



LAWS OF MALAYSIA

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TEXT OF REPRINT

Act 122

CONTROL OF SUPPLIES ACT 1961

As at 31 May 2022

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CONTROL OF SUPPLIES ACT 1961

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Act 122

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SCHEDULE

LAWS OF MALAYSIA**Act 122****CONTROL OF SUPPLIES ACT 1961**

An Act to provide for the control and rationing of supplies.

*[Peninsular Malaysia—1 July 1963, L.N. 150/1963;
Sabah and Sarawak—5 March 1964, L.N. 80/1964]*

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the Control of Supplies Act 1961.

Interpretation

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

“animal” includes birds, reptiles, fish and every kind of vertebrate animal and the young thereof, and the eggs of birds, reptiles and fish;

“controlled article” means any article or food which has been declared to be a controlled article by an order under section 5, and includes a rationed article;

“Controller” means the officer appointed to be the Controller of Supplies under section 3;

“food” includes any animal, whether alive or dead, and any substance or commodity, which is used as food by man, or which is used for feeding any animal which serves some purpose for the use of

man, whether as food or otherwise, or which ordinarily enters into the composition or preparation of human food or of the food of any such animal;

“offence against this Act” includes any contravention of or failure to comply with any order or regulation made under this Act and any contravention of or failure to comply with the terms and conditions of any licence or permit issued or authority granted under this Act or the regulations made thereunder and any failure to comply with any request or direction lawfully made or given thereunder;

“premises” includes any house, shop, store, room, shed, conveyance, structure or any place whether opened or closed;

“prescribed” means prescribed by the regulations;

“rationed article” means any article or food, or any kind, type, quality or brand of article or food which has been declared to be a rationed article by an order made under section 5;

“retail dealing” includes every sale of any article or food other than wholesale dealing;

“supplies” includes every kind and type of article, food, commodity or thing whatsoever;

“supplies officer” means any officer appointed under section 3 other than the Controller of Supplies;

“wholesale dealing” means any sale of any article or food in whatever quantity for resale in the same form or state or as part of a manufactured product.

(2) (*Omitted*).

Appointment of officers

3. The Yang di-Pertuan Agong may appoint a Controller of Supplies, Deputy Controllers of Supplies, Assistant Controllers of Supplies and such other officers as he may consider necessary or expedient for the purposes of this Act.

Responsibilities of officers

4. (1) The Controller shall, subject to the general direction and control of the Minister, perform the duties and exercise the rights and powers imposed and conferred upon him by this Act.

(2) The Deputy Controllers, Assistant Controllers and all other officers appointed under section 3 shall be under the direction and control of the Controller.

(3) All officers appointed under section 3 shall be deemed to be public servants for the purposes of the Penal Code [*Act 574*].

Declaration of controlled and rationed articles

5. The Minister may, by order published in the *Gazette*, declare, either generally or with reference to some specified part of Malaysia—

(a) any article or food to be a controlled article or to be a rationed article or both; or

(b) any controlled article or rationed article to be marked with any marking as he may specify.

Power to exempt

5A. The Minister may by order exempt, subject to any conditions as he may deem fit to impose, any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder.

Regulations

6. (1) The Minister may make regulations generally for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), any regulations made under this section may provide for—

- (a) prohibiting, either absolutely or subject to such conditions as may be prescribed, the purchase, sale or barter of any controlled article without the written permission of the Controller;
- (b) prohibiting, regulating or controlling the import or export of any controlled article;
- (c) prohibiting, regulating or controlling the movement of any controlled article;
- (d) limiting wholesale or retail dealing in any controlled article to such persons as shall hold such licences or permits therefor, as the regulations may prescribe;
- (e) restricting the sale of any controlled article either by any individual or generally by all persons dealing in the article in any manner as the Minister shall deem fit;
- (f) prohibiting, restricting or otherwise regulating or controlling the manufacture or production of any controlled article either generally or as regards form, shape, quantity, quality, constituents or otherwise;
- (g) regulating and controlling the rationing of any rationed article and, without prejudice to such general power, providing for the registration of all or any persons, or any class of persons, for the purposes of the rationing and for the issue of registration cards, ration cards and other ration documents;
- (h) appointing enumerators to enumerate the public for the purposes of registration and rationing;
- (i) regulating the distribution of any controlled article;
- (j) regulating and controlling the milling of paddy and the polishing of rice and the sale thereof;
- (k) limiting the quantity of any controlled article which may be acquired or held by any person or class of persons including providing for the registration of the person or class of

