investigating officer may, upon obtaining approval from an investigating officer senior in rank to him, seize any movable property which he has reasonable grounds to suspect to be the subject matter of such offence or evidence relating to the commission of such offence or to be terrorist property, proceeds of an unlawful activity or instrumentalities of an offence.

(2) A list of all movable property seized pursuant to subsection (1) and of the places in which they are respectively found shall be prepared by the investigating officer effecting the seizure and signed by him.

(3) A copy of the list referred to in subsection (2) shall be served as soon as possible on the owner of such property or on the person from whom the property was seized.

(3A) However no service under subsection (3) shall be required where such seizure is made in the presence of the person against whom proceedings under this Act are intended to be taken, or in the presence of the owner of such property or his agent, or in the case of a ship or an aircraft, in the presence of the master or pilot, as the case may be.

(3B) The investigating officer effecting the seizure shall send a copy of the list of the movable property seized to the Public Prosecutor forthwith.

(4) This section shall not apply to any movable property liable to seizure under subsection (1) which is in the possession, custody or control of a financial institution.

Further provisions relating to seizure of movable property

46. (1) Where any movable property is seized under this Act, the seizure shall be effected by removing the movable property from the possession, custody or control of the person from whom it is seized and placing it under the custody of such person, and at such place, as the investigating officer may determine.

(2) Where it is not practicable, or it is otherwise not desirable, to remove any property under subsection (1), the investigating officer may leave it at the premises in which it is seized under the custody of such person as he may determine for the purpose.

(3) Notwithstanding subsection (1), when any movable property, including any movable property referred to in subsection (6), has been seized under this Act, an investigating officer, other than the

investigating officer who effected the seizure, upon obtaining approval from an investigating officer senior in rank to him, may—

(a) temporarily return the movable property to its owner, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled to it, subject to such terms and conditions as may be imposed, and subject in any case, to sufficient security being furnished to ensure that the movable property shall be surrendered on demand being made by the investigating officer who authorized the release and that such terms and conditions, if any, shall be complied with; or

(b) return the movable property to the owner, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled to the movable property, with liberty for the person to whom the movable property is so returned to dispose of the movable property, such return being subject to security being furnished in an amount which is not less than an amount which represents the open market value of that property on the date on which it is so returned.

(4) Where any person to whom movable property is temporarily returned under paragraph (3)*(a)* fails to surrender the movable property on demand or comply with any term or condition imposed under that paragraph—

(a) the security furnished in respect of such movable property shall be forfeited; and

(b) that person commits an offence and shall, on conviction, be liable to a fine of not less than five times the amount of the security furnished by him or to imprisonment for a term not exceeding seven years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part

thereof during which the offence continues to be committed.

(5) Where an order of forfeiture is made by the court in respect of movable property returned under paragraph (3)*(b)*, such forfeiture shall be effected by forfeiting the security furnished by the person to whom the property was returned.

(6) When any movable property seized under this Act consists of money, capital market products or any chose-in-action in the possession or under the custody or control of any person other than the person against whom the prosecution is intended to be taken, the seizure shall be effected by an investigating officer serving an order on such person—

(a) prohibiting him from using, transferring, or dealing with such property; or

(b) requiring him to surrender the property to an investigating officer in the manner and within the time specified in the order.

(7) Where any movable property seized is liable to speedy decay or deterioration, or is property which cannot be maintained without difficulty, or which is not practicable to maintain, and which cannot be dealt with under subsection (3), an investigating officer may sell or cause the property to be sold and shall hold the proceeds of the sale, after deducting the costs and expenses of the maintenance and sale of the movable property, to abide by the result of any proceedings under this Act.

(8) Any seizure order made under this Act may at any time be varied or revoked by the enforcement agency with the consent of the Public Prosecutor and the Public Prosecutor may give any direction of an ancillary or consequential nature, or which may be necessary, for giving effect to, or for the carrying out of, such variation or revocation.

Advocates and solicitors to disclose information

47. (1) Notwithstanding any other law, a Judge of the High Court may, on application being made to him in relation to an investigation into any offence under subsection 4(1) or a terrorism financing offence, order an advocate and solicitor to disclose information available to him in respect of any transaction or dealing relating to any property which is liable to seizure under this Act.

(2) Nothing in subsection (1) shall require an advocate and solicitor to comply with any order under that subsection to the extent that such compliance would disclose any privileged information or communication which came to his knowledge for the purpose of any pending proceedings.

Investigation powers in relation to a financial institution

48. (1) Notwithstanding the provisions of any other written law or any rule of law, the Public Prosecutor, if he is satisfied that it is necessary for the purpose of any investigation into an offence under subsection 4(1) or a terrorism financing offence, may authorize in writing an investigating officer to exercise in relation to any financial institution specified in the authorization all the powers of investigation set out in Part V and in subsection (2).

(2) An investigating officer authorized under subsection (1) may, in relation to the financial institution in respect of which he is so authorized—

(a) inspect and take copies of any book, document or information belonging to or in the possession, custody or control of the financial institution;

(b) inspect and take copies of any share account, purchase account, expense account or any other account of any person kept in the financial institution;

(c) inspect the contents of any safe deposit box in the financial institution; or

(d) request for any other information relating to any document, information, account or article referred to in paragraphs *(a)*, *(b)* and *(c)*.

(3) Notwithstanding anything in subsection (2), an investigating officer authorized under subsection (1) may take possession of any account, book, document, information, title, capital market products or cash to which he has access under that subsection where in his opinion—

(a) the inspection of them, the copying of them, or the taking of extracts from them, cannot reasonably be undertaken without taking possession of them;

(b) they may be interfered with or destroyed unless he takes possession of them; or

(c) they may be needed as evidence in any prosecution for an offence under subsection 4(1), a terrorism financing offence or an offence under any other written law.

(4) Any person who wilfully fails or refuses to disclose any information or to produce any account, book, document, information or article under subsection (2) to the investigating officer authorized under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

(5) Where any person discloses any information or produces any account, book, record, report, document or article to an investigating officer authorized under subsection (1), neither the first-mentioned person nor any other person on whose behalf or direction or as whose agent or officer the first-mentioned person may be acting shall, on

account of such disclosure or production, be liable to any prosecution for any offence under any law, or to any proceedings or claim by any person under any law, or under any contract, agreement or arrangement, or otherwise.

Public Prosecutor's powers to obtain information

49. (1) Notwithstanding any law or rule of law to the contrary, the Public Prosecutor, if he has reasonable grounds to suspect, based on the investigation carried out under this Act, that an offence under subsection 4(1) or a terrorism financing offence has been committed, may by written notice require—

(a) any person suspected of having committed such offence;

(b) any relative or associate of the person referred to in paragraph *(a)*; or

(c) any other person whom the Public Prosecutor has reasonable grounds to believe is able to assist in the investigation,

to furnish a statement in writing on oath or affirmation—

(aa) identifying every property, whether movable or immovable, whether in or outside Malaysia, belonging to him or in his possession, or in which he has any interest, whether legal or equitable, and specifying the date on which each of the properties so identified was acquired and the manner in which it was acquired, whether by way of any dealing, bequest, devise, inheritance, or any other manner;

(bb) identifying every property sent out of Malaysia by him or on his behalf during such period as may be specified in the notice;

(cc) setting out the estimated value and location of each of the properties identified under paragraphs *(aa)* and *(bb)*, and if any of such properties cannot be located, the reason for it;

(dd) stating in respect of each of the properties identified under paragraphs *(aa)* and *(bb)* whether the property is held by him or by any other person on his behalf, whether it has been transferred, sold to, or kept with any person, whether it has been diminished in value since its acquisition by him, and whether it has been commingled with other property which cannot be separated or divided without difficulty;

(ee) setting out all other information relating to his property, business, travel, or other activities as may be specified in the notice; and

(ff) setting out all his sources of income, earnings or property.

(1A) In addition, if the Public Prosecutor is satisfied on information given to him by an investigating officer that it is necessary for the purpose of any investigation under this Act, the Public Prosecutor may by written notice require any person to furnish any information which in the opinion of the Public Prosecutor will be useful for or relevant to an investigation under this Act within such time as he may specify in relation to any person, question or matter.

(2) An officer of any financial institution, or any person who is in any manner or to any extent responsible for the management and control of the affairs of any financial institution, shall furnish a copy of all accounts, books, documents or information relating to any person to whom a notice may be issued under this section.

(3) Every person to whom a notice is sent by the Public Prosecutor under this section shall, notwithstanding any law or rule of law to the contrary, comply with the terms of the notice within such time as may be specified in the notice, and any person who wilfully neglects or fails

to comply with the terms of the notice commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

(4) Every person to whom a notice is sent by the Public Prosecutor under this section shall be legally bound to furnish such information to the Public Prosecutor within the time specified in the notice and to state the truth and shall disclose all information which is within his knowledge, or which is available to him, or which is capable of being obtained by him.

(5) Where any person discloses any information or produces any accounts, books, documents or information in response to a notice under this section, such person, his agent or employee, or any other person acting on his behalf or under his direction, shall not, by reason only of such disclosure or production, be liable to prosecution for any offence under any law, or to any proceedings or claim by any person under any law or under any contract, agreement or arrangement, or otherwise.

(6) Subsection (5) shall not bar, prevent or prohibit the institution of any prosecution for any offence as provided by this section or the giving of false information in relation to any statement on oath or affirmation furnished to the Public Prosecutor pursuant to this section.

Freezing of movable property in financial institution

50. (1) Where the Public Prosecutor is satisfied on information given to him by an investigating officer that any movable property or any accretion to it which is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

is in the possession, custody or control of a financial institution, he may, notwithstanding any other written law, by order direct that such movable property or any accretion to it in the financial institution be seized by the investigating officer or by order direct the financial institution not to part with, deal in or otherwise dispose of such movable property or any accretion to it, in whole or in part, until the order is varied or revoked.

(1A) The investigating officer effecting a seizure under this section shall forthwith notify Bank Negara Malaysia, the Securities Commission or the Labuan Financial Services Authority, as the case may be, of any order made under subsection (1).

(2) A financial institution or any agent or employee of a financial institution shall not, on account of complying with an order of the Public Prosecutor under subsection (1), be liable to any prosecution under any law or to any proceedings or claim by any person under any law or under any contract, agreement, or arrangement, or otherwise.

(3) Any person who fails to comply with an order of the Public Prosecutor under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five times the amount which was parted with, dealt in or otherwise disposed of in contravention of the Public Prosecutor's order or five million ringgit, whichever is the higher, or to imprisonment for a term not exceeding seven years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding five thousand ringgit for each day or part thereof during which the offence continues to be committed.

(4) (*Deleted by Act A1467*).

Seizure of immovable property

51. (1) Where the Public Prosecutor is satisfied on information given to him by an investigating officer that any immovable property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the Public Prosecutor may by order direct that such immovable property be seized by the investigating officer.

(1A) Where any immovable property is seized under this Act, the seizure shall be effected—

(a) by the issue of a Notice of Seizure by the Public Prosecutor setting out in it the particulars of the immovable property which is seized in so far as such particulars are within his knowledge, and prohibiting all dealings in such immovable property;

(b) by serving a copy of such Notice on the owner or person in possession, custody or control of the immovable property, if known;

(c) by posting, where practicable, a copy of such Notice at a conspicuous place on the immovable property; and

(d) by serving a copy of such Notice on the Land Administrator or the Registrar of Titles, as the case may be, in Peninsular Malaysia, or on the Registrar of Titles or Collector of Land Revenue, as the case may be, in Sabah, or on the Director of Lands and Surveys or the Registrar responsible for land titles, as the case may be, in Sarawak, of the area in which the immovable property is situated.

(2) The Land Administrator, the Collector of Land Revenue, the Director of Lands and Surveys, the Registrar of Titles or the Registrar responsible for land titles, as the case may be, referred to in subsection (1A) shall immediately upon being served with a Notice of Seizure under that subsection endorse the terms of the Notice of Seizure on the document of title in respect of the immovable property in the Register at his office.

(3) Where an endorsement of a Notice of Seizure has been made under subsection (2), the Notice shall have the effect of prohibiting all dealings in respect of the immovable property, and after such endorsement has been made no dealing in respect of the immovable property shall be registered, regardless whether it was effected before or after the issue of such Notice or the making of such endorsement.

(4) Subsection (3) shall not apply to a dealing effected by an officer of a public body in his capacity as such officer, or otherwise by or on behalf of the Federal Government of Malaysia or the Government of a State, or a local authority or other statutory authority.

