



LAWS OF MALAYSIA

REPRINT

Act 128

PETROLEUM AND ELECTRICITY (CONTROL OF SUPPLIES) ACT 1974

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

**PETROLEUM AND ELECTRICITY
(CONTROL OF SUPPLIES) ACT 1974**

Date of Royal Assent 8 March 1974

Date of publication in the *Gazette* 14 March 1974

PREVIOUS REPRINTS

First Reprint 1995
Second Reprint 2000

LAWS OF MALAYSIA**Act 128****PETROLEUM AND ELECTRICITY
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LAWS OF MALAYSIA**Act 128****PETROLEUM AND ELECTRICITY
(CONTROL OF SUPPLIES) ACT 1974**

An Act to make temporary provisions for the control of petroleum and electricity supplies.

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BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title, application and commencement

1. (1) This Act may be cited as the Petroleum and Electricity (Control of Supplies) Act 1974 and shall apply throughout Malaysia.

(2) This Act shall come into force on such date as the Yang di-Pertuan Agong may by notification in the *Gazette* appoint and shall remain in force for a period of one year from that date; and if the Yang di-Pertuan Agong decides that it is necessary in the national interest that this Act be continued in force, the Yang di-Pertuan Agong may from time to time by notification in the *Gazette* provide that this Act shall remain in force for a further period of not exceeding one year at a time.

Interpretation

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

“authorized person” means any person authorized under section 4;

“driving licence” has the meaning assigned to it under the relevant road traffic law;

“electricity” means electrical power when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;

“Minister” means the Minister nominated by the Prime Minister for the purposes of this Act;

“motor vehicle” means every description of vehicle propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads and includes a trailer;

“offence against this Act” includes any contravention of or failure to comply with any 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;

“petroleum” includes crude petroleum and oil made from petroleum, coal, shale, peat or other bituminous substances and other products of petroleum;

“Registrar” means a Director for Road Transport appointed under the Road Transport Act 1887 [Act 333];

“relevant road traffic law” means the Road Transport Act 1987;

“road” means any public road and any other road maintained at the public expense;

“vehicle” means a structure capable of moving or being moved or used for the conveyance of any person or thing.

Regulations

3. (1) Subject to the provisions of this section, the Minister may make any regulations whatsoever which he considers desirable or expedient for restricting the supply, distribution and use of petroleum and electricity.

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

- (a) prohibiting or restricting the use of motor vehicles or of any specified class or description of motor vehicles on all or any specified roads either generally or during particular hours or days;

- (b) prescribing a maximum speed for all or any specified class or description of motor vehicles on all or any specified roads;
- (c) prohibiting or restricting the supply, distribution or use of electricity for any purpose or specified purposes either generally or during specified hours;
- (d) restricting the hours during which any factory, shop, office, cinema, theatre, hotel, restaurant, bar, cabaret, night club, amusement park, place of entertainment or any business premises may be opened for business;
- (e) prohibiting, restricting or otherwise regulating the purchase, sale, storage or transport of any petroleum;
- (f) regulating and controlling the rationing of petroleum and, without prejudice to such general power, providing for the registration of all or any persons, or any class of persons, for the purpose of rationing and for the issue of ration documents;
- (g) exemption, either absolutely or subject to such conditions as may be imposed, from all or any of the regulations;
- (h) prescribing such fees or charges as may be necessary for the purposes of this Act; and
- (i) the commission of the offence against this Act to be punishable by a fine not exceeding ten thousand ringgit or with imprisonment for a term not exceeding two years or with both.

(3) The regulations made under paragraph (2)(c) may provide for empowering any electricity board to reduce or cut off any supply of electricity to any person who is, in the opinion of the board, contravening or not complying with the provisions of those regulations notwithstanding any agreement made with the person for the supply of electricity; and no legal proceedings shall be instituted against the board or any member or any employee thereof, or any other person whatsoever acting under the direction of the board, arising out of the reduction or cut off of any supply of electricity made by the board in accordance with the regulations made as aforesaid.

(4) All regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and if not sooner revoked, shall cease to have effect if resolutions are passed by both Houses annulling such regulations, but without prejudice to anything previously done by virtue thereof or to the power of the Minister to make new regulations.