persons, the issuance of user cards by the Controller or any person authorized by the Controller, and the imposition of conditions, fees or charges in respect of the issuance of the user cards;

- (l) providing for the keeping of books of account and other records relating to any trade or business in the course of which controlled articles are sold, and prescribing the manner in which the books or records shall be disposed of or preserved;
- (m) prescribing the period and fees to be paid in respect of the issue or renewal of any licence to sell controlled articles;
- (n) providing for exemption from all or any of the provisions of this Act or any regulations made thereunder;
- (o) prescribing such forms as he may think necessary for use in connection with any of the matters referred to in the preceding paragraphs;
- (p) prescribing the offences under this Act which may be compounded, the amount of such compound and the procedure to be followed in compounding; and
- (q) regulating the marking of any controlled article.

PART II

POWERS OF CONTROLLER

Licences to sell controlled articles

7. (1) The Controller may, subject to this Act or any regulations made thereunder and to such conditions as he may think fit, by written licence authorize any person to sell wholesale or retail any controlled article in any premises or at a place or places specified in the licence.

(2) The Controller may issue or renew licences to deal in controlled articles.

(3) Every licence issued under this section shall be valid for such period as may be expressed therein and may, subject to any order made by any court under subsection 22(3), be renewed for such further period as the Controller thinks fit.

(4) Whenever, under this Act or any regulations made thereunder any person is required to obtain a written licence or permit the person shall, on demand, produce the licence or permit to the Controller or to any police officer or to any supplies officer acting under authority of the Controller and authorized to examine any person or supplies, or to any person designated by the Controller to demand its production, and any person who fails to do so shall be guilty of an offence against this Act.

(5) The Controller may at any time, without any reason assigned, vary the conditions of or suspend or revoke or refuse to renew any licence or permit which he may have granted under this Act or any regulations made thereunder.

(6) Any person aggrieved by the refusal of the Controller to issue or renew a licence under this section or by any action of the Controller under subsection (5), may appeal against the refusal or action to the Minister, whose decision shall be final.

Power of Controller to obtain information

8. (1) The Controller or any supplies officer may by writing under his hand or by notification in the *Gazette* require any person or class or description of persons or all persons—

- (a) to furnish him or such public officer as may be specified in the requisition with full and accurate periodical or other returns or information in respect of any supplies specified therein, showing all or any of the following particulars:
 - (i) the quantity thereof in his or their possession or under his or their control;
 - (ii) the cost thereof or expense incurred in respect thereof;

- (iii) the price charged or received by him or them therefor; and
 - (iv) any other information which the Controller may deem necessary to request in respect thereof;
 - (b) to produce for inspection all or any books or documents relating to any supplies in his or their possession or under his or their control;
 - (c) to register his or their name and address and such other particulars and in such manner as the Controller may specify; and
 - (d) to maintain such records or to make such returns containing such particulars relating to the acquisition, disposal, deposit, withdrawal, production, treatment, keeping, storage, movement, transport, distribution, use and consumption of any supplies as the Controller may specify.
- (2) Any person to whom a requisition has been made under subsection (1) shall comply therewith within such time as may be specified in the requisition or, if no time is specified, without unnecessary delay.
- (3) The Controller or any supplies officer under subsection (1) may impound and detain any book or document produced in compliance with any requisition made under subsection (1) if in his opinion it contains evidence of the commission of an offence against this Act.
- (4) Any person who—
- (a) contravenes or fails to comply with subsection (2) or obstructs or impedes the Controller or any person authorized by him in the lawful exercise of any of his powers under this section; or
 - (b) refuses to answer or knowingly gives a false answer to any question or refuses to produce any book or document required for obtaining any information to be furnished in pursuance of an offence,

shall be guilty of an offence against this Act.

