



# LAWS OF MALAYSIA

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REPRINT

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**Act 438**

## **FREE ZONES ACT 1990**

*Incorporating all amendments up to 1 January 2006*

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**FREE ZONES ACT 1990**

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## Act 438

### FREE ZONES ACT 1990

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## LAWS OF MALAYSIA

### Act 438

### FREE ZONES ACT 1990

An Act to provide for the establishment of free zones in Malaysia for promoting the economic life of the country and for related purposes.

[5 September 1991, P.U. (B) 455/1991]

**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:

#### PART I

#### PRELIMINARY

##### **Short title and commencement**

1. (1) This Act may be cited as the Free Zones Act 1990.

(2) This Act shall come into force on a date to be appointed by the Minister by notification in the Gazette and the Minister may prescribe different dates for the coming into force of different provisions of this Act.

##### **Interpretation**

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

“activity” includes commercial activity and manufacturing activity and related operations;

“Authority” means any statutory body or company or department of the Government of Malaysia or of any State in Malaysia which has been appointed under the provisions of subsection 3(2) to administer, maintain and operate any free zone;

“commercial activity” includes trading (excluding retail trade), breaking bulk, grading, repacking, relabelling and transit;

“customs airport” shall have the same meaning assigned to it under the Customs Act 1967 [*Act 235*];

“customs duty” means any duty imposed by or under the Customs Act 1967;

“excise duty” means any duty imposed by or under the Excise Act 1976 [*Act 176*];

“free zone” means any part of Malaysia declared under the provisions of subsection 3(1) to be a free commercial zone or a free industrial zone;

“goods” includes animals, birds, fish, plants and all kinds of movable property;

“Labuan” shall have the same meaning assigned to it under section 154 of the Customs Act 1967;

“Langkawi” shall have the same meaning assigned to it under section 163A of the Customs Act 1967;

“legal landing place” shall have the same meaning assigned to it under the Customs Act 1967;

“manufacture” means the conversion by manual or mechanical means of organic or inorganic material into a new product by changing the size, shape, composition, nature or quality of such materials and includes the assembly of parts into a piece of machinery or other products, but does not include the installation of machinery or equipment for the purpose of construction; and the term “manufacturing activity” with its grammatical variations and cognate expression shall be construed accordingly and, in relation to such term, it shall include any activity as determined by the Director General to be manufacturing activity;

Provided that the Director General may in his absolute discretion determine that the result of any manufacture or manufacturing activity is not a new product or article;

“Minister” means the Minister for the time being charged with the responsibility for finance;

“operation” means the operations set out under the activity approved by the Minister under the provisions of section 10;

“prescribed place of import or export” means any place prescribed under section 142 of the Customs Act 1967 as a place for the import and export of goods by road and rail;

“principal customs area” means any part of Malaysia but excluding a free zone, Labuan, Langkawi and Tioman;

“proper officer of the Authority” means any officer of the Authority acting in the fulfilment of his duties under the Act, whether such duties are assigned to him specially or generally, or expressly or by implication;

“sales tax” means any tax imposed by or under the Sales Tax Act 1972 [*Act 64*];

“service” has the same meaning as assigned to the term “prescribed service” in the Service Tax Regulations 1975 [*P.U. (A) 52 of 1975*];

“service tax” means any tax imposed by or under the Service Tax Act 1975 [*Act 151*];

“Tioman” shall have the same meaning assigned to it under section 163J of the Customs Act 1967;

“value” in relation to imported goods has the meaning assigned to it under section 2 of the Customs Act 1967 [*Act 235*].

(2) For the purpose of the definition of the word “value”, import means an import into a principal customs area from a free zone.

(3) The expressions “Director General”, “officer of customs”, “senior officer of customs”, “proper officer of customs” and “dutiabale goods” shall have the meaning assigned respectively to them in the Customs Act 1967.

### **Declaration of free zones and appointment of Authority**

**3.** (1) The Minister may, by notification in the Gazette, declare any area in Malaysia to be a free commercial zone or a free industrial zone and every such notification shall define the limits of such zone.

(2) The Minister may appoint any statutory body established or constituted by or under a federal law or any department of the Government of Malaysia or with the consent of the State concerned, any statutory body established or constituted by or under a State law or any department of the Government of a State or, any company as the Authority to administer, maintain and operate any free zone which has been so declared under subsection (1).

## PART II

### ACTIVITIES PERMITTED WITHIN A FREE ZONE

#### **Goods and services in a free zone**

**4.** Subject to this Act goods and services of any description, except those specifically and absolutely prohibited by law, may be brought into, produced, manufactured or provided in a free zone without payment of any customs duty, excise duty, sales tax or service tax.

#### **Dealing with or disposal of goods in a free zone**

**5.** (1) Unless otherwise provided under this Act or any regulations made thereunder no person shall deal with or otherwise dispose of any goods in a free zone.

(2) Subject to the provisions of this Act, goods in a free zone may—

- (a) be removed from such free zone for export or sent into another free zone either in original package or otherwise;
- (b) unless otherwise directed by the Authority—
  - (i) be stored, sold, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed, or otherwise manipulated or be manufactured in accordance with the provisions of this Act, or
  - (ii) be destroyed;
- (c) with the approval of the Authority, and subject to such conditions as may be imposed by it, be sent into any part of the principal customs area in the original package or otherwise provided that the Authority shall consult the Director General before movement of the goods is authorized.

(3) The provisions of this section shall not apply to goods excluded by order made under subsection 6(1).

### **Exclusion of goods and services from free status**

6. (1) The Minister may, by order published in the *Gazette*, exclude any goods or services from the provisions of section 4.