(5) Any person who contravenes subsection (2) or (3) or does any act which results in, or causes, a contravention of subsection (2) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding five times the value of the property in respect of which the Public Prosecutor's order had been contravened, or five million ringgit, whichever is the higher, or to imprisonment for a term not exceeding seven years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding five thousand ringgit for each day or part thereof during which the offence continues to be committed.

(6) Where a Notice of Seizure has been issued under subsection (1A), a registered proprietor of the immovable property which is seized under such Notice, or any other person having any interest in such immovable property, who has knowledge of such Notice, and who knowingly enters into any agreement with any person to sell, transfer, or otherwise dispose of or deal with, the whole or any part of such immovable property, commits an offence and shall, on conviction, be liable to a fine not exceeding five times the value of such property, or five million ringgit, whichever is the higher, or to imprisonment for a term not exceeding seven years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding five thousand ringgit for each day or part thereof during which the offence continues to be committed.

Special provisions relating to seizure of a business

52. (1) Where an enforcement agency has reason to believe that any business—

(a) is being carried on by or on behalf of any person against whom prosecution for an offence under subsection 4(1) or a terrorism financing offence is intended to be commenced;

(b) is being carried on by or on behalf of a relative or an associate of such person;

(c) is a business in which such person, or a relative or associate of his, has an interest which amounts to or carries a right to not less than thirty per centum of the entire business; or

(d) is a business over which such person or his relative or associate has management or effective control, either individually or together,

the enforcement agency may seize the business in the manner provided under this Part or by an order in writing—

(aa) direct the extent and manner in which the business may be carried on;

(bb) specify any person to supervise, direct or control the business, including its accounts, or to carry on the business or such part of it as may be specified;

(cc) direct that all or any proportion of the proceeds or profits of the business be paid to the Accountant General and retained by him pending further directions in respect of it by the enforcement agency;

(dd) prohibit any director, officer or employee or any other person from being in any manner involved in the business with effect from the date of the letter of prohibition; or

(ee) direct that the premises where the business was carried on to be closed and, if necessary or expedient, placed under guard or custody.

(1A) The investigating officer effecting the seizure shall send a notice of the seizure to the Public Prosecutor forthwith.

(2) Where an order is made by an enforcement agency under subsection (1), it may include in the order, or may subsequently give any further direction orally or in writing of an ancillary or consequential nature, or which may be necessary, for giving effect to, or for the carrying out of, the order.

(3) An order under subsection (1) may at any time be varied or revoked by an enforcement agency and where it so varies or revokes the order, it may give any direction of an ancillary or consequential nature, or which may be necessary, for giving effect to, or for the carrying out of, such variation or revocation.

(4) Subject to subsection (5), neither the Federal Government nor any person shall, in consequence of any order under subsection (1) be responsible for the payment of any money, dues, debts, liabilities or charges payable to any person in respect of the business, or in respect of any movable or immovable property owned, possessed, occupied or used, by any person in relation to the business.

(5) Where a person is carrying on any activities of the business in pursuance of an order under subsection (1), he shall be responsible for the payment of the wages of such employees of the business as are engaged in performing any work in relation to those activities for the period during which such person carries on those activities and such wages shall be paid out of the profits derived from such activities or, if there are no such profits or if such profits are insufficient, from the assets and the properties of the business.

(6) Any person who contravenes this section commits an offence and shall on conviction be liable to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding seven years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding five thousand ringgit for each day or part thereof during which the offence continues to be committed.

Expiry of seizure order

52A. A seizure order made under this Act shall cease to have effect after the expiration of twelve months from the date of the seizure order, or where there is a prior freezing order, twelve months from the date of the freezing order, if the person against whom the order was made has not been charged with an offence under this Act.

Prohibition of dealing with property outside Malaysia

53. (1) Where the Public Prosecutor is satisfied that any property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

and such property is held or deposited outside Malaysia, he may make an application supported by an affidavit to a judge of the High Court for an order prohibiting the person by whom the property is held or with whom it is deposited from dealing with the property.

(2) Upon being satisfied that such property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the Court shall make an order prohibiting the person by whom the property is held or with whom it is deposited from dealing with the property.

(3) An order made under subsection (2) shall cease to have effect after the expiration of twelve months from the date the order was made if the person against whom the order was made has not been charged with an offence under this Act.

Dealing with property after seizure to be void

54. (1) Where any property has been seized under this Act, and so long as such seizure remains in force, any dealing effected by any person or between any persons in respect of such property, except any dealing effected under this Act by an officer of a public body in his capacity as such officer, or otherwise by or on behalf of the Federal Government, or the Government of a State, or a local authority or other statutory authority, shall be null and void, and shall not be registered or otherwise be given effect to by any person or authority.

(2) Subsection (1) shall be in addition to and not in derogation of subsections 51(3) and (4).

(3) For so long as a seizure of any property under this Act remains in force, no action, suit or other proceedings of a civil nature shall be instituted, or if it is pending immediately before such seizure, be maintained or continued in any court or before any other authority in respect of the property which has been so seized, and no attachment, execution or other similar process shall be commenced, or if any such process is pending immediately before such seizure, be maintained or continued, in respect of such property on account of any claim, judgment or decree, regardless whether such claim was made, or such judgment or decree was given, before or after such seizure was effected, except at the instance of the Federal Government or the Government of a State, or at the instance of a local authority or other statutory authority, or except with the prior consent in writing of the Public Prosecutor.

Forfeiture of property upon prosecution for an offence

55. (1) Subject to section 61, in any prosecution for an offence under subsection 4(1) or a terrorism financing offence, the court shall make an order for the forfeiture of any property which is proved to be—

(a) the subject-matter or evidence relating to the commission of such offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

where—

(aa) the offence is proved against the accused; or

(bb) the offence is not proved against the accused but the court is satisfied that—

(i) the accused is not the true and lawful owner of such property; and

(ii) no other person is entitled to the property as a purchaser in good faith for valuable consideration.

(2) Where the offence is proved against the accused but the property referred to in subsection (1) has been disposed of diminished in value, or cannot be traced, the court shall order the accused to pay as a penalty a sum which is equivalent to, in the opinion of the court, the value of the property, and any such penalty shall be recoverable as a civil debt due to the Government of Malaysia and shall not be subject to any period of limitation prescribed by any written law.

(3) In determining whether the property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the court shall apply the standard of proof required in civil proceedings.

Forfeiture of property where there is no prosecution

56. (1) Subject to section 61, where in respect of any property seized under this Act there is no prosecution or conviction for an offence under subsection 4(1) or a terrorism financing offence, the Public Prosecutor may, before the expiration of twelve months from the date of the seizure, or where there is a freezing order, twelve months from the date of the freezing, apply to a judge of the High Court for an order of forfeiture of that property if he is satisfied that such property is—

(a) the subject-matter or evidence relating to the commission of such offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence.

(2) The judge to whom an application is made under subsection (1) shall make an order for the forfeiture of the property if he is satisfied—

(a) that the property is—

(i) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(ii) terrorist property;

(iii) the proceeds of an unlawful activity; or

(iv) the instrumentalities of an offence; and

(b) that there is no purchaser in good faith for valuable consideration in respect of the property.

(3) Any property that has been seized and in respect of which no application is made under subsection (1) shall, at the expiration of twelve months from the date of its seizure, be released to the person from whom it was seized.

(4) In determining whether the property is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the court shall apply the standard of proof required in civil proceedings.

Forfeiture order not to be affected by acquittal

56A. The fact that a person has been acquitted of a serious offence or a foreign serious offence shall not affect the power of the court to issue a forfeiture order.

Validity of freeze, seizure or sale

57. Where the freeze, seizure or sale of any property has been effected under this Act, the validity of such freeze, seizure or sale, or other form of disposal of such property, or of any destruction of the property in accordance with the provisions of this Act, in consequence of such

freeze, seizure or sale, shall not be affected by any objection to it relating to the manner in which the freeze, seizure or sale was effected, or the place at which it was effected, or the person from whom it was effected, or the person to whom any notice of the freeze, seizure or sale was given, or omitted to be given, or any failure to conform to any procedural provision of this Act or of any other written law in effecting the freeze, seizure or sale.

Vesting of forfeited property in the Federal Government

58. (1) Where any property is forfeited under this Act, the property shall vest in the Government free from any right, interest or encumbrance of any person except a right, interest or encumbrance which is held by a purchaser in good faith for valuable consideration and which is not otherwise null and void under any provision of this Act.

(2) Where any person who holds any encumbrance to which the property is subject claims that he holds the encumbrance as a purchaser in good faith for valuable consideration and that the encumbrance is not otherwise null and void under any provision of this Act, and the Federal Government disputes such claim, the Public Prosecutor may refer the claim to the High Court to determine the question and the Court shall determine the question after giving an opportunity to be heard to the person holding the encumbrance and hearing the reply of the Public Prosecutor to any representations which may be made before that Court by the person holding the encumbrance.

(3) Where any property is vested in the Federal Government under subsection (1), the vesting shall take effect without any transfer, conveyance, deed or other instrument and where any registration of such vesting is required under any law, the authority empowered to effect the registration shall do so in the name of such public officer, authority, person or body as the Public Prosecutor may specify.

(4) Where the property vested in the Federal Government under subsection (1) is immovable property, the vesting shall upon

production to the Registrar of Titles or the Land Administrator, in Peninsular Malaysia, or to the Registrar of Titles or the Collector of Land Revenue, in Sabah or the Registrar of Titles or the Director of Lands and Surveys, as the case may be, in Sarawak of the order of the court forfeiting the immovable property, or in the case of property forfeited under subsection 55(1), a certificate of the Public Prosecutor certifying that it has been forfeited, be registered in the name of the Federal Lands Commissioner.

(5) In this section, "purchaser in good faith for valuable consideration" means any transferee, assignee, chargee, mortgagee, pledgee, holder of a lien, or lessee, of any property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by him for adequate valuable consideration in money or money's worth, without notice—

(a) that the property is—

(i) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(ii) terrorist property;

(iii) the proceeds of an unlawful activity; or

(iv) the instrumentalities of an offence; or

(b) of any circumstances from which, if reasonable inquiries had been made, it might have been discovered that the property is—

(i) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(ii) terrorist property;

(iii) the proceeds of an unlawful activity; or

(iv) the instrumentalities of an offence.

Pecuniary orders

59. (1) For the purpose of proceedings under section 55 or 56, the court shall issue a pecuniary penalty order against a person from whom property is forfeited in respect of benefits derived by the person from—

(a) the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence.

(2) The court may, if it considers appropriate, assess the value of the benefits so derived and order that person to pay to the Federal Government a pecuniary penalty equivalent to that amount.

(3) Where a forfeiture order has been made under section 55 or 56 against any property which is—

(a) the subject-matter or evidence relating to the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the pecuniary penalty to be paid under subsection (2) shall be reduced by an amount equivalent to the value of the property as at the time of

the making of the order under subsection (2) and any such penalty shall be recoverable as a civil debt due to the Government of Malaysia and shall not be subject to any period of limitation prescribed by any written law.

(4) In determining whether the benefit is derived from—

(a) the commission of an offence under subsection 4(1) or a terrorism financing offence;

(b) terrorist property;

(c) the proceeds of an unlawful activity; or

(d) the instrumentalities of an offence,

the court shall apply the standard of proof required in civil proceedings.

Release of property seized

60. (1) Where property has been seized under this Act, an investigating officer other than the investigating officer who effected the seizure, may at any time before it is forfeited under this Act, with the consent of the Public Prosecutor release such property to such person as the Public Prosecutor determines to be lawfully entitled to the property if the Public Prosecutor is satisfied that such property is not liable to forfeiture under this Act or otherwise required for the purpose of any proceedings under the Act, or for the purpose of any prosecution under any other law, and in such event neither the officer effecting the seizure, nor the Federal Government, or any person acting on behalf of the Federal Government, shall be liable to any proceedings by any person if the seizure and release had been effected in good faith.

(2) The officer effecting any release of any property under subsection (1) shall make a record in writing in respect of such release, specifying in the record in detail the circumstances of, and the reason

for, such release, and he shall send a copy of such record to the Public Prosecutor.

(3) For the purpose of subsection (1), the Public Prosecutor may give any direction of an ancillary or consequential nature, or which may be necessary, for giving effect to, or for the carrying out of, such release of property.

***Bona fide* third parties**

61. (1) The provisions in this Part shall apply without prejudice to the rights of *bona fide* third parties.