Power of Controller to enter premises

9. (1) For the purposes of testing the accuracy of any record kept or return made or information given to the Controller under section 8 or of obtaining information or in any case where the Controller or any supplies officer has reasonable grounds for believing that an offence has been committed, the Controller, or any supplies officer, after producing to the occupier the written authority, may enter any premises belonging to or in the occupation of, any person keeping or making or who has failed to keep or to make, any such record or return or has failed to give any such information or in which the Controller or the supplies officer has reason to believe that any supplies, with respect to which a requisition under section 8 has been made are kept, stored, manufactured or produced or in which he has reasonable grounds for believing that an offence against this Act is being or has been committed and may carry out such inspections and examination (including the inspection and examination of books) as he may consider necessary and may seize and detain any books, documents or other things or supplies found in those premises which may furnish evidence of the commission of an offence against this Act.

(1A) Notwithstanding subsection (1), the Controller or any supplies officer may at any reasonable time—

- (a) enter any premises where he believes any controlled article is stored, used, distributed or sold, examines and takes samples of the controlled article and examine anything that he believes is used or capable of being used for the storage, usage, distribution or sale of the controlled article; and
- (b) examine any book, document or other records found in any premises mentioned in paragraph (a) that he believes contain any information relevant to any controlled article and make copies thereof or take extracts therefrom.

(1B) Any owner, occupier or person in charge of any premises entered by any supplies officer pursuant to paragraph (1A)(a), or any person found therein, who does not give to the supplies officer all reasonable assistance in his power or to furnish him with all the

information as he may reasonably require, shall be guilty of an offence against this Act.

(2) Where, as a result of any inspection and examination made under subsection (1) or (1A), there is any discrepancy between the quantity or quality of any supplies found and any record or return required to be kept or made or any information given in respect of those supplies, the person required to keep the record or to make the return or to give the information shall be guilty of an offence against this Act.

(2A) Any supplies officer entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary.

(3) Any person who obstructs or impedes the Controller or any supplies officer in the lawful exercise of any of his powers under this section shall be guilty of an offence against this Act.

Power of arrest, seizure, investigation and prosecution

10. (1) The Controller and any supplies officer, any police officer not below the rank of Inspector or any customs officer if so authorized by the Controller in writing, may—

- (a) arrest without warrant any person whom he reasonably believes has committed or is attempting to commit an offence under this Act; and
- (b) seize any supplies which he considers it necessary to seize in relation to the evidence necessary to establish the commission of any such offence.

(1A) The Controller, supplies officer, police officer not below the rank of Inspector or customs officer making an arrest under paragraph (1)(a) shall without unnecessary delay take such person to the nearest police station, and thereafter the person shall be dealt with as is provided for by the Criminal Procedure Code [Act 593].

(1B) Every supplies officer, police officer or customs officer when acting against any person under this Act, shall declare his office and shall on demand produce to the person against whom he is acting such

authority card as the Controller or, in the case of a police officer, the Inspector General of Police or, in the case of customs officer, the Director General of Customs may direct to be carried by such officer.

(2) The Controller and any supplies officer authorized in writing by the Controller in that behalf, any police officer not below the rank of Inspector, may in relation to any investigation in respect of any offence against this Act without order of the Public Prosecutor exercise the special powers in relation to police investigations given by the Criminal Procedure Code in any seizable case.

(3) Any prosecution in respect of an offence against this Act may be conducted by the Controller, a Deputy Controller or other supplies officer, or by any person authorized to conduct prosecutions under the *Price Control Act 1946 [*Act 121*].