(2) Notwithstanding anything to the contrary in any written law the provisions of the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972 and the Service Tax Act 1975 shall apply to the goods and services so excluded as if the free zone is a place within the principal customs area.

### **Retail trade in free zone**

6A. The Minister may, at his absolute discretion, authorize any retail trade to be conducted in a free zone and the Minister may in relation to such authorization impose such conditions as he may deem fit.

### **Goods deemed to be exported from, or imported into, Malaysia**

7. Unless otherwise provided under this Act or any regulations made thereunder or under any other written law—

- (a) goods which are taken out from any part of the principal customs area and brought into a free zone shall be deemed to be exported from Malaysia; and
- (b) goods which are brought out of a free zone and taken into any part of the principal customs area shall be deemed to be imported into Malaysia.

### **Goods manufactured in a free industrial zone**

8. (1) Goods manufactured within a free industrial zone shall not be taken out of such zone except—

- (a) for export; or
- (b) with the approval of the Authority and after consultation with the Director General, and subject to such conditions as may be imposed, for transmission of the goods to a free commercial zone.

(2) *(Deleted by Act 557).*

(3) *(Deleted by Act 557).*

(4) Goods manufactured in a free industrial zone shall not, without the written permission of a proper officer of customs not below the rank of Assistant Director of Customs and Excise, be used or consumed in such zone.

### **Penalty**

**9.** Any person who contravenes the provisions of section 5, 6A or 8 shall be guilty of an offence and shall, on conviction, be liable for the first offence to a fine of not less than ten times the amount of the customs or excise duty or tax or five thousand ringgit, whichever is the lesser amount, and of not more than twenty times the amount of the customs or excise duty or tax or five thousand ringgit whichever is the greater amount, and for a second or any subsequent offence to a fine of not less than twenty times the customs or excise duty or tax or ten thousand ringgit whichever is the lesser amount and of not more than forty times the customs or excise duty or tax or ten thousand ringgit, whichever is the greater amount, or to imprisonment for a term not exceeding two years or to both such fine and imprisonment:

Provided that when the value of the goods cannot be ascertained the penalty may amount to a fine not exceeding five thousand ringgit.

### **Activity**

**10.** (1) With the approval of the Minister—

(a) there may be carried out in a free commercial zone the activities specified in the First Schedule;

(b) there may be carried out in a free industrial zone the manufacturing activities specified in the Second Schedule.

(2) The Minister may, from time to time, by notification in the *Gazette* add to, alter or amend the First and the Second Schedules.

(3) Notwithstanding anything to the contrary in any written law, the Minister may allow any activity to be carried out in a free zone subject to such conditions as he may deem fit to impose.

### **Goods permitted into a free industrial zone**

**11.** (1) Subject to this Act goods of any description which would be used directly for the manufacture of other goods or goods manufactured in any part of the principal customs area which are meant for export may be brought into a free industrial zone.

(2) The Minister may, in any particular case, allow goods, other than those referred to in subsection (1), to be brought into a free industrial zone for any activity as he may approve and subject to such conditions as he may deem fit to impose.

### **Goods permitted into a free commercial zone**

**12.** (1) Subject to subsection (2) goods of any description may be brought into a free commercial zone.

(2) The Minister may, by order, prohibit any goods or class of goods from being taken into a free commercial zone.

## **PART III**

### **SPECIFIC FUNCTIONS OF AUTHORITY**

#### **Authority to provide facilities**

**13.** (1) The Minister may require the Authority to provide and maintain or allow in a free zone such facilities as he may consider necessary for the proper and efficient functioning of such zone.

(2) The Minister may give to the Authority such directions as he may consider necessary for the proper functioning of a free zone or for the purpose of protecting revenue; and the Authority shall comply with such directions.

(3) The Authority shall provide adequate facilities for officers of customs whose duties may require their presence within or at the perimeter of a free zone; and the Authority shall permit customs offices to be established in a free zone—

(a) to enable the Director General to make such arrangements as he deems necessary to ensure the proper supervision of goods taken out from the free zone; and

(b) for such purpose as may be considered necessary by the Minister for the better administration of the provisions of this Act.

(4) The Authority shall provide adequate enclosures to segregate a free zone from the principal customs area for the protection of revenue together with suitable provisions for the movement of persons, conveyances, vessels and goods entering or leaving a free zone.

#### **Authority may permit erection of private buildings, etc.**

**14.** (1) The Authority may permit any person to erect such buildings and other structures within a free industrial zone as may be required.

(2) The Authority may, after consulting the Director General, lease to or allow any person to take, hold or enjoy movable and immovable property of every description in a free industrial zone upon such terms and conditions and for such period as the Authority may determine.

#### **Entry and residence in a free industrial zone**

**15.** (1) Subject to this Act no person shall enter or reside within a free industrial zone without the permission of the Authority.

(2) Any person who contravenes the provision of subsection (1) shall be guilty of an offence under this Act.

#### **Exclusion of certain goods, etc.**

**16.** (1) The Authority may in its discretion order the exclusion or removal from a free industrial zone of any goods, or the discontinuance of any activity or operations, which in its opinion are dangerous or prejudicial to the public interest, health or safety.

(2) An order by the Authority as to the removal or exclusion of any goods, which in the opinion of the Authority are dangerous or prejudicial to public safety, shall, notwithstanding an appeal to the Minister, be complied with immediately; but an order as to the discontinuance of activities or operations shall not take effect, if an appeal has been made to the Minister, until the determination of the appeal in favour of the Authority.

(3) The decision of the Minister shall be final and not be subject to review in any court.

### **Annual reports and accounts**

**17.** (1) The Authority shall prescribe the form and manner of keeping the accounts of a free zone.

(2) The Authority if so directed by the Minister shall present to him annually and at such other times as the Minister may prescribe, reports containing a full statement of all activities, operations, receipts and expenditure and such other information in respect of such zone as the Minister may require.