(5) For the purpose of this section “electricity board” means the successor company under the Electricity Supply (Successor Company) Act 1990 [Act 448] and includes (if so expressly provided by the regulations made under this section) a person to whom a licence is issued for the supply of electricity to or for the use of any other person from any installation.

Authorization of persons to exercise powers under this Act or regulations made thereunder

4. (1) The Minister may authorize by name or office, any public officer or employee of a statutory authority or local authority to exercise all or any of the powers under this Act or any regulation made thereunder.

(2) Any authorization given under this section shall be published in the *Gazette*.

(3) In exercising any of the powers under this Act or any regulation made thereunder, the person so authorized shall on demand produce to the person against whom he is acting under this Act or any regulation made thereunder the authority card issued to him.

Power of arrest, seizure, investigation and prosecution

5. (1) Any authorized person, police officer and customs officer may—

- (a) arrest without warrant any person whom he has reason to believe to have committed an offence against this Act, if the person refuses to furnish his name and address or furnishes an address out of Malaysia or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond:

Provided that when any person has been arrested as aforesaid he shall be thereafter dealt with as provided by the Criminal Procedure Code [Act 593]; and

(b) seize any petroleum in respect of which he has reason to believe such an offence has been committed or any vehicle, vessel or 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) Where any vehicle or vessel has been seized under subsection (1) the authorized person, a police officer not below the rank of Inspector or a customs officer may, at his discretion, temporarily return such vehicle or vessel to the owner of the same on security being furnished to the satisfaction of such officer that the vehicle or vessel shall be surrendered to him on demand.

(3) Any authorized person, any police officer not below the rank of Inspector, and any customs officer may in relation to any investigation in respect of any offence against this Act without the order of the Public Prosecutor exercise the special powers in relation to police investigations given by the Criminal Procedure Code in any seizable case.

(4) Without prejudice to the Criminal Procedure Code relating to prosecution any prosecution in respect of an offence against this Act may be conducted by an authorized person.

Power to enter premises

6. (1) Where any authorized person, any police officer not below the rank of Inspector or any customs officer has reasonable grounds for believing that an offence against this Act has been committed, the authorized person, the police officer or the customs officer after producing to the occupier the authority card issued to him, may enter any premises and may carry out such inspections and examinations (including the inspection and examination of books) as he may consider necessary and may seize and detain any books, documents or other things or petroleum found in those premises which may furnish evidence of the commission of an offence against this Act.

(2) Any person who obstructs or impedes any authorized person, police officer or customs officer in the lawful exercise of any of his powers under this section shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Power of court to confiscate

7. (1) Where any person is convicted of an offence against this Act the court shall order the confiscation of—

- (a) any petroleum in respect of which the offence has been committed which has been seized by, or has otherwise come into the possession of any authorized person, any police officer or customs officer; or
- (b) any vehicle, vessel or article, the property of the accused, 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.

(2) Where confiscation is ordered under subsection (1), the court shall deliver the petroleum, vehicle, vessel or article to any authorized person, police officer or customs officer and shall give directions as to its disposal.

Cancellation or suspension of driving licences

8. (1) Where a person is convicted of an offence in connection with the unauthorized storage of petroleum, the court may if it thinks fit order him to be disqualified from holding or obtaining a driving licence for all or any description of vehicles for such period as the court thinks fit.

(2) Any person who is disqualified from holding or obtaining a driving licence by virtue of an order made under this section shall be deemed to be disqualified under Part II of the relevant road traffic law and the provisions of that law shall apply *mutatis mutandis* to a disqualification under this section.

(3) A person who by virtue of an order of a court made under this section is disqualified from holding or obtaining a driving licence may appeal against the order in the same manner as against a conviction, and the court may if it thinks fit, pending the appeal, suspend the operation of the order.

Cancellation or suspension of vehicle licences

9. (1) Where a person is convicted of an offence in connection with the unauthorized storage of petroleum, the Registrar may cancel the licence issued under the relevant road traffic law in respect of any motor vehicle owned by that person or suspend the licence for such period as the Registrar thinks fit.