Power of Controller to take possession of controlled articles, vehicles, vessels and other articles

11. (1) If the Controller or supplies officer has reason to believe that any person is committing an offence against this Act, he may take possession in such manner as he shall deem fit of any controlled article in respect of which he has reason to believe such an offence has been committed or of any vehicle, vessel or other article by means of which any such offence has been committed or which he has reason to believe is intended to be used for the commission of that offence.

(2) Any person who obstructs or impedes the Controller or any supplies officer in the lawful exercise of his powers under this section shall be guilty of an offence against this Act.

Action after taking of possession

12. (1) Where, under section 11, possession has been taken of any controlled article, then—

* *NOTE*— The Price Control Act 1946 [*Act 121*] has been repealed by the Price Control and Anti-Profiteering Act 2011 [*Act 723*] which comes into operation on 1 April 2011—see section 63 of Act 723.

- (a) if it is decided to institute criminal proceedings against any person in respect of an offence against this Act involving the controlled article, the Controller may—
 - (i) retain the controlled article until the conclusion of those criminal proceedings and, except where the court orders confiscation thereof under section 26, shall dispose thereof in such manner as the court may order; or
 - (ii) order that the controlled article be sold in such manner as will secure a reasonable price for it in the circumstances, and the proceeds of sale shall be kept until the conclusion of those criminal proceedings and, except where the court orders confiscation thereof under section 26, shall be disposed of in such manner as the court may order;
 - (b) if it is otherwise decided, the Controller shall either restore possession to the owner or, instead of restoring possession, pay to the owner of the controlled article the maximum price fixed by any written law in respect of the controlled article or, if no maximum price has been so fixed, the market price of the controlled article, less an amount not exceeding twenty-five per centum of the maximum price or market price, as the case may be, being the expenses certified by the Controller to have been incurred by him in taking possession, storing and restoring possession of the controlled article as aforesaid.
- (2) Where, under section 11, possession has been taken of any vehicle, vessel or thing other than a controlled article, then—
- (a) if it is decided to institute criminal proceedings against any person in respect of an offence against this Act involving the vehicle, vessel or thing, the Controller may—
 - (i) retain the vehicle, vessel or thing until the conclusion of those criminal proceedings and, except where the court orders confiscation thereof

under section 26, shall dispose thereof in such manner as the court may order; or

(ii) temporarily return the vehicle, vessel or thing to the owner thereof on security being furnished to the satisfaction of the Controller that the vehicle, vessel or thing will be surrendered to him on demand;

(b) if it is otherwise decided, the Controller shall restore possession to the owner.

Sale of perishable etc., articles

12A. (1) Where any controlled article or other article seized in the exercise of the powers conferred by this Act—

(a) is of a perishable or inflammable nature; or

(b) the custody of such controlled article or other article involves unreasonable expense and inconvenience,

such controlled article or other article may be sold and the proceeds of sale held to abide by the result of any prosecution or claim under this section.

(2) The Government of Malaysia shall not be liable to any person for any deterioration, howsoever caused, in the quality of any controlled article or other article seized under this Act.

No cost or damages arising from seizure to be recoverable

12B. No person shall, in any proceedings before any court in respect of any controlled article, vehicle, vessel or thing other than a controlled article seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Delegation of powers

13. (1) The Controller may in writing delegate all or any of his powers, duties or functions under this Act or any regulations made thereunder to any supplies officer, and may at any time revoke any such delegation.

(2) No delegation under subsection (1) shall be deemed to divest the Controller of any of his powers, duties or functions and he may, if he thinks fit, exercise those powers, duties and functions notwithstanding any such delegation.

PART III

OFFENCES AND PENALTIES

Prohibition against selling greater quantity of controlled articles than required for ordinary use

14. Any person who sells any controlled article to any other person in excess of the quantity which may be lawfully acquired by such other person in accordance with any regulations made under section 6 shall be guilty of an offence against this Act.

Prohibition of concealment or destruction of controlled article

15. Any person who conceals or destroys any controlled article in order to withhold the article from the market shall be guilty of an offence against this Act.