## **PART IV**

### **OFFENCES, PENALTIES, SEARCH, SEIZURE, ARREST AND PROVISIONS AS TO TRIALS AND PROCEEDINGS**

#### **Persons bound to give information**

**18.** Every person required by a proper officer of customs to give information or to produce documents on any subject which it is such officer's duty to enquire into and which it is in such person's power to give or produce shall be bound to give such information or to produce such documents.

#### **Penalty for offences not otherwise provided for**

**19.** Every omission or neglect to comply with, and every act done or attempted to be done contrary to the provisions of this Act or any regulations made thereunder shall be an offence and in respect of any such offence for which no penalty is expressly provided, the offender shall be liable on conviction to a fine not exceeding five thousand ringgit.

#### **Attempts and abetments**

**20.** Whoever attempts to commit any offence punishable under this Act or any regulations made thereunder or abets the commission of such offence shall be punished with the punishment provided for such offence.

**Issue of search warrant**

**21.** Whenever it appears to any Magistrate on information and after such enquiry as he may think necessary, that there is reasonable cause to believe that in any shop, warehouse or other building or place in a free zone, there are concealed or deposited any goods in respect of which an offence under the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972, the Service Tax Act 1975 or this Act or any regulations made thereunder had been committed, such Magistrate may issue a warrant authorizing an officer of customs, named therein, by day or by night and with or without assistance—

- (a) to enter such shop, warehouse or other building or place and there to search for and seize any goods in respect of which there is reason to believe that the offence aforesaid has been committed, and any book or document which may reasonably be believed to have a bearing on the case;
- (b) to arrest any person or persons being in such shop, warehouse, building or place, in possession of any goods aforesaid found, or whom such officer may reasonably suspect to have concealed or deposited such goods;
- (c) to break open, if necessary, any door of such shop, warehouse, building or place and enter thereinto;
- (d) to forcibly enter, if necessary, such place and every part thereof;
- (e) to remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect; and
- (f) detain any person found in such place until such place has been searched.

**When search may be made without warrant**

**22.** Whenever it appears to any senior officer of customs that there is reasonable cause to believe that in any shop, warehouse or other building or place in a free zone, there are concealed or deposited any goods in respect of which an offence under the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972, the Service Tax Act 1975 or this Act or any regulations made thereunder has been committed, and if he has reasonable grounds for believing that by reason of any delay in obtaining a search warrant under section 21 such goods or any book or document,

which may reasonably be believed to have a bearing on the case are likely to be removed, such officer may exercise in, upon and in respect of such shop, warehouse or other building or place all the powers mentioned in the said section 21 in as full and ample a manner as if he were authorized so to do by warrant issued under that section.

### **Officers of customs may stop and search conveyances**

**23.** (1) Any officer of customs may stop and examine any vehicle in a free zone for the purpose of ascertaining whether any goods which may form the subject of an offence under the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972, the Service Tax Act 1975 or this Act or under any regulations made thereunder are contained therein, and the person in control or in charge of such vehicle shall if required so to do by such officer stop such vehicle and allow such officer to examine the same or move the vehicle to another place for examination, and shall not proceed until permission to do so has been given by such officer.

(2) The person in control or in charge of any vehicle stopped for examination under subsection (1) shall if so requested by the officer of customs open all parts of the vehicle for examination by such officer and take all measures necessary to enable such examination as such officer considers necessary to be made.

### **Access to recorded information or computerized data**

**23A.** (1) Any officer of customs exercising his powers under sections 21, 22 and 23 shall be given access to any recorded information or computerized data, whether stored in a computer or otherwise.

(2) In addition, an officer of customs exercising his powers under sections 21, 22 and 23—

(a) may inspect and check the operation of any computer and any associated apparatus or material which he has reasonable cause to suspect is or has been used in connection with that information or data; and

(b) may require—

(i) the person by whom or on whose behalf the officer of customs has reasonable cause to suspect the computer is or has been so used; or

- (ii) the person having charge of, or is otherwise concerned with, the operation of the computer, apparatus or material, to provide him with such reasonable assistance as he may require for the purposes of this section.

(3) For the purposes of subsection (1), “access” includes being provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of recorded information or computerized data.

### **Power to open packages and examine goods**

**24.** Any proper officer of customs may in a free zone examine any goods which are being taken into or being removed from a free zone or intended to be taken into or removed from a free zone and for the purpose of such examination direct the same to be brought to a customs office or a customs station and may open any package or receptacle.

### **Search of persons entering or leaving a free zone**

**25.** Any person landing, or being about to land, or having recently landed in a free zone, from any vessel or aircraft, whether for the purpose of landing or otherwise, or entering or having recently entered a free zone by road or railway or leaving or about to leave a free zone in any vessel or aircraft, or by road or railway shall, if so requested by any proper officer of customs either permit his person, goods and baggage to be searched by such officer, or together with such goods and baggage accompany such officer to a customs office or customs station or police station and there permit his person, goods and baggage to be searched by an officer of customs:

Provided that—

- (a) any person requesting that his person be searched in the presence of a senior officer of customs shall not be searched except in the presence of and under the supervision of such officer, and such person may be detained until the arrival of such officer or taken into any customs office or customs station or police station where such officer may be found;

- (b) the goods and baggage of any person who requests to be present when they are searched and so present himself within a reasonable time shall not be searched except in his presence; and
- (c) no female shall be searched except by another female with strict regard to decency.