(2) The court making the order of forfeiture under subsection 28L(1) or section 55 or the judge to whom an application is made under subsection 28L(2) or 56(1) shall cause to be published a notice in the *Gazette* calling upon any third party who claims to have any interest in the property to attend before the court on the date specified in the notice to show cause as to why the property shall not be forfeited.

(3) A third party's lack of good faith may be inferred, by the court or an enforcement agency, from the objective circumstances of the case.

(4) The court or enforcement agency shall return the property to the claimant when it is satisfied that—

(a) the claimant has a legitimate legal interest in the property;

(b) no participation, collusion or involvement with respect to the offence under subsection 4(1) or Part IVA, or a terrorism financing offence which is the object of the proceedings can be imputed to the claimant;

(c) the claimant lacked knowledge and was not intentionally ignorant of the illegal use of the property, or if he had knowledge, did not freely consent to its illegal use;

(d) the claimant did not acquire any right in the property from a person proceeded against under circumstances that give rise to a reasonable inference that any right was transferred for the purpose of avoiding the eventual subsequent forfeiture of the property; and

(e) the claimant did all that could reasonably be expected to prevent the illegal use of the property.

Disposition of forfeited property

62. Whenever property that is not required to be destroyed and that is not harmful to the public is forfeited under section 28L or 55 or 56, the court or an enforcement agency may, in accordance with the law—

(a) retain it for official use, or transfer it to the Federal Government; or

(b) sell it and transfer the proceeds from such sale to the Federal Government.

Absconded person

63. (1) For the purposes of this Act, a person shall be treated as if he had been convicted of a serious offence if the person absconds in connection with a serious offence and any reference in this Part to the defendant shall include a reference to such person.

(2) For the purposes of subsection (1), a person shall be treated as if he had absconded in connection with a serious offence if, before or after the commencement date—

(a) an investigation for a serious offence has been commenced against the person; and

(b) the person—

(i) dies before proceedings in respect of the offence were instituted, or if such proceedings were instituted, the person dies before he is convicted of the offence;

(ii) cannot be found or apprehended by the enforcement agency after reasonable effort to do so at the end of a period of six months from the date on which the investigation referred to in paragraph *(a)* was commenced;

(iii) evades an enforcement agency;

(iv) has been charged with a serious offence and a warrant of arrest cannot be executed after reasonable effort to do so at the end of a period of six months from the date of issuance of the warrant of arrest; or

(v) has been charged with a serious offence and cannot be extradited by the enforcement agency after reasonable effort to do so at the end of a period of six months from the date of issuance of the warrant of arrest.

Forfeiture order where person has absconded

64. Where a person is, by reason of section 63, treated as if he had been convicted of a serious offence, a court may make a forfeiture order under this Part if the court is satisfied—

(a) on the evidence adduced before it that, on the balance of probabilities, the person has absconded; and

(b) having regard to all the evidence before the court, that such evidence if unrebutted would warrant his conviction for the offence.

Effect of death on proceedings

65. (1) Proceedings under section 64 shall be instituted or continued against the personal representatives of a deceased defendant or, if there are no personal representatives, such beneficiary of the estate of the deceased defendant as may be specified by the court upon the application of the Public Prosecutor.

(2) Where the power conferred by this Act to make an order is to be exercised in relation to a deceased defendant, the order shall be made against the estate of the deceased defendant.

(3) In this section, "deceased defendant" means a person who dies—

(a) after an investigation into a serious offence has been commenced against him; and

(b) before proceedings in respect of the offence have been instituted, or if such proceedings have been instituted, before he is convicted of the offence.

(4) In this section, a reference to property or interest in property shall include a reference to income accruing from such property or interest.

Service of documents on absconders

66. Where any document is required under this Act to be served on a person who cannot be found or who is outside Malaysia and cannot be

compelled to attend before a court in respect of proceedings under this Act, the court may dispense with service of the document upon him and the proceedings may be continued to their final conclusion in his absence.

PART VIA

SUPPRESSION OF TERRORISM FINANCING OFFENCES AND FREEZING, SEIZURE AND FORFEITURE OF TERRORIST PROPERTY

Interpretation in relation to this Part

66A. In this Part, unless the context otherwise requires—

"specified entity" means an entity in respect of which an order under section 66B has been made, or is deemed by reason of the operation of subsection 66C(2) to have been made, and is for the time being in force;

"terrorist act" has the same meaning as in section 130B of the Penal Code;

"relevant regulatory or supervisory authority" includes Bank Negara Malaysia, the Securities Commission and the Labuan Financial Services Authority.

Declaration of specified entities

66B. (1) Where the Minister of Home Affairs is satisfied on information given to him by a police officer that—

(a) an entity has knowingly committed, attempted to commit, participated in committing or facilitated the commission of, a terrorist act; or

(b) an entity is knowingly acting on behalf of, at the direction of, or in association with, an entity referred to in paragraph *(a)*,

the Minister of Home Affairs may, by order published in the *Gazette*, declare the entity to be a specified entity.

(2) In making an order under subsection (1), the Minister of Home Affairs may, for the purpose of facilitating the implementation of the order, consult with the relevant regulatory or supervisory authority or such other body or agency as the Minister of Home Affairs considers appropriate.

(3) Where an order under subsection (1) has been made—

(a) no citizen of Malaysia and no body corporate incorporated in Malaysia shall within or outside Malaysia knowingly provide or collect by any means, directly or indirectly, property with the intention that the property be used, or in the knowledge that the property is to be used, by a specified entity;

(b) no citizen of Malaysia and no body corporate incorporated in Malaysia shall within or outside Malaysia knowingly—

(i) deal, directly or indirectly, in any property of a specified entity, including funds derived or generated from property owned or controlled directly or indirectly by that entity;

(ii) enter into or facilitate, directly or indirectly, any transaction related to a dealing referred to in subparagraph (i);

(iii) provide any financial or other related service in respect of the property referred to in subparagraph (i); or

(iv) make available any property or any financial or other related service, directly or indirectly, for the benefit of a specified entity;

(c) no citizen of Malaysia and no body corporate incorporated in Malaysia shall within or outside Malaysia knowingly do anything that causes, assists or promotes, or is intended to cause, assists or promote, any activity prohibited by paragraph *(a)* or *(b)*;

(d) every citizen of Malaysia and every body corporate incorporated in Malaysia shall disclose immediately to the Inspector General of Police—

(i) the existence of property in their possession or control that they have reason to believe is owned or controlled by or on behalf of a specified entity; and

(ii) information about a transaction or proposed transaction in respect of property referred to in subparagraph (i).

(4) Any person who contravenes subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(5) Where an order under subsection (1) has been made, all secured and unsecured rights and interests held by a person, other than a specified entity or his agent, in the frozen property are entitled to the same ranking as they would have been entitled to had the property not been frozen.

(6) A specified entity may, within sixty days of publication of the order in the *Gazette*, make an application in writing to the Minister of home Affairs for the revocation of the order made under subsection (1), or deemed under section 66C to have been made, in respect of that entity.

(7) If, on an application made under subsection (6), the Minister of Home Affairs—

(a) decides that there are reasonable grounds for the revocation of the order, the Minister of Home Affairs shall revoke the order and publish an order of revocation in the *Gazette*; or

(b) decides that there are no reasonable grounds for the revocation of the order, the Minister of Home Affairs shall refuse the application and shall, within sixty days of receipt of the application, inform the applicant of his decision.

(8) The decision of the Minister of Home Affairs under subsection (7) shall be final.

(9) Unless sooner revoked under paragraph 7*(a)*, the Minister of Home Affairs shall review the orders made under subsection (1) every six months to determine whether there are still reasonable grounds, as set out in subsection (1), for any such order to continue to apply to a specified entity, and if the Minister of Home Affairs determines that there are no such reasonable grounds, he shall immediately revoke the order made under subsection (1) in respect of that specified entity.

(10) An order under this section shall not apply to funds and other financial assets or economic resources or any part of such funds, assets or resources that have been determined by the Minister of Home Affairs to be—

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for the payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources; or

(b) necessary for extraordinary expenses approved by the Minister of Home Affairs,

and where such order has been made in relation to such funds, financial assets or economic resources or any part thereof, the Minister of Home Affairs may, subject to such terms and conditions as he considers appropriate, vary such order and authorize access to such funds, assets or resources.

(11) Where an order under subsection (1) has been made, the Minister of Home Affairs shall direct the relevant regulatory or supervisory authority to issue such orders, directives or circulars to the institutions it regulates or supervises to facilitate the implementation of the order and the relevant regulatory or supervisory authority shall comply with such direction.

Orders for implementation of measures to give effect to Security Council resolutions

66C. (1) Where the Security Council of the United Nations decides, in pursuance of Article 41 of the Charter of the United Nations, on the measures to be employed to give effect to any of its decisions and calls upon the Government of Malaysia to apply those measures, the Minister of Home Affairs may, by order published in the *Gazette*, make such provision as may appear to him to be necessary or expedient to enable those measures to be effectively applied.

(2) Where an order under subsection (1) makes provision to the effect that there are reasonable grounds to believe that an entity designated by the Security Council of the United Nations is engaged in terrorist acts, the order under subsection (1) shall be deemed, with effect from the date of the order, to be an order declaring that entity to be a specified entity under subsection 66B(1).

(3) An order under subsection (1) shall not apply to funds and other financial assets or economic resources or any part of such funds, assets

or resources that have been determined by the Minister of Home Affairs to be—

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources; or

(b) necessary for extraordinary expenses approved by the Minister of Home Affairs,

and where such order has been made in relation to such funds, financial assets or economic resources or any part of the funds, assets or resources, the Minister of Home Affairs may, subject to such terms and conditions as he considers appropriate, vary such order and authorize access to such funds, assets or resources.

Minister's power to obtain information

66D. (1) The Minister of Home Affairs may, by order published in the *Gazette*, require any person or class or persons to determine within the period specified in the order whether they are in possession or control of terrorist property or property owned or controlled by or on behalf of any specified entity.

(2) An order made under subsection (1) may require any person or class or persons specified in it to report to the relevant regulatory or supervisory authority and within such regular periods as may be specified in the order—

(a) whether they are in possession or control of any property referred to in subsection (1); and

(b) if they are in possession or control of any property referred to in subsection (1)—

(i) the number of persons, contracts or accounts involved;

(ii) the total value of the property involved;

(iii) the manner by which the property came to be in their possession; and

(iv) such other particulars as may be specified in the order.

(3) The relevant regulatory or supervisory authority shall immediately report to the Minister of Home Affairs if any person or class of persons under their regulation or supervision is found to be in possession or control of terrorist property or property owned or controlled by or on behalf of any specified entity.

(4) No criminal, civil or disciplinary proceedings shall be brought against a person for making a report in good faith under subsection (2).

(5) Any person who contravenes any order made under this section commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(6) The provisions of this section shall have effect notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed by any written law or otherwise.

Directions and guidelines to discharge Government's international obligations

66E. (1) For the purposes of this Part, the relevant regulatory or supervisory authority may issue such directions and guidelines to the

institutions under their regulation or supervision as the relevant regulatory or supervisory authority considers necessary in order to discharge or facilitate the discharge of any obligation binding on Malaysia by virtue of a decision of the Security Council of the United Nations.

(2) An institution to which a direction or guideline is issued under subsection (1) shall comply with the direction or guidelines notwithstanding any other duty imposed on the institution by any rule of law, written law or contract.

(3) An institution shall not, in carrying out any act in compliance with any direction or guidelines made under subsection (1), be treated as being in breach of any such rule of law, written law or contract.

(4) An institution shall not disclose any direction or guideline issued under subsection (1) if the relevant regulatory or supervisory authority, as the case may be, notifies the institution that the relevant regulatory or supervisory authority, as the case may be, is of the opinion that the disclosure of the direction or guideline is against public interest.

(5) Any institution that—

(a) fails or refuses to comply with a direction or guideline issued to it;

(b) contravenes any direction or guideline issued to it; or

(c) discloses a direction or guideline issued to it in contravention of subsection (4),

commits an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit.

(6) The relevant regulatory or supervisory authority shall report to the Minister of Home Affairs and the Minister of Finance on the action taken under this section every six months or as the respective Minister may require.

Savings for orders made under the Exchange Control Act 1953 and the Labuan Financial Services Authority Act 1996

66F. (1) The orders made under section 44 of the *Exchange Control Act 1953 [*Act 17*] and **subsection 4(5) of the Labuan Financial Services Authority Act 1996 for the purpose of implementing counter-terrorism measures required by the Security Council of the United Nations and in force immediately before the commencement of this Part shall be deemed to have been lawfully made under section 66C and shall remain in full force and effect until they are revoked or replaced under this Part.