Offence to sell controlled articles without a licence

16. Any person, not being the holder of a valid licence issued under this Act or any regulations made thereunder, who, either on his own behalf or on behalf of any body corporate of which he is a director or officer or on behalf of any firm of which he is a partner, sells by wholesale or retail any controlled article or any person, being the holder of any such licence, who so sells any controlled article in any premises or at a place other than the premises or place specified in the

licence, or who so sells any controlled article contrary to any conditions expressed in the licence, shall be guilty of an offence against this Act.

Offence of falsely denying possession of, or refusing to sell, controlled article

16A. (1) Any person, being the holder of a valid licence issued in accordance with section 7 to sell by wholesale or retail any controlled article, or any person exempted from the requirement of holding such a licence, who has in his possession a stock of the article and who—

- (a) falsely denies that he has the article in his possession; or
- (b) refuses, except with the permission of the Controller or any supplies officer authorized in that behalf by the Controller in writing, to sell the article in reasonable quantities in the ordinary way of business,

shall be guilty of an offence against this Act.

(2) It shall be a defence to a charge under paragraph (1)(b) that the accused had reasonable grounds for believing that the purchaser was unable or unwilling to make immediate payment of the price of the article in cash.

(3) The servant or agent of any holder of a valid licence issued in accordance with section 7 to sell by wholesale or retail any controlled article or the servant or agent of any person exempted from the requirement of holding such a licence shall be deemed to have in his possession a stock of the article if any such article is being kept or stored in the premises where he is employed and if he sells the article on behalf of his employer or principal in the ordinary course of his employment.

Retailers to display licence and list of controlled and rationed articles

17. (1) Any person carrying on retail business in any premises or at any place in respect of which a licence has been issued under this Act

or any regulations made thereunder, shall display in a conspicuous position, so that they may be easily read by any person purchasing controlled or rationed articles in that premises or at that place—

- (a) the original of the licence; and
- (b) a list in the national language, in the Rumi or Jawi script, and in English of the controlled articles or rationed articles sold in that premises or at that place and a translation thereof in any language which the Controller may direct.

(2) Any person who fails or refuses to comply with subsection (1) shall be guilty of an offence against this Act.

Supply of rationed foodstuffs

18. (1) Except under the authority of the Controller or under and in accordance with this Act or any regulations made thereunder or of any direction or licence issued thereunder, no person shall obtain or attempt to obtain, and a retailer shall not supply or offer or attempt to supply, any rationed food for household consumption, and any person who contravenes this subsection shall be guilty of an offence against this Act.

(2) For the purposes of this section “household consumption” means all consumption of food other than food consumed in or supplied by residential establishments, institutions and catering premises and “catering premises” means any business or undertaking established for the purpose of serving meals to the public, and includes a restaurant, coffee stall, buffet, inn, public house or any place or refreshment open to the public, but does not include a hotel or boarding house which provides meals for persons resident therein for more than one day.

Illegal conditions

19. Any person who, in selling any controlled article, imposes, except with the permission of the Controller, any condition of sale other than a condition of sale—

- (a) requiring immediate payment therefor;
- (b) prescribing the time within which payment must be made or delivery taken; or
- (c) requiring a deposit in respect of sale of any such goods,

shall be guilty of an offence against this Act.

Removal of controlled articles from business premises and storage of controlled articles in premises other than premises specified in the licence, and dealing in controlled articles otherwise than in normal course of business

20. (1) Any person who removes any controlled article or causes or permits any controlled article to be removed from any premises specified in the licence or stores any controlled article or causes or permits any controlled article to be stored in any premises, other than premises specified in the licence or premises approved by the Controller for such storage, shall be guilty of an offence against this Act.

(2) The Controller, any supplies officer or any police officer not below the rank of Inspector, if he suspects that any controlled article is being stored or dealt in in any premises in contravention of this section, may, notwithstanding any law to the contrary for the time being in force, without a search warrant enter upon the premises for the purpose of ascertaining whether or not any such controlled articles are in those premises.