### **Seizure of goods subject of an offence**

**26.** (1) All goods in respect of which there has been, or there is a reasonable cause to believe that there has been committed any offence against, or any breach of, the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972, the Service Tax Act 1975 or this Act or any regulations made thereunder or any contravention of any restriction or condition subject to which any licence, permit or authorization has been granted under any such law, together with any receptacle, baggage, package, vehicle, vessel (not exceeding one hundred and eighty two nett registered tonnes), or aircraft other than an aircraft engaged in international carriage, in which the same may be found or which is used in connection with such offence, breach or contravention, and any book or document which may be reasonably believed to have a bearing on the case, may be seized by any officer of customs in a free zone.

(2) All such goods and such receptacles, baggages, packages, vehicles, vessels or aircrafts shall, as soon as is practicable, be delivered into the care of a proper officer of customs whose duty it is to receive the same.

(3) Whenever any goods, receptacle, package, baggage, vehicle, vessel or aircraft is seized under this Act, the officer effecting the seizure shall forthwith give to the owner thereof, if known, notice in writing of such seizure and the reasons therefor, either by delivering such notice to him personally or by post at his place of abode, if known:

Provided that such notice shall not be required to be given where such seizure is made on the person or in the presence of the offender or the owner or his agents, and, in the case of a vessel or an aircraft in the presence of the master or pilot, as the case may be.

(4) The provisions of this section relating to the seizure of goods shall apply to all the contents of any package or receptacle seized and to any article used to conceal the same.

(5) The provisions of this section relating to the seizure of any vessel or aircraft shall apply also to tackles, equipments and furnishings of such vessel or aircraft.

(6) The provisions of this section relating to the seizure of conveyances shall apply to all equipments thereof.

### **Return or disposal of movable property**

**27.** (1) Where any movable property has been seized under this Act, a senior officer of customs may, at his discretion—

- (a) temporarily 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 the senior officer of customs may consider entitled thereto, subject to such terms and conditions as may be imposed and, in any case, subject to sufficient security being furnished to the satisfaction of the senior officer of customs that the movable property shall be surrendered to a senior officer of customs on demand and that the said 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 the senior officer of customs may consider entitled thereto, with liberty for the person to whom the movable property is so returned to dispose of the same, such return being subject to security being furnished to the satisfaction of the senior officer of customs in an amount not less than an amount which, in the opinion of the senior officer of customs, represents—
  - (i) for property other than dutiable or uncustomed goods, its open market value, and for dutiable or uncustomed goods, their value, on the date on which the property or goods are so returned;
  - (ii) the customs duty payable in respect thereof; and
  - (iii) any tax payable in respect thereof under any written law,

for the payment of the amount so secured to the Director General in the event of the court making an order for the forfeiture of such amount under section 39, or in the event of such amount being forfeited under section 33, as the case may be; or

- (c) sell or destroy the movable property, as appropriate in the circumstances, where it is a living creature or where, in the opinion of the senior officer of customs, it is of a perishable or dangerous nature or likely to speedily deteriorate in quality or value, and where it is so sold, he shall hold the proceeds of sale to abide the result of any prosecution or claim, or a forfeiture under section 33, as the case may be.

(2) Any person who—

- (a) fails to surrender on demand to a senior officer of customs the movable property temporarily returned to him under paragraph (1)(a); or
- (b) fails to comply with or contravenes any of the terms or conditions imposed under paragraph (1)(a),

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding ten thousand ringgit or to both.

(3) The criminal liability of any person under subsection (2) shall be in addition to any other liability that the said person or any other person may incur under the terms and conditions relating to the return of the movable property under paragraph (1)(a).

(4) The provisions of subsection (2) shall not apply to such person, if any, who is the guarantor or surety of the person to whom the property is returned under paragraph (1)(a).

(5) The Minister may, from time to time, either generally or in any particular case or class of cases, give such direction to the Director General as he may deem necessary or expedient with regard to the exercise of the powers conferred on a senior officer of customs under subsection (1).

(6) No person shall be entitled to maintain any action on account of any act done or any decision taken by or on behalf of the Minister or by or on behalf of a senior officer of customs under this section, and no court shall have any jurisdiction to entertain any such action.

### **Powers of arrest**

**28.** (1) Any officer of customs may arrest in a free zone without warrant—

- (a) any person found committing or attempting to commit, or employing or aiding any person to commit, or abetting the commission of an offence against this Act or any regulations made thereunder;
- (b) any person whom he may reasonably suspect to have in his possession any goods liable to seizure under the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972, the Service Tax Act 1975, or this Act or any regulations made thereunder; or
- (c) any person against whom a reasonable suspicion exists that he had committed an offence against the Customs Act 1967, the Excise Act 1976, the Sales Tax Act 1972, the Service Tax Act 1975, or this Act or any regulations made thereunder,

and may search, or cause to be searched, any person so arrested:

Provided that no female shall be searched except by another female with strict regard to decency.

- (2) Every person so arrested may be released from custody—
  - (a) on his depositing such reasonable sum of money as the proper officer of customs may require;
  - (b) on his executing a bond, with such surety or sureties, as the proper officer of customs may require; or
  - (c) on his depositing such reasonable sum of money as the proper officer of customs may require and his executing a bond, with such surety or sureties as the proper officer of customs may require.

(3) Any person who has been released from custody under subsection (2) may be arrested without warrant by any officer of customs—

- (a) if such officer has reasonable grounds for believing that any condition on or subject to which such person was released or otherwise admitted to bail has been or is likely to be breached; or
- (b) on being notified in writing by the surety of such person that such person is likely to breach any condition on or subject to which such person was released and that the surety wishes to be relieved of his obligation as surety.

### **Provisions relating to arrest without warrant**

**29.** (1) An officer of customs making an arrest without warrant shall, without unnecessary delay and subject to the provisions of this Act, as to bail or previous release, take or send the person arrested before a Magistrates' Court.