(2) After the commencement of this Part, no order under section 44 of the *Exchange Control Act 1953 [*Act 17*] and **subsection 4(5) of the Labuan Financial Services Authority Act 1996 shall be made where section 66B or 66C applies.

PART VII

MISCELLANEOUS

Property tracking

67. (1) Where the competent authority or an enforcement agency, as the case may be, has reason to believe that a person is committing, has committed or is about to commit an offence under this Act, the competent authority or enforcement agency, as the case may be, may order—

(a) that any document relevant to identifying, locating or quantifying any property, or identifying or locating any document necessary for the transfer of the property,

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**NOTE*—The Exchange Control Act 1953 [*Act 17*] has since been repealed by the Financial Services Act 2013 [*Act 758*]-*see* section 271 Act 758.

***NOTE*—Subsection 4(5) of Act 545 has been deleted by Act A1365-*see* paragraph 6*(d)* of Act A1365.

belonging to, or in the possession or under the control of that person or any other person, be delivered to it; or

(b) any person to produce information on any transaction conducted by or for that person with the first-mentioned person.

(2) Any person who does not comply with an order under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding five thousand ringgit for each day or part thereof during which the offence continues to be committed.

Additional powers of competent authority and enforcement agency

68. (1) For the avoidance of doubt, the functions conferred on the competent authority or an enforcement agency under this Act shall be in addition to its functions under any other written law.

(2) Where an enforcement agency enforcing the law under which a related serious offence is committed gathers evidence with respect to any investigation relating to that offence, such evidence shall be deemed to be evidence gathered in accordance with this Act.

Agent provocateur

69. (1) Notwithstanding any law or rule of law to the contrary, in any proceedings against any person for an offence under this Act, no agent provocateur, whether he is an officer of an enforcement agency or not, shall be presumed to be unworthy of credit by reason only of his having attempted to commit or to abet, or having abetted or having been engaged in a criminal conspiracy to commit, such offence if the main purpose of such attempt, abetment or engagement was to secure evidence against such person.

(2) Notwithstanding any law or rule of law to the contrary, a conviction for any offence under this Act solely on the uncorroborated evidence of any agent provocateur shall not be illegal and no such conviction shall be set aside merely because the court which tried the case has failed to refer in the grounds of its judgment to the need to warn itself against the danger of convicting on such evidence.

Standard of proof

70. (1) Any question of fact to be decided by a court in proceedings under this Act shall be decided on the balance of probabilities.

(2) Subsection (1) shall not apply in relation to any question of fact that is for the prosecution to prove in any proceedings for an offence under this Act or any subsidiary legislation under it.

Admissibility of documentary evidence

71. Where the Public Prosecutor or any enforcement agency has obtained any document or other evidence in exercise of his powers under this Act or by virtue of this Act, such document or copy of the document or other evidence, as the case may be, shall be admissible in evidence in any proceedings under this Act, notwithstanding anything to the contrary in any written law.

Admissibility of statements by accused persons

72. (1) In any trial or inquiry by a court into an offence under this Act, any statement, whether the statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of an investigation or not and whether or not wholly or partly in answer to questions, by an

accused person to or in the hearing of an officer of any enforcement agency, whether or not interpreted to him by any other officer of such enforcement agency or any other person, whether concerned or not in the arrest of that person, shall, notwithstanding any law or rule of law to the contrary, be admissible at his trial in evidence and, if that person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit.

(2) No statement made under subsection (1) shall be admissible or used as provided for in that subsection if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the person, proceeding from a person in the enforcement agency and sufficient in the opinion of the court to give that person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

(3) Where any person is arrested or is informed that he may be prosecuted for any offence under this Act, he shall be served with a notice in writing, which shall be explained to him, to the following effect:

> "You have been arrested/informed that you may be prosecuted for (the possible offence under this Act). Do you wish to say anything? If there is any fact on which you intend to rely in your defence in court, you are advised to mention it now. If you hold it back till you go to court, your evidence may be less likely to be believed and this may have an adverse effect on your case in general. If you wish to mention any fact now, and you would like it written down, this will be done."

(4) Notwithstanding subsection (3), a statement by any person accused of any offence under this Act made before there is time to serve a notice under that subsection shall not be rendered inadmissible in evidence merely by reason of no such notice having been served on him if such notice has been served on him as soon as is reasonably possible after the statement is made.

(5) No statement made by an accused person in answer to a written notice served on him pursuant to subsection (3) shall be construed as a statement caused by any inducement, threat or promise as is described in subsection (2), if it is otherwise voluntary.

(6) Where in any criminal proceedings against a person for an offence under this Act, evidence is given that the accused, on being informed that he might be prosecuted for it, failed to mention any such fact, being a fact which in the circumstances existing at the time he could reasonably have been expected to mention when so informed, the court, in determining whether the prosecution has made out a *prima facie* case against the accused and in determining whether the accused is guilty of the offence charged, may draw such inferences from the failure as appear proper; and the failure may, on the basis of those inferences, be treated as, or as capable of amounting to, corroboration of any evidence given against the accused in relation to which the failure is material.

(7) Nothing in subsection (6) shall in any criminal proceedings—

(a) prejudice the admissibility in evidence of the silence or other reaction of the accused in the face of anything said in his presence relating to the conduct in respect of which he is charged, in so far as evidence of it would be admissible apart from that subsection; or

(b) be taken to preclude the drawing of any inference from any such silence or other reaction of the accused which could be drawn apart from that subsection.

Admissibility of statements and documents of persons who are dead or cannot be traced, etc.

73. Notwithstanding any written law to the contrary, in any proceedings against any person for an offence under this Act—

(a) any statement made by any person to an officer of any enforcement agency in the course of an investigation under this Act; and

(b) any document, or copy of any document, seized from any person by an officer of any enforcement agency in exercise of his powers under this Act,

shall be admissible in evidence in any proceedings under this Act before any court, where the person who made the statement or the document or the copy of the document is dead, or cannot be traced or found, or has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which appears to the court unreasonable.

Admissibility of translation of documents

74. (1) Where any document which is to be used in any proceedings against any person for an offence under this Act is in a language other than the national language or English language, a translation of such document into the national language or English language shall be admissible in evidence where the translation is accompanied by a certificate of the person who translated the document setting out that it is an accurate, faithful and true translation and the translation had been done by such person at the instance of the Public Prosecutor or an officer of any enforcement agency.

(2) Subsection (1) shall apply to a document which is translated, regardless whether the document was made in or outside Malaysia, or whether the translation was done in or outside Malaysia, or whether possession of such document was obtained by the Public Prosecutor or an officer of any enforcement agency in or outside Malaysia.

Evidence of corresponding law or foreign law

75. (1) A document purporting to be issued by or on behalf of the government of a foreign State and purporting to state the terms of—

(a) a corresponding law in force in that foreign State; or

(b) a law in relation to a foreign serious offence in force in that foreign State,

shall be admissible in evidence for the purpose of proving the matters referred to in subsection (2) in any proceedings under this Act on its production by the Attorney General or by any person duly authorized by him in writing.

(2) A document shall be sufficient evidence—

(a) if issued by or on behalf of the government of the foreign State stated in the document;

(b) that the terms of the corresponding law or the law of the foreign State are as stated in the document; and

(c) that any fact stated in the document as constituting an offence under that law does constitute such offence.

Stay of proceedings

75A. Where there is a need to obtain evidence from a foreign State, the court shall, upon application by the Public Prosecutor, stay the proceedings under this Act until such evidence is obtained.

Proof of conviction and acquittal

76. (1) For the purposes of any proceedings under this Act, the fact that a person has been convicted or acquitted of an offence by or before any court in Malaysia or by a foreign court shall be admissible in evidence for the purpose of proving, where relevant to any issue in the proceedings, that he committed or did not commit that offence,

whether or not he is a party to the proceedings, and where he was convicted whether he was so convicted upon plea of guilt or otherwise.

(2) The court shall accept the conviction referred to in subsection (1) as conclusive unless—

(a) it is subject to review or appeal that has not yet been determined;

(b) it has been quashed or set aside; or

(c) the court is of the view that it is contrary to the interests of justice or the public interest to accept the conviction as conclusive.

(3) A person proved to have been convicted of an offence under this section shall be taken to have committed the act and to have possessed the state of mind, if any, which at law constitute that offence.

(4) Any conviction or acquittal admissible under this section may be proved—

(a) in the case of a conviction or acquittal before a court in Malaysia, by a certificate of conviction or acquittal, signed by the Registrar of that court; or

(b) in the case of a conviction or acquittal before a foreign court, by a certificate or certified official record of proceedings issued by that foreign court and duly authenticated by the official seal of a Minister of that foreign State,

giving the substance and effect of the charge and of the conviction or acquittal.

Indemnity

77. No action, suit, prosecution or other proceedings shall lie or be brought, instituted, or maintained in any court or before any other authority against—

(a) the competent authority or the relevant enforcement agency;

(b) any director or officer of the competent authority or the relevant enforcement agency, either personally or in his official capacity; or

(c) any person lawfully acting in compliance with any direction, instruction or order of a director or officer of the competent authority or the relevant enforcement agency,

for or on account of, or in respect of, any act done or statement made or omitted to be done or made, or purporting to be done or made or omitted to be done or made, in pursuance of or in execution of, or intended pursuance of or execution of, this Act or any order in writing, direction, instruction or other thing issued under this Act if such act or statement was done or made, or was omitted to be done or made, in good faith.

Service of notices or orders

78. (1) A letter containing a notice, order or other document to be served by an enforcement agency under this Act shall be deemed to be addressed to the proper place if it is addressed to the last-known address of the addressee.

(2) Any notice or order issued or made under this Act shall, where it is required to be served on a natural person, be served by—

(a) delivering it personally to the person for whom it is intended;

(b) delivering it to an adult person at the last-known place of residence, occupation or business of the person for whom it is intended; or

(c) sending it by registered post to the person for whom it is intended.

(3) If the officer effecting any notice or order under subsection (2) is satisfied, for reasons to be recorded by him in writing, that the notice or order cannot be served in the manner provided in paragraph (2)*(a)*, *(b)* or *(c)*, the notice or order shall be served by—

(a) affixing the notice or order on a conspicuous place at the immovable property, if any, in relation to which the notice or order is issued or made, or on a conspicuous part of the premises in which the person for whom the notice or order is intended is known to have last resided, to have been last employed or to have last carried on business; and

(b) publishing the notice or order in one newspaper circulating in the area in which the person for whom the notice or order is intended is known to have last resided, to have been last employed or to have last carried on business.

(4) Any notice or order issued or made under this Act on any company or body, whether corporate or unincorporate, shall be served by delivering the notice or order at its place of business to a servant, agent or officer of such company or body, or, where the officer effecting the notice or order is satisfied, for reasons to be recorded by him in writing, that the notice or order cannot be so delivered, by affixing the notice or order on a conspicuous part of the premises at the last-known place of business of the company or body for whom the notice or order is intended, and by publishing

the notice or order in one newspaper circulating in the area in which the last-known place of business is situated.

Preservation of secrecy

79. (1) Except for the purpose of the performance of his duties or the exercise of his functions under this Act or when lawfully required to do so by any court or under the provisions of any written law, no person shall disclose any information or matter which has been obtained by him in the performance of his duties or the exercise of his functions under this Act.

(2) No person who has any information or matter which to his knowledge has been disclosed in contravention of subsection (1) shall disclose that information or matter to any other person.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

Exemptions

80. The Minister of Finance may, upon the recommendation of the competent authority, if he considers it consistent with the purposes of this Act or in the interest of the public, by order published in the *Gazette*, exempt a person or class of persons from all or any of the provisions of Part III, IV or IVA for such duration and subject to such condition as the Minister may specify.

Modifications

81. (1) The Minister of Finance may, upon the recommendation of the competent authority who shall consult with the Labuan Financial

Services Authority, by order published in the *Gazette*, provide that any provision of this Act or part of the provision, specified in the order, shall not apply in relation to a financial institution registered under the Labuan Financial Services and Securities Act 2010 or the Labuan Islamic Financial Services and Securities Act 2010 or shall apply with such modifications as may be set out in the order.

(2) The terms of the order made under subsection (1) must be consistent with the intent and purpose of this Act.