(2) The provisions in the relevant road traffic law relating to the cancellation of a motor vehicle licence shall apply *mutatis mutandis* to the cancellation or suspension of a licence for a motor vehicle under this section.

Jurisdiction of courts

10. Notwithstanding anything in any other written law to the contrary, a Sessions Court shall have jurisdiction to pass any sentence provided in this Act for any offence against this Act.

Joinder of offences

11. 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

12. (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 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 informer 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.

Duty to give information and use of statements as evidence

13. (1) Where the driver of a motor vehicle is alleged or is suspected to be guilty of an offence against this Act—

- (a) the owner of the motor vehicle shall give such information as he may be required by an authorized person, a police officer or a customs officer to give as to the identity and address of the person who was driving the said motor vehicle at or about the time of the alleged offence, and as to the licence held by that person, and if he fails to do so within seven days of the date on which the information was required from him he shall be guilty of an offence against this Act unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the information required; and
- (b) any other person who was or should have been in charge of the motor vehicle shall, if so required as aforesaid, give any information which it is in his power to give, and which may lead to the identification of the driver, and if, within seven days of the date on which the information was required from him, he fails to do so, he shall be guilty of an offence against this Act.

(2) Any person who wilfully furnishes any false or misleading information under subsection (1) shall be guilty of an offence against this Act.

(3) Notwithstanding anything contained in any written law to the contrary, any information given under this section by any person charged with any offence against this Act may be used as evidence at the hearing of the charge against him.

(4) Notwithstanding any other written law to the contrary any statement made by any person to any authorized person, police officer, or customs officer that a particular motor vehicle was being driven by or belonged to that person or that it belonged to a firm in which such person was a partner or to a corporation of which such person was a director, officer or employee on a particular occasion shall be admissible in evidence for the purpose of determining by whom the vehicle was being driven or to whom it belonged.

(5) Any person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(6) For the purpose of this section, “owner”, in relation to a motor vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

Provisions as to evidence

14. (1) Any registration document or licence issued by the Registrar under the relevant road traffic law in respect of any vehicle shall be *prima facie* evidence of the registration of the vehicle or of the fact that the vehicle was licensed for the period specified in such licence, as the case may be.

(2) Where in any proceedings for an offence it is necessary to prove—

- (a) that a vehicle was, or was not, registered in the name of any person;
- (b) that any person was, or was not, the registered owner of a vehicle; or
- (c) that any person was, or was not, the holder of a licence granted under the relevant road traffic law,

a certificate purporting to be signed by the Registrar and certifying the matters aforesaid shall be admissible as evidence, and shall constitute *prima facie* proof of the facts certified in such certificate, without proof of the signature of the Registrar to such certificate.

Liability of partners, directors, etc.

15. (1) Where a person is charged with an offence against this Act is a corporate body every person who, at the time of the commission of such offence was 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.

(2) Wherever any agent or servant in the course of his employment does or omits to do any act, the doing of which or omission to do which by his principal or employer would be an offence such agent or servant shall be guilty of that offence.

(3) 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.

Power to compound

16. (1) An authorized person may in his discretion compound any such offence against this Act as may be prescribed as an offence which may be compounded by the authorized person by collecting from the person reasonably suspected of having committed the same a sum of money not exceeding five hundred ringgit.

(2) The Minister may by regulations made under section 3 prescribe the offences which may be compounded and the method and procedure therefor.

Non-application of certain law to petroleum

17. For so long as this Act remains in force, the Control of Supplies Act, 1961 [*Act 122*] shall not apply to petroleum and that Act shall have effect as if the expressions “controlled article” and “rationed article” as defined in that Act exclude petroleum.

Saving

18. In so far as the provisions of this Act and regulations made thereunder relate to the storage and transport of petroleum, such provisions shall be construed as in addition or supplementary to, and not in derogation from, the Petroleum (Safety Measures) Act 1984 [*Act 302*].

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 357/1980	Subordinate Courts Act (Extension) Order 1980	01-06-1981

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
6	Act 160	29-08-1975
10	P.U. (A) 357/1980	01-06-1981
13	Act 160	29-08-1975
16	Act 160	29-08-1975