(2) No officer of customs shall detain in custody a person arrested without a warrant for a longer period than under the circumstances of the case is reasonable; and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrates' Court.

(3) No person who has been arrested by an officer of customs shall be released except on his own bond or on bail or under a special order in writing by a Magistrate or a senior officer of customs.

**30.** (*Deleted by Act A1113*).

### **Obligation of secrecy**

**30A.** (1) Except as provided under section 31, the name and address of any informer and the substance of the information received from an informer shall be kept secret and shall not be disclosed by any proper officer of customs or any person who in the ordinary course of his duties comes into possession of or has control of or access to such information to any person except the designated officer of customs authorized by the Director General.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

### **Protection of informers from discovery**

**31.** (1) Except as hereinafter provided, no witness in any civil or criminal proceedings conducted pursuant to this Act shall be obliged or permitted to disclose the name or address of an informer or the substance of the information received from him or to state any matter which might lead to his discovery.

(2) If any book or document which is in evidence or liable to inspection in any civil or criminal proceedings whatsoever, contain any entry or passage in which any informer is named or described or which might lead to his discovery, the court shall cause all such entries or passages to be concealed from view or to be obliterated insofar only as may be necessary to protect the informer from discovery.

(3) If on the trial for any offence against this Act or any regulations made thereunder the court, after full enquiry into the case, believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit enquiry, and require full disclosure, concerning the informer.

### **Offence by bodies of persons and by servants and agents**

**32.** (1) Where an offence against this Act or any regulations made thereunder has been committed by a company, a firm, a society, an association or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the company, society, association or other body of persons, a partner or manager of the firm, or such other person purporting to act in such capacity or such person having charge or control of the company, firm, society, association or other body of persons shall be deemed to be guilty of that

offence, unless he proves that the offence was committed without his consent or connivance and that he has exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Where any person would be liable under this Act to any punishment, penalty or forfeiture for any act, omission, neglect or default he shall be liable to the same punishment, penalty or forfeiture for every such act, omission, neglect or default of any clerk, servant or agent, or of the clerk or servant of such agent provided that such act, omission, neglect or default was committed by such clerk or servant in the course of his employment or by such agent when acting on behalf of such person or by the clerk or servant of such agent when acting in the course of his employment in such circumstances that had such act, omission, neglect or default been committed by the agent his principal would have been liable under this section.

### **Compounding of offences**

**33.** (1) Any senior officer of customs may compound any offence under this Act which is prescribed to be a compoundable offence by requiring the person reasonably suspected of having committed an offence to pay a sum of money not exceeding five thousand ringgit.

(2) On the payment of such sum of money—

- (a) the person reasonably suspected of having committed an offence, if in custody, shall be discharged and no further proceedings shall be taken against such person; and
- (b) any property seized shall be released and no further proceedings shall be taken against such property except that if the property seized consists of goods the import of which into Malaysia is absolutely or conditionally prohibited under any written law and no import licence has been issued, such goods or the amount secured under paragraph 27(1)(a) or (b) or the amount realized by sale under paragraph 27(1)(c), as the case may be, shall be forfeited.

**Protection of Government from liability**

**34.** The Government or the Authority, as the case may be, shall not be liable to make good any loss sustained in respect of any goods by fire, theft, damage or any other cause while such goods are in any customs warehouse or in the lawful custody or control of any officer of customs or an employee of the Authority unless such loss is caused by the wilful neglect, or default of an officer of customs or of a person employed by the Government or the Authority.

**Protection of officers of customs from liability**

**35.** No officer of customs or other person employed by the Government in connection with the customs shall be liable to make good any loss sustained in respect of any goods by fire, theft, damage or other cause while such goods are in any customs warehouse or in the lawful custody or control of such officer or any other officer of customs or person employed in connection with customs unless such loss is caused by his wilful neglect or default.

**No costs or damages shall be recoverable unless seizure is without reasonable or probable cause**

**36.** No person shall in any proceedings before any court in respect of the seizure of any goods seized in exercise or the purported exercise of any power conferred by this Act be entitled to the cost of such proceedings or to any damages or other relief except an order for the return of such goods or the payment of their value unless such seizure was made without reasonable or probable cause.

**Conviction under other written law**

**37.** Nothing in this Act shall prevent any person from being prosecuted under any written law for any act, omission, neglect or default which constitutes an offence under this Act or any regulations made thereunder, or from being liable under that written law to any punishment or penalty higher or otherwise than that provided by this Act or any regulations made thereunder.

**Goods liable to forfeiture**

38. All goods seized under this Act shall be liable to forfeiture.

**Court to order forfeiture and disposal of goods seized**

39. (1) An order for the forfeiture or for the release of anything liable to forfeiture under the provisions of this Act shall be made by the Court before which the prosecution with regard thereto has been held, and an order for the forfeiture of goods shall be made if it is proved to the satisfaction of the Court that an offence against this Act or any regulations made thereunder has been committed and that the goods were the subject matter of, or were used in the commission of, the offence notwithstanding that no person may have been convicted of such offence.

(2) The Court shall order the forfeiture of—

- (a) in the case of goods returned under paragraph 27(1)(b) and subsequently disposed of by the owner or by the person to whom it was returned, the amount secured under that paragraph;
- (b) in the case of goods sold pursuant to paragraph 27(1)(c), the amount realized by such sale,

if it is proved to the satisfaction of the Court that an offence against this Act or any regulations made thereunder has been committed and that the movable property in respect of which the amount was secured or realized by sale, as the case may be, was the subject matter of or, was used in the commission of, the offence notwithstanding that no person may have been convicted of such offence.

(3) All things forfeited shall be delivered to a proper officer of customs and shall be disposed of in accordance with the directions of the Director General.