(3) In this section, "modification" includes amendment, adaptation, alteration, variation, addition, division, substitution or exclusion.

Jurisdiction

82. (1) Any offence under this Act—

(a) on the high seas on board any ship or on any aircraft registered in Malaysia;

(b) by any citizen or any permanent resident on the high seas on board any ship or on any aircraft;

(c) by any citizen or any permanent resident in any place outside and beyond the limits of Malaysia;

(d) by any person against a citizen of Malaysia;

(e) by any person against property belonging to, or operated or controlled by, in whole or in part, the Government of Malaysia or the Government of any State in Malaysia, including diplomatic or consular premises of Malaysia, any citizen of Malaysia, or any corporation created by or under the laws of Malaysia located outside Malaysia;

(f) by any person to compel the Government of Malaysia or the Government of any State in Malaysia to do or refrain from doing any act;

(g) by any stateless person who has his habitual residence in Malaysia;

(h) by any person against or on board a fixed platform while it is located on the continental shelf of Malaysia; or

(i) by any person who after the commission of the offence is present in Malaysia,

may be dealt with as if it had been committed at any place within Malaysia.

(2) Notwithstanding anything in this Act, no charge as to any offence shall be inquired into in Malaysia unless a diplomatic officer of Malaysia, if there is one, in the territory in which the offence is alleged to have been committed certifies that, in his opinion, the charge ought to be brought in Malaysia; and where there is no such diplomatic officer, the sanction of the Public Prosecutor shall be required.

(3) Any proceedings taken against any person under this section which would be a bar to subsequent proceedings against that person for the same offence if the offence had been committed in Malaysia shall be a bar to further proceedings against him under any written law relating to extradition or the surrender of fugitive criminals in force in Malaysia in respect of the same offence in any territory beyond the limits of Malaysia.

(4) For the purposes of this section, the expression "permanent resident" has the meaning assigned by the Courts of Judicature Act 1964 [*Act 91*].

Power to issue guidelines, etc.

83. The competent authority may, upon consultation with the relevant supervisory authority, issue to a reporting institution such guidelines, circulars, or notices as are necessary or expedient to give full effect to

or for carrying out the provisions of this Act and in particular for the detection or prevention of money laundering and terrorism financing.

Regulations

84. (1) The Minister of Finance or the Minister of Home Affairs, as the case may be, may make such regulations as are necessary or expedient to give full effect to or for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made—

(a) to prescribe anything that is required or permitted to be prescribed under this Act;

(b) to provide that any act or omission in contravention of any provision of such regulations shall be an offence;

(c) to provide for the imposition of penalties for such offences which shall not exceed a fine of three million ringgit or imprisonment for a term not exceeding five years or both; and

(d) to provide for the imposition of an additional penalty for a continuing offence which shall not exceed five thousand ringgit for each day or part thereof during which the offence continues to be committed.

Amendment of Schedules

85. The Minister of Finance may, by order published in the *Gazette*, amend the First and Second Schedules.

General offence

86. Any person who contravenes—

(a) any provision of this Act or regulations made under it; or

(b) any specification or requirement made, or any order in writing, direction, instruction, or notice given, or any limit, term, condition or restriction imposed, in the exercise of any power conferred under or pursuant to any provision of this Act or regulations made under it,

commits an offence and shall, on conviction, if no penalty is expressly provided for the offence under this Act or the regulations, be liable to a fine not exceeding one million ringgit.

Attempts, abetments and criminal conspiracies

86A. (1) Any person who—

(a) attempts to commit an offence under this Act;

(b) does any act preparatory to, or in furtherance of, the commission of an offence under this Act;

(c) abets or is engaged in a criminal conspiracy to commit (as those terms are defined in the Penal Code) an offence under this Act, whether or not the offence is committed in consequence of it,

commits an offence and shall be liable on conviction to the penalty provided for that offence.

(2) A provision of this Act which refers to an offence under a specific provision of this Act shall be read as including a reference to an offence under subsection (1) in relation to the offence under that specific provision.

Offence committed by any person acting in an official capacity

87. (1) Where an offence is committed by a body corporate or an association of persons, a person—

(a) who is its director, controller, officer, or partner; or

(b) who is concerned in the management of its affairs,

at the time of the commission of the offence, is deemed to have committed that offence unless that person proves that the offence was committed without his consent or connivance and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his function in that capacity and to the circumstances.

(2) An individual may be prosecuted for an offence under subsection (1) notwithstanding that the body corporate or association of persons has not been convicted of the offence.

(3) Subsection (1) shall not affect the criminal liability of the body corporate or association of persons for the offence referred to in that subsection.

(4) Any person who would have committed an offence if any act had been done or omitted to be done by him personally commits that offence and shall on conviction be liable to the same penalty if such act had been done or omitted to be done by his agent or officer in the course of that agent's business or in the course of that officer's employment, as the case may be, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing of, or omission to do, such act.

Offence by an individual

88. Where a person is liable under this Act to a penalty for any act, omission, neglect or default, he shall be liable to the same penalty for the act, omission, neglect or default of his employee, director,

controller, or agent if the act, omission, neglect or default was committed by—

(a) his employee in the course of the employee's employment;

(b) his director in carrying out the function of a director;

(c) his controller in carrying out the function of a controller; or

(d) his agent when acting on his behalf.

Falsification, concealment and destruction of document, etc.

89. A person, with intent to deceive, in respect of a document to be produced or submitted under any provision of this Act, who makes or causes to be made a false entry, omits to make, or causes to be omitted, any entry, or alters, abstracts, conceals or destroys, or causes to be altered, abstracted, concealed or destroyed, any entry, forges a document, or makes use of or holds in his possession a false document, purporting to be a valid document, alters any entry made in any document, or issues or uses a document which is false or incorrect, wholly or partially, or misleading commits an offence and shall, on conviction, be liable to a fine not exceeding three million ringgit or to a term of imprisonment not exceeding five years or to both, and, in the case of a continuing offence, shall in addition be liable to a fine not exceeding three thousand ringgit for each day or part thereof during which the offence continues to be committed.

Seizable offence

90. Every offence punishable under this Act shall be a seizable offence.

Joinder of offences

91. Notwithstanding anything contained in any other written law, where a person is accused of more than one offence under this Act, he may be charged with and tried at one trial for any number of the offences committed within any length of time.

Particulars of charge

91A. When a person is charged with an offence under this Act, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 164 of the Criminal Procedure Code provided that the time included between the first and last of such dates shall not exceed twelve months.

Power of competent authority to compound offences

92. (1) The competent authority or relevant enforcement agency, as the case may be, may, with the consent of the Public Prosecutor, compound any offence under this Act or under regulations made under this Act, by accepting from the person reasonably suspected of having committed the offence such amount not exceeding fifty per centum of the amount of the maximum fine for that offence, including the daily fine, if any, in the case of a continuing offence, to which that person would have been liable if he had been convicted of the offence, within such time as may be specified in its written offer.

(2) Any money paid to the competent authority or relevant enforcement agency pursuant to subsection (1) shall be paid into and form part of the Federal Consolidated Fund.

(3) An offer under subsection (1) may be made at any time after the offence has been committed, and where the amount specified in the offer is not paid within the time specified in the offer, or such extended

time as the competent authority or relevant enforcement agency may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made.

Prosecution

93. No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

FIRST SCHEDULE

[Section 3, definition of "reporting institution"]

PART I

1. Activities carried out by—

(a) a licensed bank;

(b) a licensed investment bank;

(c) a licensed insurer carrying on life business;

(d) an approved financial adviser in relation to life business;

(e) an approved insurance broker in relation to life business;

(f) an approved issuer of designated payment instrument; and

(g) an approved money-broker,

as defined or provided in the Financial Services Act 2013 [*Act 758*].

2. Activities carried out by—

(a) a licensed Islamic bank;

(b) a licensed international Islamic bank;

(c) a licensed takaful operator carrying on family takaful business;

(d) a licensed international takaful operator carrying on family takaful business;

(e) an approved Islamic financial adviser in relation to family takaful business;

(f) an approved takaful broker in relation to family takaful business; and

(g) an approved issuer of designated Islamic payment instrument,

as defined or provided in the Islamic Financial Services Act 2013 [*Act 759*].

3. Activities carried out by a prescribed institution as defined in the Development Financial Institutions Act 2002 [*Act 618*].

4. Activities of—

(a) dealing in securities;

(b) dealing in derivatives; or

(c) fund management,

carried out by a holder of a licence under the Capital Markets and Services Act 2007 [*Act 671*].

5. Activities carried out by a licensee as defined in the Money Services Business Act 2011 [*Act 731*].

6. Activities carried out by the Lembaga Tabung Haji established under the Tabung Haji Act 1995 [*Act 535*].

7. Activities carried out by a licensee relating to postal financial services as defined in the Postal Services Act 2012 [*Act 741*].

8. Activities carried out by a common gaming house as defined in the Common Gaming Houses Act 1953 [*Act 289*].

9. Activities carried out by a member as defined in the Accountants Act 1967 [*Act 94*].

10. Activities carried out by an advocate and solicitor as defined in the Legal Profession Act 1976 [*Act 166*].

11. Activities carried out by a person admitted as an advocate pursuant to the Advocate Ordinance Sabah 1953 [*Sabah Cap. 2*].

12. Activities carried out by a person admitted as an advocate pursuant to the Advocate Ordinance Sarawak 1953 [*Sarawak Cap. 110*].

13. Activities carried out by a person prescribed by the Minister or licensed by the Registrar of Companies to act as a secretary of a company pursuant to section 235 of the *Companies Act 2016 [*Act 777*].

14. Activities carried out by a licensee as defined in the Pool Betting Act 1967 [*Act 384*].

**NOTE*—This Act has replaced the Companies Act 1965 [*Act 125*]–*see* subsection 620(1) of Act 777.

15. Activities carried out by a totalizator agency as defined in the Racing (Totalizator Board) Act 1961 [*Act 494*].

16. Activities carried out by a racing club as defined in the Racing Club (Public Sweepstakes) Act 1965 [*Act 404*].

17. Activities carried out by a notary public as defined in the Notaries Public Act 1959 [*Act 115*].

18. Activities carried out by a trust company as defined in the Trust Companies Act 1949 [*Act 100*].

19. Activities carried out by the Corporation as defined in the Public Trust Corporation Act 1995 [*Act 532*].

20. Activities carried out by a moneylender as defined in the Moneylenders Act 1951 [*Act 400*].

21. Activities relating to building credit business, development finance business, factoring business or leasing business carried out by companies incorporated pursuant to the *Companies Act 2016 and businesses as defined and registered under the Registration of Businesses Act 1956 [*Act 197*].

22. Activities carried out by a licensee as defined in the Pawnbrokers Act 1972 [*Act 81*].

23. Activities relating to an estate agency practice carried out by a registered estate agent as defined in the Valuers, Appraisers and Estate Agents Act 1981 [*Act 242*].

24. Activities of dealing in precious metals or precious stones carried out by companies incorporated pursuant to the *Companies Act 2016 and businesses as defined and registered under the Registration of Businesses Act 1956.

25. Activities of operating a recognized market carried out by a recognized market operator registered under the Capital Markets and Services Act 2007.

26. (1) Activities carried out by a person licensed or registered under the Capital Markets and Services Act 2007 relating to one or more of the following:

(a) providing safe keeping, storing, holding or custody of digital currency or digital token for the account of other person; or

(b) providing intermediation and advisory services relating to an offer or sale of digital currency or digital token.

**NOTE*—This Act has replaced the Companies Act 1965 [*Act 125*]–*see* subsection 620(1) of Act 777.

(2) For the purposes of this paragraph, "digital currency" and "digital token" refer to digital currency and digital token that are prescribed as securities under the Capital Market and Services (Prescription of Securities) (Digital Currency and Digital Token) Order 2019 [*P.U. (A) 12/2019*].

PART II

Activities carried out by a Labuan financial institution as defined in the *Labuan Financial Services Authority Act 1996 [*Act 545*].

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*NOTE—Previously known as the Labuan Offshore Financial Services Authority Act 1996. Change in short title *vide* section 2 of the Labuan Offshore Financial Services Authority (Amendment) Act 2010 [*Act A1365*] which comes into operation on 11 February 2010–*see* P.U. (B) 62/2010.