(3) In any prosecution for an offence under this section it shall be sufficient for the prosecution to prove that any controlled article, to the ownership or possession of which the defendant was entitled, was found in premises other than premises specified in the licence or premises approved by the Controller, and the burden of proving that the defendant is not guilty of an offence against this section shall then lie upon the defendant.

(4) Any controlled article found in the course of a search under subsection (2) upon premises other than premises specified in the licence or premises approved by the Controller, in regard to which an

offence against this section is reasonably suspected to have been committed, may be removed by the Controller, the supplies officer or the police officer not below the rank of Inspector and if not claimed within one month of the removal, may be sold by order of the Controller, and the proceeds of any such sale shall be paid into the Consolidated Fund.

(5) Any vehicle, vessel or other article, by means of which an offence has been committed under this section or which is intended to be used for the commission of the offence, may be removed by the Controller, the supplies officer or the police officer not below the rank of Inspector and, if not claimed within one month of the removal, may be sold or disposed of by the Controller as he thinks fit, and the proceeds of such sale, if any, shall be paid into the Consolidated Fund.

Unlawful possession of controlled articles

21. Any person in possession or control of any controlled article in such circumstances as to raise a reasonable suspicion that an offence against this Act has been or is intended to be committed by him in relation to the controlled article, shall be guilty of an offence against this Act unless he satisfies the court that the offence has not been and was not intended to be committed by him.

Penalties

22. (1) Any person, other than a body corporate, but including a director or officer of a body corporate, who commits an offence against this Act 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 for a second or subsequent offence, to a fine not exceeding three million ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any body corporate which commits an offence against this Act shall, on conviction, be liable to a fine not exceeding two million ringgit and, for a second or subsequent offence, to a fine not exceeding five million ringgit.

(3) Where any person is convicted of an offence against this Act, the court by which he is so convicted may, whether or not it imposes any other penalty, make an order cancelling any licence issued under this Act or any regulations made thereunder to him, or to any firm of which he is a partner, or to any corporation of which he is a director or officer, and debarring him or the firm or corporation from obtaining a new licence either absolutely or for such period as the court may determine, or may suspend the licence for such period as the court may determine.

(4) Where a person charged with an offence against this Act is a body corporate every person who, at the time of the commission of such offence is a director or officer of that body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(5) Any person who would have been liable for an offence against this Act to any penalty for anything done or omitted if the thing had been done or omitted by him personally, shall be liable to the same penalty if the thing has been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of such thing.

Compounding of offences

22A. (1) The Controller of Supplies or supplies officer authorized by him in writing, with the consent in writing of the Public Prosecutor, may compound any offence which is prescribed to be a compoundable offence by collecting from the person reasonably suspected of having committed such offence a sum of money not exceeding such amount as may be prescribed.

(2) Upon receipt of the payment under subsection (1), no further proceedings shall be taken against such person in respect of such offence and where possession has been taken of any controlled article or any vehicle, vessel or other article or the proceeds of sale of any controlled article under this Act or any regulations made thereunder in

connection with such offence, such controlled article, vehicle, vessel or other article or the proceeds of sale of any controlled article may be released, subject to such conditions as may be imposed.

(3) Where any person has compounded an offence under this Act or any regulations made thereunder, evidence of the notice of acceptance of the offer to compound shall, on production to any court, be treated as proof of the commission of the offence by that person and of the matters set out therein.

(4) (*Deleted by Act A1270*).

Saving

23. No proceedings shall be instituted under this Act or any regulations made thereunder against any person duly authorized in that behalf by the Controller who has knowingly done or omitted to do any act which would, but for this section, have been an offence, provided that he has done or omitted to do the act with the intention of procuring evidence for the purpose of prosecuting the seller for an offence against this Act.

PART IV

MISCELLANEOUS AND REPEAL

Minister may appoint Boards and Committees

24. (1) The Minister may appoint such Boards or Committees as he may think fit for the purpose of assisting him in carrying into effect this Act or any regulations made thereunder and may delegate to them such of his powers (other than those conferred by section 6) and may require them to perform such of his duties as he may think necessary.