**Goods seized in respect of which there is no prosecution**

40. (1) If there be no prosecution with regard to any goods seized under this Act, such goods shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of seizure unless a claim thereto is made before that date in the manner hereinafter set forth.

(2) Any person asserting that he is the owner of such goods and that they are not liable to forfeiture may personally or by his agent authorize in writing give written notice to a senior officer of customs that he claims the same.

(3) On receipt of such notice the senior officer of customs shall refer the claim to the Director General who may direct that such goods be released or may direct such senior officer of customs, by information in the prescribed form, to refer the matter to the Magistrate of the First Class for his decision.

(4) The Magistrate of the First Class shall issue a summons requiring the person asserting that he is the owner of the goods and the person from whom they were seized to appear before him, and upon their appearance or default to appear, due service of such summons being proved, the Magistrate shall proceed to the examination of the matter and, on proof that an offence against this Act has been committed and that such goods were the subject matter, or used in the commission, of such offence, shall order the same to be forfeited, or may in the absence of such proof order their release.

### **Goods seized may be delivered to the owner or other person**

**41.** The Minister may, upon application made to him in writing through the Director General, order any goods seized under this Act, whether forfeited, or taken and deemed to be forfeited, to be delivered to the owner or other person entitled thereto, upon such terms and conditions as he may deem fit:

Provided that any such application shall be made before the expiration of one calendar month from the date of forfeiture of such goods or from the date on which such goods shall be taken and deemed to be forfeited, as the case may be.

## PART V

### MISCELLANEOUS PROVISIONS

#### **Vessel in relation to a free zone**

**42.** (1) Any vessel tied alongside the wharf of a free zone shall be deemed to be within such free zone.

(2) Any ship to ship transfer within the port limits of a free zone shall be deemed to have been done within such zone.

**Movement of goods into and from a free zone by sea**

**42A.** (1) No goods shall be brought into, or be loaded or waterborne to be loaded to be taken out from, any free zone by sea—

(a) except at a legal landing place; and

(b) until permission to do so has been received from the proper officer of the Authority.

(2) Except with the permission of the proper officer of the Authority, no such goods, after having been landed or unshipped, shall be transhipped.

**Movement of goods into and from a free zone by air**

**42B.** No goods shall be brought into, or be taken out from, any free zone by air except at a customs airport.

**Movement of goods into and from a free zone by road or rail**

**42c.** No goods shall be brought into, or be taken out from, any free zone by road or rail except at prescribed places of import or export and, where a route has been prescribed, by such route.

**Proper officer of customs may take samples**

**43.** (1) The proper officer of customs may at any time take samples of any goods to ascertain whether they are goods of a description liable to any customs duty or to ascertain the customs duty on such goods on entry into the principal customs area or for such other purpose as the proper officer of customs may deem necessary, and such samples may be disposed of in such manner as the Director General shall direct.

(2) No payment shall be made for any sample taken but the proper officer of customs shall give a receipt for any sample so taken.

**Public servants**

**44.** The members of the Authority and the employees thereof of every description when exercising their functions or carrying out their duties under this Act shall be deemed to be public servants for the purpose of the Penal Code [*Act 574*].

**Rewards**

**45.** The Director General may order such rewards as he may deem fit to be paid to any officer of customs or any other person for services rendered in connection with the detection of cases of smuggling or of offences under this Act, or in connection with any seizure made under this Act.

**Appeal from decision of the Authority or the Director General**

**46.** Where it is provided in this Act or any regulations made thereunder that the decision on any matter rests with the Authority or the Director General, then unless it is specifically provided that such decision is at the absolute discretion of the Authority or the Director General, any person aggrieved by such decision may appeal to the Minister.

**Power to make regulations**

**47.** The Minister may make regulations as may be necessary or expedient for giving full effect to the provisions of this Act or the carrying out of the purposes of this Act.

**Power of delegation**

**48.** The Minister may, in relation to a free zone, delegate to any person all or any of his powers under this Act, except the power under subsection 10(2) and section 47.

**PART VI****AMENDMENTS AND REPEAL****Amendments and repeal**

**49.** The Acts specified in the first column of the Third Schedule are repealed or amended, as the case may be, to the extent shown in the second column of the same Schedule.

**Free trade zone deemed to be free industrial zone**

**50.** Any free trade zone declared under section 3 of the Free Trade Zones Act 1971 [*Act 24*], and which is still in force immediately before the commencement of this Act, shall be deemed to be a free industrial zone declared under section 3 of this Act until revoked by the Minister.

**Minister may revoke any declaration or order**

**51.** The Minister may revoke any declaration or order made under this Act or any written law repealed by this Act in respect of any free zone:

Provided that any order of revocation made under this section, if it has the effect of abolishing any free zone so declared, shall allow sufficient time for the persons in the free zone directly affected by such order to make arrangement for the disposal of their goods.

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## FIRST SCHEDULE

[Paragraph 10(1)(a)]