SECOND SCHEDULE

[Section 3, definition of "serious offence"]

Offences	**Description*
Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 [*Act 613*]	
Subsection 4(1)	Offence of money laundering
Section 4A	Offence of structuring transactions to evade reporting requirement
Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 [*Act 670*]	
Section 12	Offence of trafficking in persons
Section 13	Offence of trafficking in persons by means of threat, force, etc.
Section 14	Offence of trafficking in children
Section 15	Offence of profiting from exploitation of a trafficked person
Section 15A	Offence in relation to trafficked person in transit
Section 18	Making, obtaining, giving, selling or possessing fraudulent travel or identity documents for the purpose of trafficking in persons
Section 19	Recruiting or agrees to recruit another person to participate in the act of trafficking in persons
Section 20	Providing facilities in support of trafficking in persons
Section 21	Providing services for purposes of trafficking in persons

Offences	**Description*
Section 22	Harbouring any person who has committed or is planning or is likely to commit an act of trafficking in persons
Section 23	The owner, operator or master of conveyance that do not carry out obligations to ensure that the person travelling on board is in possession of lawful travel documents
Section 24	International omission to give information
Section 26A	Offence of smuggling of migrants
Section 26B	Aggravated offence of smuggling of migrants
Section 26C	Offence in relation to smuggled migrant in transit
Section 26D	Offence of profiting from the offence of smuggling of migrants
Section 26E	Fraudulent travel or identity documents
Section 26F	Providing facilities in support of smuggling of migrants
Section 26G	Providing services for purposes of smuggling of migrants
Section 26H	Concealing or harbouring smuggled migrants and migrants smugglers
Section 26I	Supporting offence of smuggling of migrants
Section 26J	Offence of conveyance of smuggled migrants

Offences	**Description*
Section 26K	Obligation of owner, etc. of conveyance
Section 40	Disclosing any information to any other person which is likely to prejudice the investigation by the authority
Betting Act 1953 [*Act 495*]	
Section 4	Common betting-houses and betting information centres
Subsection 6(3)	Betting in a common betting-house, and book-making
Capital Markets and Services Act 2007 [*Act 671*]	
Section 7	Establishment of stock markets or derivatives
Section 37	Establishing or operating a clearing facility
Section 58	Requirement for Capital Markets Services Licence
Section 93	Priority given to client's order
Section 111	Certain monies received by holder of Capital Markets Services Licence to be paid into trust account
Section 118	Segregation of client's assets
Section 119	Monies in segregated account not available for payment of debt, etc.
Section 122	Operation of trust account
Section 123	Client's assets
Section 175	False trading and market rigging transaction

Offences	**Description*
Section 176	Stock market manipulations
Section 177	False or misleading statements, etc.
Section 179	Use of manipulative and deceptive devices
Section 188	Prohibited conduct of person in possession of inside information
Section 202	False trading
Section 203	Bucketing
Section 205	Manipulation of price of derivatives and cornering
Section 206	Employment of devices, etc., to defraud
Section 207	False or misleading statements
Section 208	Prohibition of abuse of information obtained in official capacity
Section 215	False or misleading statements, etc.
Section 232	Requirement to register prospectus in relation to securities
Section 246	Criminal liability for false statements, etc., in prospectus
Section 317A	Prohibited conduct of director or officer of a listed corporation
Section 320A	False or misleading financial statements of a listed corporation
Section 368	Falsification of records

Offences	**Description*
Section 369	False reports to Commission, exchange or approved clearing house
Child Act 2001 [*Act 611*]	
Section 43	Offences relating to selling, procuring, detention, etc., or any attempts thereto, of a child for prostitution
Section 48	Unlawful transfer of possession, custody or control of child
Section 49	Importation of child by false pretences
Common Gaming Houses Act 1953 [*Act 289*]	
Section 4	Common gaming houses
Section 4A	Assisting in carrying on a public lottery, etc.
Section 4B	Offences relating to dealing in gaming machines
Section 9	Buying lottery ticket
Companies Act 2016 [*Act 777*]	
Section 43	Prohibition of private companies to offer shares or debentures or invite to deposit money
Section 213	Duties and responsibilities of directors
Section 217	Responsibility of a nominee director
Section 218	Prohibition against improper use of property, position, etc.
Section 219	General duty to make disclosure

Offences	**Description*
Section 221	Disclosure of interest in contracts, proposed contracts, property, offices, etc.
Section 222	Interested director not to participate or vote
Section 223	Approval of company required for disposal by directors of company's undertaking or property
Section 224	Loans to director
Section 225	Prohibition of loans to persons connected with directors
Section 226	Prohibition of tax free payments to directors
Section 228	Transactions with directors, substantial shareholders or connected persons
Section 246	System of internal control
Section 584	Furnishing of information and particulars of shareholding
Section 591	False and misleading statements
Section 592	False report
Section 593	False report or statement to the Registrar
Section 594	Fraudulently inducing persons to invest money
Section 595	Fraud by officer
Section 596	Restriction on offering shares, debentures, etc., for subscription or purchase

Offences	**Description*
Computer Crimes Act 1997 [*Act 563*]	
Section 3	Unauthorized access to computer material
Section 4	Unauthorized access with intent to commit or facilitate commission of further offence
Section 5	Unauthorized modification of the contents of any computer
Section 6	Wrongful communication
Consumer Protection Act 1999 [*Act 599*]	
Section 16	Demanding or accepting payment without intending to supply
Control of Supplies Act 1961 [*Act 122*]	
Section 8	Power of Controller to obtain information
Section 16	Offence to sell controlled articles without a licence
Subsection 20(1)	Removal of controlled articles from business premises and storage of controlled articles in premises other than licensed business premises, and dealing in controlled articles otherwise than in normal course of business
Section 21	Unlawful possession of controlled articles
Control of Supplies Regulations 1974 [*P.U. (A) 103/1974*]	
Regulation 3	Licence required for dealing in scheduled articles, and for manufacturing

Offences	**Description*
Subregulation 9(2)	Offence of wholesaler selling scheduled article to a person not authorized to deal in scheduled article
Regulation 11	Restriction on purchases by wholesalers and retailers
Regulation 13	Maintenance of books
Copyright Act 1987 [*Act 332*]	
Section 41	Infringement of copyright
Corrosive and Explosive Substances and Offensive Weapons Act 1958 [*Act 357*]	
Section 3	Possession of corrosive or explosive substance for the purpose of causing hurt
Customs Act 1967 [*Act 235*]	
Section 133	Making incorrect declarations and falsifying documents
Section 135	Smuggling offences
Section 137	Offering or receiving bribes
Dangerous Drugs Act 1952 [*Act 234*]	
Section 4	Restriction on importation of raw opium, coca leaves, poppy-straw and cannabis
Section 5	Restriction on exportation of raw opium, coca leaves, poppy-straw and cannabis
Section 12	Restriction on import and export of certain dangerous drugs

Offences	**Description*
Subsection 19(4)	Export of dangerous drugs
Subsection 20(5)	Import of dangerous drugs
Section 39B	Trafficking in dangerous drugs
Dangerous Drugs (Forfeiture of Property) Act 1988 [*Act 340*]	
Section 3	Use of property for activity constituting certain offences
Section 4	Dealing with, or using, holding, receiving or concealing illegal property
Section 56	Attempts, abetments and criminal conspiracies punishable as offences
Development Financial Institutions Act 2002 [*Act 618*]	
Section 108	Falsification, concealment and destruction of documents
Paragraph 114(1)*(b)* in relation to offences under sections 108 and 118	Attempts, preparations, abetments and conspiracies punishable as offences
Section 118	Prohibition on receipt of gifts, commission etc.
Direct Sales and Anti-Pyramid Scheme Act 1993 [*Act 500*]	
Section 4	Direct sales business to be carried on only under licence
Section 27B	Unlawful to promote or conduct pyramid scheme and
Excise Act 1976 [*Act 176*]	
Section 71	Making incorrect statement and falsifying documents

Offences	**Description*
Section 73	Refusing to answer questions or giving false information
Section 74	Evasion of excise duty and illegal manufacture of dutiable goods
Explosives Act 1957 [*Act 207*]	
Subsection 4(2)	Power to prohibit the manufacture, possession or importation of specially dangerous explosives
Section 5	Acts causing explosions or fire
Section 6	Causing explosion likely to endanger life or property
Section 7	Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property
Section 8	Making or possessing explosives under suspicious circumstances
Financial Services Act 2013 [*Act 758*]	
Section 8	Authorized business to be carried on by authorized person
Section 13	Additional conditions of licence or approval
Subsections 14(1) and (3)	Authorized person shall to carry on authorized business only
Subsection 15(1)	Authorized person and operator of designated payment system permitted to carry on certain Islamic financial business subject to written approval

Offences	**Description*
Subsection 16(1)	Licensed insurer shall not carry on both life and general business
Section 17	Registered business to be carried on by registered person
Subsections 19(1) and (2)	Requirements for representative office
Section 28	Holding out as authorized person or registered person
Section 29	Acting on behalf of unlicensed person
Paragraph 57(1)*(c)*	Duty of director to only exercise powers which is conferred on him for the purposes for which such powers are conferred
Section 124	Prohibited business conduct
Section 137	Restriction on accepting deposits
Section 138	Advertisements for deposits
Subsection 141(1)	Prohibited conduct in money market and foreign exchange market
Paragraph 143(3)*(a)*	Submission of document or information which a person knows, or has reason to believe, to be false or misleading in a material particular
Paragraph 207(3)*(b)*	Dealing with assets of insurance funds without approval in the winding up of a licensed foreign insurer
Subsection 214(2)	Undertake or engage in any transaction set out in Schedule 14 without approval
Section 216	Non-compliance with the directions issued by the Bank
Section 248	Offences in relation to entries in documents

Offences	**Description*
Section 254	Attempts, abetments and conspiracies
Firearms (Increased Penalties) Act 1971 [*Act 37*]	
Section 7	Trafficking in firearms
Fisheries Act 1985 [*Act 317*]	
Section 8	Offence for fishing without licence or in contravention of condition or direction
Section 11	Licence in respect of local fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system
Section 15	Fishing, etc., by foreign fishing vessel in Malaysian fisheries waters
Section 16	Passage of foreign fishing vessel through Malaysian fisheries waters
Section 20	Bringing into or having in Malaysian fisheries waters fish taken or received from foreign fishing vessel
***Goods and Services Tax Act 2014 [*Act 762*]**	
Section 88	Incorrect return
Section 89	Evasion of tax, fraud
Section 90	Improperly obtaining refund, etc.
Section 91	Offences in relation to goods, invoices and receipts

**NOTE*—The Goods and Services Tax Act 2014 [*Act 762*] has since been repealed by the Goods and Services Tax (Repeal) Act 2018 [*Act 805*]–*see* section 3 of Act 805.

Offences	**Description*
Immigration Act 1959/63 [*Act 155*]	
Section 55A	Conveying a person to Malaysia contrary to the Act
Section 55B	Employing a person who is not in possession of a valid Pass
Section 55D	Forgery or alteration of endorsement or document
Section 55E	Occupier not to permit illegal immigrant to enter or remain at premises
Subsection 56(1)	Offences of harbouring persons who have contravened the Act, making false report, etc.
Subsection 56(1A)	Offences relating to attempt, preparatory, abetment, etc.
Income Tax Act 1967 [*Act 53*]	
Section 112	Failure to furnish return or give notice of chargeability
Section 113	Incorrect returns
Section 114	Wilful evasions
Interest Scheme Act 2016 [*Act 778*]	
Section 3	Issuance and requirement for registration of schemes
Section 23	Eligibility for appointment as trustees
Section 27	Prohibition of issuing prospectus or product disclosure statement without approved trust deed or approved contractual agreement

Offences	**Description*
Section 28	Requirement to register and lodge prospectus or product disclosure statement
Section 35	Certain advertisement deemed to be prospectus or product disclosure statement
Section 40	Criminal liability for misstatement in prospectus or product disclosure statement
Section 42	Stop order
Section 49	Prohibition to invest and lend money to management company, etc.
Section 82	False and misleading statements
International Trade in Endangered Species Act 2008 [*Act 686*]	
Section 10	Import and export of scheduled species
Section 11	Re-export and introduction from the sea of scheduled species
Section 12	Possession of scheduled species
Section 13	Scheduled species in transit
Section 14	Breeding or propagation of scheduled species
Islamic Financial Services Act 2013 [*Akta 759*]	
Section 8	Authorized business to be carried on by authorized person
Section 13	Additional conditions of licence or approval