(2) No delegation under subsection (1) shall be deemed to divest the Minister of any of his powers or duties and he may, if he thinks fit, exercise those powers and perform those duties notwithstanding any such delegation.

Information given by accused person admissible in evidence

24A. Notwithstanding any law to the contrary for the time being in force, any information given by any person, whether orally or in writing, in compliance or purported compliance with any request made or in response to any question put to him under this Act or any regulations made thereunder may be given in evidence in any proceedings against that person for an offence against this Act notwithstanding that it may tend to incriminate him in respect of the offence with which he is charged.

Burden of proof

25. In any prosecution in respect of an offence against this Act upon a charge of doing any act which is unlawful unless the person doing the act is entitled to do so by reason of his being the holder of a licence, permit or written permission, consent, authorization or exemption entitling him to do that act, it shall be sufficient for the prosecution to allege and prove his doing that act and the onus shall then be upon the accused to show that he was entitled to do the act.

Proportional examination or testing of articles seized

25A. (1) Where packages or receptacles containing articles which are suspected of being controlled articles have been seized, it shall be sufficient to open and examine one per centum or not less than five samples of each description of the package or receptacle in which such articles are contained.

(2) If it is necessary to test any article which is suspected of being controlled article seized under this Act, it shall be sufficient to test only a sample not exceeding five per centum in volume or weight of the articles examined under subsection (1).

(3) The court shall presume that the articles contained in the unopened packages or receptacles are of the same nature, quantity and quality as those found in the similar packages or receptacles which have been opened.

Power of court to confiscate

26. (1) Where any person is convicted of an offence against this Act the court may order the confiscation in whole or in part of—

- (a) any controlled article, in respect of which the offence has been committed, which has been seized by or has otherwise come into the possession of the Controller or any person acting under his authority;
- (aa) any property of the accused, vehicle, vessel or other article, by means of which the offence has been committed or which is intended to be used for the commission of an offence against this Act; or
- (b) the proceeds of sale of any such controlled article if it has been sold under section 12.

(2) Where confiscation is ordered under subsection (1), the court shall deliver the controlled article, proceeds of sale, property of the accused, vehicle, vessel or other article confiscated (if not already in possession of the Controller) to the Controller or to any person designated by him, and shall give directions as to their disposal.

Jurisdiction of courts

27. Notwithstanding anything to the contrary contained in any other written law, a court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Act and to award the full punishment for any such offence.

Joinder of offences

28. Notwithstanding any law to the contrary for the time being in force, when a person is accused of more than one offence against this Act he may be charged with and tried at one time for any number of those offences.

Protection of informers

29. (1) Except as hereinafter mentioned, no evidence as to any written or oral information in respect of any offence alleged to have been committed against this Act or any regulations made thereunder shall be admitted in evidence in any civil or criminal proceedings whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informers or to state any matter which might lead to the discovery of the identity of the informer.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings whatsoever contain any entry in which any informer is named or described or which might lead to the discovery of his identity, the court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to prevent the discovery of the identity of the informer, but no further.

(3) If in any civil or criminal proceedings whatsoever the court, after full enquiry into the case, is of the opinion that the informer wilfully made in any information furnished by him a material statement which he knew or believed to be false or did not believe to be true, or the court is of the opinion that justice cannot be fully done without the discovery of the identity of the informer, it shall be lawful for the court to require the production of the original information, if in writing, and to permit enquiry and require full disclosure concerning the informer.

(4) For the purpose of this section “informer” includes every person who is not called as a witness for the prosecution in a criminal case and who has made any complaint or report or furnished any information, oral or documentary, in respect of any offence against this Act alleged to have been committed by any person.

Repeal and saving

30. (1) The written laws specified in the Schedule are hereby repealed.