| (1)<br>Name of Free Commercial Zone  | (2)<br>Activities |
|--|-------------------|
| <p>1. <i>Mukim of Plentong, District of Johor Bahru:</i></p> <p>All that land situated in the Mukim of Plentong, in the District of Johor Bahru, bounded by the grey line shown in the <i>Gazette</i> Plan 2233, 2234 and 2283 deposited in the Office of the Director of Survey Johor, excluding the areas specified below:</p> <ul style="list-style-type: none"> <li>(i) Land occupied by Felda Johore Bulkers Sdn. Bhd. at Lot 66228 and 66229;</li> <li>(ii) Land occupied by Petronas Dagangan Bhd at Lot 66226 and 66227;</li> <li>(iii) Land occupied by BP Malaysia Sdn. Bhd. at Lot 66221 and 66222;</li> <li>(iv) Tank No. 603 at the premise of Intercontinental Terminals (M) Sdn. Bhd. at Lot 66223;</li> <li>(v) Tank Nos. 752 and 1502 at the premise of Intercontinental Terminals (M) Sdn. Bhd. at Lot 66224;</li> <li>(vi) Customs Inspection Bay in area of 0.459 hectare in Container Terminal at Lot 66208; and</li> <li>(vii) Land (Lot A) in area of 1.909 hectare at Lot 66233 and land (Lot B) in area of 1.028 hectare at Lot 83274 as shown in the <i>Gazette</i> Plan PW 2282.</li> </ul> | Commercial        |
| <p>2. <i>Duty Free Area at Pengkalan Kubor:</i></p> <p>Fenced area which includes Lot No. 752 to 759, 761 to 784, the market area and such other areas therein, of Mukim Pengkalan Kubor, in the district of Tumpat, Kelantan.</p>   | Trading           |
| <p>3. <i>Bukit Kayu Hitam:</i></p> <p>Lot No. (Pt. 1443) Town of Bukit Kayu Hitam, Mukim of Sungai Laka, District of Kubang Pasu, Kedah.</p>   | Trading           |

| (1)<br>Name of Free Commercial Zone                    | (2)<br>Activities |
|--|-------------------|
| 4. <i>Mukim of Kapar, District of Klang, Selangor:</i> | Commercial        |

All that land situated in the Mukim of Kapar, in the District of Klang, Selangor bounded by the grey line as shown in the *Gazette* Plan 882 deposited in the Office of the Director of Survey, Selangor excluding the areas specified below:

- (i) land occupied by the Kedah Cement, Gold Coin Feedmill, Petronas Bukering Installation, BP Bulk Installation, KFC Feedmill, PKE Export Handling Terminal, Central Sugar, Pengkalan Export Perkayuan-Shapadu and Jetty Services;
- (ii) lands occupied by Tank No. 22 of Fima Unitank, Tank No. 1-20 and No. 22-47 of Fimaly Bulking Installation and Tank No. 13-48 of Fima DEB;
- (iii) land occupied by the Klang Port Management Sdn. Bhd., comprising Export Stacking Bay (6 blocks: TA-TG), Refers Stack (2 blocks: RA- RB), Customs Examination Bay (3 block: 1-3), Godown Q (an area 220' X 150'), Godown P (an area 600' X 150'), Open Yard P (an area 660' X 217'), Transit Shed No. 13 (an area 100' X 101') Transit Shed No. 16 (an area 177' X 105'). Transit Shed No.18 ( an area 177' X 105') and Dock Area (an area 700' X 105');
- (iv) land occupied by the Klang Container Terminal comprising the Export Stack (Block B1-Rows B11 to B30, Slots 01 to 14) (Blocks B2-Rows B11 to B29, Slots 15 to 31) (Block C1-Rows C01 to C34 and C99 Slots 01-14) (Block C2-Rows 01 to C35 Slot 15 to 31) (Block F-Rows F16 to F25 Slots 01 to 11 Rows F01 to F15 Slots 01 to 03) (Block G-Rows 01 to G16 Slots 01 to 14) (Refer-Rows R01 to R52, Rows R59 to R87 Customs Examination Area bounded by the pink line as shown in the above *Gazette* Plan 882) (Rows E01 to E42 Slots 01 to 06) FS Stacking Area (Rows 01 to 06 Slots 16 to 62) and Container Freight Station (area=2.973 sq. m); and
- (v) land occupied by Port Klang Distribution Park Sdn. Bhd., comprising the Customs Holding Area (area=20,000 sq. ft.).

| (1)<br>Name of Free Commercial Zone  | (2)<br>Activities |
|--|-------------------|
| <p>5. <i>West Port, Pulau Indah, Mukim of Klang, District of Klang:</i></p> <p>All that land situated in the Mukim of Klang, District of Klang, Selangor bounded by the grey line as shown in the <i>Gazette</i> Plan 1174 deposited in the Office of the Director of Survey, Selangor.</p>  | Commercial        |
| <p>6. <i>Deep Water Wharf, Section 4, city of Butterworth, District of North Seberang Perai:</i></p> <p>All that land situated in Section 4, city of Butterworth, Northern District, Seberang Perai bounded by the grey line as shown in the <i>Gazette</i> Plan 573 deposited in the Office of the Director of Survey, Penang, excluding the areas specified below:</p> <p>(i) Land occupied by the Penang Port Sdn. Bhd. comprising of:</p> <p style="padding-left: 40px;">(a) Warehouse W2;</p> <p style="padding-left: 40px;">(b) Export Blocks (Block A-D: Slot Nos. 1-45) (Block E-H: Slot Nos. 1-23); and</p> <p style="padding-left: 40px;">(c) The Customs Examination Bay for containers (between Block D and the railway line);</p> <p>(ii) Land occupied by the Malaysia Agricultural Oil Sdn. Bhd. for Tank Nos. 1-6;</p> <p>(iii) Land occupied by the Butterworth Installation for Tank Nos. 1-13;</p> <p>(iv) Land occupied by the FIMA Palm Bulk Services Sdn. Bhd. for Tank Nos. 1-37;</p> <p>(v) Land occupied by the Palm Co. Holding Bhd. for Tank Nos. 1-4 and Tank Nos. 6-9; and</p> <p>(vi) Land occupied by the Kedah Oil Palm Bulking Installation for Tank Nos. 1-16.</p> | Commercial        |
| <p>7. <i>Mukim 12, District of Barat Daya, Penang:</i></p> <p>All that land situated in Mukim 12, District of Barat Daya, Penang, bounded by the grey line as shown in the <i>Gazette</i> Plan 495 deposited in the office of the Director of Survey and Mapping, Penang.</p>  | Commercial        |