Offences	**Description*
Subsection 14(1)	Persons approved under the Financial Services Act 2013 may carry on Islamic financial business with prior approval
Subsections 15(1) and (3)	Authorized person to carry on authorized business only
Subsection 16(1)	Licensed takaful operator shall not carry on both family takaful and general takaful business
Subsections 17(1) and (2)	Requirements for representative office
Section 25	Holding out as authorized person
Section 26	Acting on behalf of unlicensed person
Paragraph 66(1)*(c)*	Duty of director to only exercise powers which is conferred on him for the purposes for which such powers are conferred
Section 136	Prohibited business conduct
Section 149	Restriction on accepting Islamic deposits
Section 150	Advertisements for Islamic deposits
Subsection 153(1)	Prohibited conduct in Islamic money market and Islamic foreign exchange market
Paragraph 155(3)*(a)*	Submission of document or information which a person knows, or has reason to believe, to be false or misleading in a material particular
Paragraph 218(4)*(c)*	Dealing with assets of takaful fund without approval in the winding up of a licensed foreign takaful operator
Subsection 225(2)	Undertake or engage in any transaction set out in Schedule 14 without approval

Offences	**Description*
Section 227	Non-compliance with the directions issued by the Bank
Section 265	Attempts, abetments and conspiracies
Kidnapping Act 1961 [*Act 365*]	
Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
Section 5	Knowingly receiving ransom
Section 6	Knowingly negotiating to obtain, or for payment of, ransom
Kootu Funds (Prohibition) Act 1971 [*Act 28*]	
Section 3	Unlawful to carry on business of promoting kootu funds
Labuan Financial Services and Securities Act 2010 [*Act 704*]	
Section 8	Offers or invitations which require the approval of the Authority
Section 31	Public funds shall be registered
Section 40	Licensing of fund managers
Section 41	Licensing of fund administrators
Section 55	Securities licensee
Section 60	Licence required to carry on trust company business in Labuan
Section 71	Licensing of Labuan managed trust companies

Offences	**Description*
Section 87	Labuan banking business, Labuan investment banking business and Labuan financial business to be carried on only under licence
Section 102	Licensing of Labuan insurance business and Labuan insurance related activities
Section 134	Establishment of exchanges
Section 146	Creation of false or misleading market
Section 147	Insider dealing
Section 171	Payment system
Labuan Islamic Financial Services and Securities Act 2010 [*Act 705*]	
Section 13	Offers or invitations which require the approval of the Authority
Section 36	Islamic public fund shall be registered
Section 45	Fund manager or fund administrator of an Islamic public fund
Section 56	Islamic securities licensee
Section 61	Labuan Islamic banking business to be carried on only under licence
Section 62	Labuan Islamic investment banking business to be carried on only under licence
Section 77	Licensing of Labuan takaful business and Labuan takaful related activities
Section 136	Payment systems
Malaysian Anti-Corruption Commission Act 2009 [*Act 694*]	
Section 16	Offence of accepting gratification

Offences	**Description*
Section 17	Offence of giving or accepting gratification by agent
Section 18	Offence of intending to deceive principal by agent
Section 19	Acceptor or giver of gratification to be guilty notwithstanding that purpose was not carried out or matter not in relation to principal's affairs or business
Section 20	Corruptly procuring withdrawal of tender
Section 21	Bribery of officer of public body
Section 22	Bribery of foreign public officials
Section 23	Offence of using office or position for gratification
Section 26	Dealing with, using, holding, receiving or concealing gratification or advantage in relation to any offence
Section 28	Attempts, preparations, abetments and criminal conspiracies punishable as offence
Malaysian Palm Oil Board Act 1998 [*Act 582*]	
Section 67	False information
Malaysian Palm Oil Board (Licensing) Regulations 2005 [*P.U. (A) 516/2005*]	
Regulation 5	Prohibition against producing or selling, etc., without licence
Regulation 21	Compliance with conditions imposed on licensee

Offences	**Description*
Regulation 40	Prohibition against pilfering
Malaysian Timber Industry Board (Incorporation) Act 1973 [*Act 105*]	
Section 13	Carrying on timber business without registration
Merchant Shipping Ordinance 1952 [*Ordinance No. 70/1952*]	
Subsection 18(5)	Marking of ships
Section 28	Penalty for use of forged certificate
Section 61	Penalty for unduly assuming Malaysian character
Section 62	Penalty for concealment of Malaysian or assumption of foreign character
Section 65L	Licence for domestic shipping
Section 236	Penalty for having excessive number of passengers on board
Section 237	Penalty for bringing passengers from foreign port in excess of authorized number
Section 491B	Notification to the Director of Marine of activity engaged by a ship
Moneylenders Act 1951 [*Act 400*]	
Section 5	Carrying on business as a moneylender without licence
Section 27B	Moneylending agreement in which amount is not truly stated or left blank
Section 29	False statements or representations to induce borrowing an offence
Section 29A	General offences

Offences	**Description*
Section 29AA	Prohibition of assisting unlicensed moneylending
Section 29B	Harassment or intimidation, etc., of borrower
Section 29C	Offences by companies, societies, firms or other body of persons
Money Services Business Act 2011 [*Act 731*]	
Section 4	Prohibition from carrying on money services business
Section 29	Sale, leasing etc., of money services business
Section 35	Submission of false information
Optical Discs Act 2000 [*Act 606*]	
Section 4	Manufacturing without a valid licence
Section 21	Applying false manufacturer's code
Passports Act 1966 [*Act 150*]	
Subsection 12(1)	Offences of forging, altering or tampering of passport, internal travel document or visa, etc.
Section 12A	Offence relating to procurement of passport, etc., for another person
Section 12B	Making of false passport, etc.
Pawnbrokers Act 1972 [*Act 81*]	
Section 7	Carrying on business as a pawnbroker without licence

Offences	**Description*
Penal Code [*Act 574*]	
Section 125	Waging war against any power in alliance with the Yang di-Pertuan Agong
Section 125A	Harbouring or attempting to harbour any person in Malaysia or person residing in a foreign State at war or in hostility against the Yang di-Pertuan Agong
Section 121	Waging or attempting to wage war or abetting the waging of war against the Yang di-Pertuan Agong, a Ruler or Yang di-Pertua Negeri
Section 121A	Offences against the person of the Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri
Section 121B	Offences against the authority of the Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri
Section 121C	Abetting offences under section 121A or 121B
Section 120B	Punishment of criminal conspiracy
Section 130C	Committing terrorist acts
Section 130D	Providing devices to terrorist groups
Section 130E	Recruiting persons to be members of terrorist groups or to participate in terrorist acts
Section 130F	Providing training and instruction to terrorist groups and persons committing terrorist acts
Section 130G	Inciting, promoting or soliciting property for the commission of terrorist acts

Offences	**Description*
Section 130H	Providing facilities in support of terrorist acts
Section 130I	Directing activities of terrorist groups
Section 130J	Soliciting or giving support to terrorist groups or for the commission of terrorist acts
Section 130K	Harbouring persons committing terrorist acts
Section 130L	Criminal conspiracy
Section 130M	Intentional omission to give information relating to terrorist acts
Section 130N	Providing or collecting property for terrorist acts
Section 130O	Providing services for terrorist purposes
Section 130P	Arranging for retention or control of terrorist property
Section 130Q	Dealing with terrorist property
Section 130R	Intentional omission to give information about terrorist property
Section 130S	Intentional omission to give information relating to terrorism financing offence
Section 130V	Member of an organized criminal group
Section 130W	Assisting an organized criminal group
Section 161	Public servant taking a gratification, other than legal remuneration, in respect of an official act

Offences	**Description*
Section 162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant
Section 163	Taking a gratification, for the exercise of personal influence with a public servant
Section 164	Abetment by public servant of the offences under section 163
Section 165	Public servant obtaining any valuable thing, without consideration from person concerned in any proceeding or business transacted by such public servant
Section 207	Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree
Section 213	Taking gifts, etc., to screen an offender from punishment
Section 214	Offering gift or restoration of property in consideration of screening offender
Section 215	Taking gift to help to recover stolen property, etc.
Section 216A	Harbouring robbers or gang-robbers, etc.
Section 217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture
Section 218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture
Section 300	Murder
Section 322	Voluntarily causing grievous hurt

Offences	**Description*
Section 326	Voluntarily causing grievous hurt by dangerous weapons or means
Section 327	Voluntarily causing hurt to extort property or to constrain to an illegal act
Section 329	Voluntarily causing grievous hurt to extort property or to constrain to an illegal act
Section 330	Voluntarily causing hurt to extort confession or to compel restoration of property
Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property
Section 333	Voluntarily causing grievous hurt to deter public servant from his duty
Section 335	Causing grievous hurt on provocation
Section 338	Causing grievous hurt by an act which endangers life or the personal safety of others
Section 347	Wrongful confinement for the purpose of extorting property or constraining to an illegal act
Section 348	Wrongful confinement for the purpose of extorting confession or of compelling restoration of property
Section 360	Kidnapping from Malaysia
Section 361	Kidnapping from lawful guardianship
Section 363	Kidnapping

Offences	**Description*
Section 364	Kidnapping or abducting in order to murder
Section 365	Kidnapping or abducting with intent to secretly and wrongfully to confine a person
Section 366	Kidnapping or abducting a woman to compel her marriage, etc.
Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
Section 368	Wrongfully concealing or keeping in confinement a kidnapped person
Section 369	Kidnapping or abducting child under ten years with intent to steal movable property from the person of such child
Section 370	Buying or disposing of any person as a slave
Section 371	Habitual dealing in slaves
Section 372	Exploiting any person for purposes of prostitution
Section 372A	Persons living on or trading in prostitution
Section 372B	Soliciting for purposes prostitution
Section 373	Suppression of brothels
Section 373A	(*Deleted by. P.U. (A) 339/2004*)
Section 374	Unlawful compulsory labour
Section 374A	Hostage-taking
Section 379	Theft
Section 379A	Theft of a motor vehicle

Offences	**Description*
Section 380	Theft in dwelling house, etc.
Section 381	Theft by clerk or servant of property in possession of master
Section 382	Theft after preparation made for causing death or hurt in order to commit theft
Section 384	Extortion
Section 385	Putting person in fear of injury in order to commit extortion
Section 386	Extortion by putting a person in fear of death or grievous hurt
Section 387	Putting person in fear of death or of grievous hurt in order to commit extortion
Section 388	Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.
Section 389	Putting person in fear of accusation of offence, in order to commit extortion
Section 392	Robbery
Section 394	Voluntary causing hurt in committing robbery
Section 395	Gang-robbery
Section 396	Gang-robbery with murder
Section 399	Making preparation to commit gang-robbery
Section 400	Belonging to gang of robbers

Offences	**Description*
Section 402	Assembling for purpose of committing gang-robbery
Section 403	Dishonest misappropriation of property
Section 404	Dishonest misappropriation of property possessed by a deceased person at the time of his death
Section 405	Criminal breach of trust
Section 406	Punishment criminal breach of trust
Section 407	Criminal breach of trust by carrier, etc.
Section 408	Criminal breach of trust by clerk or servant
Section 409	Criminal breach of trust by public servant or agent
Section 411	Dishonestly receiving stolen property
Section 412	Dishonestly receiving property stolen in the commission of a gang-robbery
Section 413	Habitually dealing in stolen property
Section 414	Assisting in concealment of stolen property
Section 415	Cheating
Section 416	Cheating by personation
Section 418	Cheating with the knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect
Section 420	Cheating and dishonestly inducing delivery of property

Offences	**Description*
Section 421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
Section 422	Dishonest or fraudulently preventing from being made available for his creditors a debt or demand due to the offender
Section 423	Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration
Section 424	Dishonest or fraudulent removal or concealment of consideration
Section 465	Forgery
Section 466	Forgery of a record of a Court, or a public Register of Births, etc.
Section 467	Forgery of a valuable security or will
Section 468	Forgery for the purpose of cheating
Section 469	Forgery for the purpose of harming the reputation of any person
Section 471	Using as genuine a forged document
Section 472	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467
Section 473	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise
Section 474	Having possession of a valuable security or will known to be forged, with intent to use it as genuine

Offences	**Description*
Section 475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material
Section 476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material
Section 477	Fraudulent cancellation, destruction, etc., of a will
Section 477A	Falsification of accounts
Section 489A	Forging or counterfeiting currency notes or bank notes
Section 489B	Using as genuine, forged or counterfeit currency notes or bank notes
Section 489C	Possession of forged or counterfeit currency notes or bank notes
Section 489D	Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes
Section 506	Punishment for criminal intimidation
Section 507	Criminal intimidation by an anonymous communication
***Sales Tax Act 1972 [*Act 64*]**	
Section 43	Failure to comply with notice, etc.
Section 43A	Evasion of sales tax

**NOTE*—The Sales Tax Act 1972 [*Act 64*] and the Service Tax Act 1975 [*Act 151*] has since been repealed by the Goods and Services Tax Act 2014 [*Act 762*] and later repealed by the Goods and Services Tax (Repeal) Act 2018 [*Act 805*]–*see* section 3 of Act 805.