(2) Notwithstanding the repeal of the Food Control Proclamation [*B.M.A. No. 10*] the following provisions shall have effect:

- (a) any rule, regulation or order made under the said Proclamation and in force immediately before the commencement of this Act shall, so far as it is not inconsistent with this Act, be deemed to have been made under the corresponding provisions of this Act, and shall continue in force until it has been revoked, amended or replaced by orders or regulations made under this Act;
- (b) any licence, permit or authority granted or issued under the said Proclamation shall, so far as it could have been granted or issued under this Act, continue in force until superseded, revoked or otherwise terminated and shall have effect as if granted or issued under this Act:

Provided that any such licence, permit or authority which is expressed to remain in force for a definite period shall not remain in force after the expiration of that period unless it shall be renewed in accordance with this Act;

- (c) any person appointed to any office under or by virtue of the said Proclamation shall be deemed to have been appointed to that office under or by virtue of this Act.
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SCHEDULE

[Section 30]

S.S. Ord. No. 16 of 1939	Food Control Ordinance 1939
F.M.S. En. No. 21 of 1939	Food Control Enactment 1939
Johore En. No. 15 of 1939	Food Control Enactment 1939
Kedah En. No. 15 of 1358	Food Control Enactment
Kelantan En. No. 25 of 1939	Food Control Enactment 1939
Perlis En. No. 5 of 1358	Food Control Enactment 1358
Terengganu En. No. 10 of 1358	Food Control Enactment 1358
B.M.A. Proclamation No. 10	Food Control Proclamation

LAWS OF MALAYSIA

Act 122

CONTROL OF SUPPLIES ACT 1961

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 80/1964	Modification of Laws (Price Control and Control of Supplies) (Extension) Order 1964	05-03-1964
L.N. 106/1964	Modification of Laws (Price Control and Control of Supplies) (Extension) (No. 2) Order 1964	05-03-1964
Act A196	Control of Supplies (Amendment) Act 1973	01-06-1973
Act A287	Control of Supplies (Amendment) Act 1975	28-02-1975
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act 771	Control of Supplies (Amendment) Act 1990	11-05-1990
Act A1270	Control of Supplies (Amendment) Act 2006	14-09-2006
Act A1473	Control of Supplies (Amendment) Act 2015	10-01-2015
Act A1652	Control of Supplies (Amendment) Act 2022	31-05-2022

LAWS OF MALAYSIA

Act 122

CONTROL OF SUPPLIES ACT 1961

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A771 Act A1270	11-05-1990 14-09-2006
5	Act A771 Act A1270	11-05-1990 14-09-2006
5A	Act A771	11-05-1990
6	Act A196 Act A771 Act A1270 Act A1473	01-06-1973 11-05-1990 14-09-2006 10-01-2015
7	Act A196 Act A771 Act A1270	01-06-1973 11-05-1990 14-09-2006
8	Act A1270	14-09-2006
9	Act A1270	14-09-2006
10	Act A287 Act A1270 Act A1652	28-02-1975 14-09-2006 31-05-2022
11	Act A287 Act A1270	28-02-1975 14-09-2006
12	Act A287	28-02-1975
12A	Act A1652	31-05-2022
12B	Act A1652	31-05-2022

Section	Amending authority	In force from
13	Act A771	11-05-1990
16	Act A771	11-05-1990
16A	Act A287	28-02-1975
	Act A771	11-05-1990
17	Act A771	11-05-1990
18	Act A196	01-06-1973
	Act A771	11-05-1990
20	Act A1270	14-09-2006
	Act A1473	10-01-2015
22	Act A196	01-06-1973
	Act 160	29-08-1975
	Act A771	11-05-1990
	Act A1270	14-09-2006
	Act A1473	10-01-2015
22A	Act A771	11-05-1990
	Act A1270	14-09-2006
23	Act A771	11-05-1990
24	Act A771	11-05-1990
24A	Act A287	28-02-1975
	Act A771	11-05-1990
25A	Act A1652	31-05-2022
26	Act A287	28-02-1975
	Act A1473	10-01-2015
27	Act A771	11-05-1990
28	Act A196	01-06-1973
29	Act A771	11-05-1990