Offences	**Description*
Sales Tax Act 2018 [*Act 806*]	
Paragraph 26(7)*(b)*	Furnishes an incorrect return
Section 86	Evasion of sales tax
Section 87	Giving incorrect information relating to liability to sales tax
Section 88	Improperly obtaining refund
***Service Tax Act 1975 [*Act 151*]**	
Section 29	Failure to comply with notice, etc.
Section 32	Evasion of service tax
Service Tax Act 2018 [*Act 807*]	
Paragraph 26(6)*(b)*	Furnishes an incorrect return
Section 71	Evasion of service tax
Section 72	Giving incorrect information relating to liability to service tax
Section 73	Improperly obtaining refund
Strategic Trade Act 2010 [*Act 708*]	
Section 9	Export, transhipment and transit of strategic items and unlisted items
Section 10	Provision of technical assistance

**NOTE*—The Sales Tax Act 1972 [*Act 64*] and the Service Tax Act 1975 [*Act 151*] has since been repealed by the Goods and Services Tax Act 2014 [*Act 762*] and later repealed by the Goods and Services Tax (Repeal) Act 2018 [*Act 805*]–*see* section 3 of Act 805.

Offences	**Description*
Section 11	Brokering of strategic items
Section 12	Transactions involving unlisted items and restricted activities
Section 18	Unauthorized use of permit
Section 21	Suspension of permit or registration upon disqualification
Section 23	Endorsement on permit
Section 24	Maintenance of documents and register
Section 33	Power to search conveyances
Section 40	Offences with respect to information
Section 46	Obstruction of authorized officer
Section 51	Notice for disclosure of information
Strategic Trade (United Security Council Resolutions) Regulations 2010 [*P.U. (A) 481/2010*]	
Regulation 3	Implementation of United Nations Security Council non-proliferation of weapons of mass destruction resolutions
Trade Descriptions Act 2011 [*Act 730*]	
Section 5	Prohibition of false trade description
Section 8	Prohibition on false trade description in relation to trademark
Section 16	False representation as to supply or approval of goods or services
Section 17	False or misleading statements as to services, etc.

Offences	**Description*
Section 20	False or misleading statement in relation to contest, games, etc.
Trademarks Act 2019 [*Act 815*]	
Section 99	Counterfeiting a trademark
Section 100	Falsely applying a registered trademark to goods or services
Section 101	Making or possessing of article for committing offence
Section 102	Importing or selling, etc., goods with falsely applied trademark
Wildlife Conservation Act 2010 [*Act 716*]	
Section 60	Hunting, etc., protected wildlife without licence
Section 61	Hunting, etc., immature protected wildlife without licence
Section 62	Hunting, etc., female of protected wildlife without licence
Section 63	Carrying out business of dealing, etc., without licence
Section 64	Collecting birds' nests without licence
Section 65	Importing, etc., protected wildlife without licence
Section 66	Operating zoo, etc., without permit
Section 68	Hunting, etc., totally protected wildlife without special permit

Offences	**Description*
Section 69	Hunting, etc., immature totally protected wildlife without special permit
Section 70	Hunting, etc., female of totally protected wildlife without special permit
Section 71	Importing, etc., totally protected wildlife without special permit
Section 72	Using, etc., totally protected wildlife without special permit
Section 76	Hunting, etc., wildlife in wildlife reserve or wildlife sanctuary
Section 77	Hunting wildlife during prohibited hours
Section 78	Hunting protected wildlife during close season
Section 79	Hunting wildlife with poison, etc.
Section 80	Hunting wildlife with arms or traps other than prescribed
Section 81	Hunting, etc., wildlife within four hundred metres of salt lick
Section 85	Disturbing salt lick or its vicinity
Section 87	Things containing derivative of totally protected wildlife
Section 117	Controlled species
Section 119	Prohibition on hybridization activity
Section 120	Purchase of protected wildlife, etc., by persons other than licensed dealer, etc.

**NOTE*—The short description of offences in this Schedule is for reference only.

LAWS OF MALAYSIA

Act 613

ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES ACT 2001

LIST OF AMENDMENTS

Amending law	Short title	In force from
P.U. (A) 18/2002	Anti-Money Laundering (Amendment of Second Schedule) Order 2002	15-01-2002
P.U. (A) 13/2003	Anti-Money Laundering (Amendment of First Schedule) Order 2003	15-01-2003
P.U. (A) 14/2003	Anti-Money Laundering (Amendment of Second Schedule) Order 2003	15-01-2003
P.U. (A) 338/2004	Anti-Money Laundering (Amendment of First Schedule) Order 2004	30-09-2004
P.U. (A) 339/2004	Anti-Money Laundering (Amendment of Second Schedule) Order 2004	30-09-2004
P.U. (A) 111/2005	Anti-Money Laundering (Amendment of First Schedule) Order 2005	31-03-2005

Amending law	Short title	In force from
P.U. (A) 112/2005	Anti-Money Laundering (Amendment of Second Schedule) Order 2005	31-03-2005
P.U. (A) 416/2005	Anti-Money Laundering (Amendment of First Schedule) (No. 2) Order 2005	20-10-2005
P.U. (A) 417/2005	Anti-Money Laundering (Amendment of Second Schedule) (No. 2) Order 2005	20-10-2005
Act A1208	Anti-Money Laundering and Anti-Terrorism Financing (Amendment) Act 2003	06-03-2007
P.U. (A) 292/2006	Anti-Money Laundering (Amendment of First Schedule) Order 2006	10-08-2006
P.U. (A) 101/2007	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of First Schedule) Order 2007	09-03-2007
P.U. (A) 102/2007	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) Order 2007	09-03-2007
P.U. (A) 105/2007	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) (No. 2) Order 2007	09-03-2007
P.U. (A) 385/2007	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) (No. 3) Order 2007	22-11-2007

Amending law	Short title	In force from
P.U. (A) 435/2007	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of First Schedule) (No. 2) Order 2007	29-12-2007
P.U. (A) 327/2009	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) Order 2009	11-09-2009
P.U. (A) 400/2009	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) (No. 2) Order 2009	13-11-2009
P.U. (A) 343/2010	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) Order 2010	08-10-2010
P.U. (A) 402/2010	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of First Schedule) Order 2010	07-12-2010
P.U. (A) 153/2011	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) Order 2011	04-05-2011
P.U. (A) 144/2012	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) Order 2012	18-05-2012
P.U. (A) 143/2014	Anti-Money Laundering and Anti-Terrorism Financing (Amendment of Second Schedule) Order 2014	28-05-2014

Amending law	Short title	In force from
P.U. (A) 144/2014	Anti-Money Laundering and Anti-Terrorism Financing (Invocation of Part IV) Order 2014	28-05-2014
Act A1467	Anti-Money Laundering and Anti-Terrorism Financing (Amendment) Act 2014	01-09-2014; except s. 22 and s. 26: 01-10-2014; s. 78: 08-08-2014
P.U. (A) 291/2014	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of First Schedule) Order 2014	06-11-2014
P.U. (A) 294/2014	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of Second Schedule) Order 2014	08-11-2014
P.U. (A) 325/2014	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of Second Schedule) (No. 2) Order 2014	09-12-2014
P.U. (A) 274/2016	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of Second Schedule) Order 2016	27-10-2016
P.U. (A) 165/2017	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of Second Schedule) Order 2017	08-06-2017

Amending law	Short title	In force from
P.U. (A) 423/2017	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds Unlawful Activities (Amendment of First and Second Schedule) Order 2017	02-01-2018
P.U. (A) 424/2017	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds Unlawful Activities (Invocation of Part IV) Order 2017	02-01-2018
P.U. (A) 181/2019	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of Second Schedule) Order 2019	03-07-2019
P.U. (A) 493/2021	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of First and Second Schedules) Order 2021	31-12-2021

LAWS OF MALAYSIA

Act 613

ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES ACT 2001

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A1208 Act A1467	06-03-2007 01-09-2014
1	Act A1208 Act A1467	06-03-2007 01-09-2014
3	Act A1208 Act A1467	06-03-2007 01-09-2014
4	Act A1467	01-09-2014
4A	Act A1467	01-09-2014
5–6	Act A1467	01-09-2014
8–9	Act A1467	01-09-2014
10	Act A1208 Act A1467	06-03-2007 01-09-2014
12	Act A1208 Act A1467	06-03-2007 01-09-2014
12A	Act A1467	01-09-2014
14	Act A1208 Act A1467	06-03-2007 01-09-2014
14A	Act A1467	01-09-2014
16–19	Act A1467	01-09-2014

Section	Amending authority	In force from
21–22	Act A1467	01-09-2014
23	Act A1467	01-10-2014
26–28	Act A1467	01-09-2014
Part IVA	Act A1467	01-10-2014
28A–28L	Act A1467	01-10-2014
29	Act A1467	01-09-2014
31	Act A1467	01-09-2014
32	Act A1208 Act A1467	06-03-2007 01-09-2014
33–40	Act A1467	01-09-2014
44	Act A1208 Act A1467	06-03-2007 01-09-2014
44A	Act A1467	01-09-2014
45	Act A1208 Act A1467	06-03-2007 01-09-2014
46	Act A1467	01-09-2014
47	Act A1208	06-03-2007
48	Act A1208 Act A1467	06-03-2007 01-09-2014
49	Act A1208 Act A1467	06-03-2007 01-09-2014
50	Act A1208 Act A1467	06-03-2007 08-08-2014
51	Act A1208 Act A1467	06-03-2007 01-09-2014

Section	Amending authority	In force from
52	Act A1208 Act A1467	06-03-2007 01-09-2014
52A	Act A1467	01-09-2014
53	Act A1208 Act A1467	06-03-2007 01-09-2014
55–56	Act A1208 Act A1467	06-03-2007 01-09-2014
56A	Act A1467	01-09-2014
58	Act A1467	01-09-2014
59	Act A1208 Act A1467	06-03-2007 01-09-2014
60	Act A1467	01-09-2014
61	Act A1208 Act A1467	06-03-2007 01-09-2014
62–63	Act A1467	01-09-2014
Part VIA	Act A1208 P.U. (A) 144/2014	06-03-2007 27-05-2014
66A–66F	Act A1208 Act A1467	06-03-2007 01-09-2014
67	Act A1208 Act A1467	06-03-2007 01-09-2014
75A	Act A1467	01-09-2014
78–81	Act A1467	01-09-2014
82	Act A1208 Act A1467	06-03-2007 01-09-2014
83–84	Act A1467	01-09-2014
86	Act A1467	01-09-2014

Section	Amending authority	In force from
86A	Act A1467	01-09-2014
89	Act A1467	01-09-2014
91A	Act A1467	01-09-2014
First Schedule	P.U. (A) 13/2003	15-01-2003
	P.U. (A) 338/2004	30-09-2004
	P.U. (A) 111/2005	31-03-2005
	P.U. (A) 416/2005	20-10-2005
	P.U. (A) 402/2010	07-12-2010
	P.U. (A) 291/2014	06-11-2014
	P.U. (A) 423/2017	02-01-2018
	P.U. (A) 493/2021	31-12-2021
Second Schedule	P.U. (A) 18/2002	15-01-2002
	P.U. (A) 14/2003	15-01-2003
	P.U. (A) 339/2004	30-09-2004
	P.U. (A) 112/2005	31-03-2005
	P.U. (A) 417/2005	20-10-2005
	P.U. (A) 327/2009	11-09-2009
	P.U. (A) 400/2009	13-11-2009
	P.U. (A) 343/2010	08-10-2010
	P.U. (A) 153/2011	04-05-2011
	P.U. (A) 144/2012	18-05-2012
	P.U. (A) 143/2014	28-05-2014
	P.U. (A) 294/2014	08-11-2014
	P.U. (A) 325/2014	09-12-2014
	P.U. (A) 274/2016	27-10-2016
	P.U. (A) 165/2017	08-06-2017
	P.U. (A) 423/2017	02-01-2018
	P.U. (A) 181/2019	03-07-2019
	P.U. (A) 493/2021	31-12-2021