| (1)<br>Name of Free Commercial Zone  | (2)<br>Activities |
|--|-------------------|
| <p>8. <i>Bukit Kayu Hitam Town and Mukim of Sungai Laka, District of Kubang Pasu, Kedah:</i></p> <p>All that land situated in the Town of Bukit Kayu Hitam and Mukim of Sungai Laka, District of Kubang Pasu, bounded by the grey line as shown in the <i>Gazette</i> Plan 1358 deposited in the Survey Office, Kedah.</p>   | Commercial        |
| <p>9. <i>Duty Free Area at Stulang Laut, Johor Bahru:</i></p> <p>All that land within the fenced area containing Lot PTB 10707 and PTB 20006 (excluding the Customs Office and the Customs Examination Area), of Mukim Bandar, in the District of Johor Bahru, Lot PTD 146378 and PTD 148062, of Mukim Plentong, in Bandar, in the District of Johor Bahru, the jetty at Lot PTB 20380 and the land at Lot 20438 (including the floating restaurant), of Mukim Bandar, in the District of Johor Bahru, Johor.</p>  | Commercial        |
| <p>10. <i>Kuala Lumpur International Airport, Sepang—</i></p> <p>All that land situated in the Town Area of Sepang International Airport, District of Sepang bounded by the grey line as shown in the <i>Gazette</i> Plan 1207 deposited in the office of the Director of Survey, State of Selangor.</p>   | Commercial        |
| <p>11. <i>Mukim of Tanjung Kupang, District of Johor Bahru, Johor:</i></p> <p>All that land situated in the Mukim of Tanjung Kupang, District of Johor Bahru, Johor bounded by the grey line as shown in the <i>Gazette</i> Plan 2219 deposited in the Office of the Director of Survey, Johor excluding the areas specified below:</p> <p style="padding-left: 40px;">land occupied by the Pelabuhan Tanjung Pelepas Sdn. Bhd., comprising Customs Inspection Bays bounded by the grey line as shown in the <i>Gazette</i> Plan 2219 (Block C–Row 12; an area of 3,834 square metres) and (Block F–Row 12; an area of 3,834 square metres).</p> | Commercial        |
| <p>12. <i>Pulau Layang-Layang</i></p> <p>All areas of Pulau Layang-Layang comprising an area of 10.1 km<sup>2</sup> located at Latitude N 07° 22.5' Longtitude E 113° 48.8' in the South China Sea within the Continental Platform of Malaysia.</p>  | Commercial        |

| (1)<br>Name of Free Commercial Zone   | (2)<br>Activities        |
|---|--------------------------|
| <p>13. <i>Mukim Rantau Panjang, District of Pasir Mas, Kelantan</i></p> <p>All that land situated in the Mukim of Rantau Panjang in the District of Pasir Mas, Kelantan bounded by the grey line as shown in the <i>Gazette</i> Plan 705 deposited in the Office of the Director of Survey, Kelantan excluding the areas specified below:</p> <p style="padding-left: 40px;">(i) the Customs Office and the Customs Examination Area; and</p> <p style="padding-left: 40px;">(ii) land occupied by Pos Malaysia Berhad, Rantau Panjang.</p> | <p>Commercial</p>        |
| <p>14. <i>Lot 1993 Mukim 12, District of Barat Daya, Penang:</i></p> <p>The Air Cargo Forwarding Agents Warehouse Complex, International Airport situated at part of Lot 1993 Mukim 12, District of Barat Daya, Penang bounded by grey line as shown in the <i>Gazette</i> Plan 730 deposited in the Office of the Director of Survey, Penang.</p>  | <p><i>Commercial</i></p> |
| <p>15. <i>South Point, Port Klang, Port Swettenham District of Klang, Selangor:</i></p> <p>South Point, Port Klang, Port Swettenham District of Klang, Selangor as shown by the bold line in <i>Gazette</i> Plan 1382 deposited in the Office of the Director of Survey and Mapping, Selangor.</p>  | <p>Commercial</p>        |
| <p>16. <i>Pulau Indah, Mukim Klang, District of Klang, Selangor:</i></p> <p>(Lot 67894) Pulau Indah, Mukim Klang, District of Klang, Selangor, as shown by the grey line in the <i>Gazette</i> Plan 1388 deposited in the Office of the Director of Survey and Mapping, Selangor.</p>   | <p>Commercial</p>        |

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## SECOND SCHEDULE

[Paragraph 10(1)(b)]

| (1)<br>Name of Free Industrial Zone  | (2)<br>Activities |
|--|-------------------|
| <p>1. <i>Mukim of Plentong, Johor Bahru:</i></p> <p>All that land situated in the Mukim of Plentong in the District of Johor Bahru, bounded by the grey line as shown in the <i>Gazette</i> Plan 2235 deposited in the Office of the Director of Survey, Johor.</p>  | Manufacturing     |
| <p>2. <i>Mukim of Pringgit, Central District of Malacca:</i></p> <p>All that land situated in the Mukim of Pringgit, in the Central District of Malacca, bounded by the grey line as shown in the <i>Gazette</i> Plan PG 109 deposited in the Office of the Director of Survey, Malacca.</p>   | Manufacturing     |
| <p>3. <i>Tanjung Kling, Mukim of Tanjung Kling, Central District of Malacca:</i></p> <p>All that land situated in Tanjung Kling, in the Mukim of Tanjung Kling, in the Central District of Malacca, bounded by the grey line as shown in the <i>Gazette</i> Plan 295 deposited in the office of the Director of Survey, Malacca.</p>                         | Manufacturing     |
| <p>4. <i>Mukim of Pringgit and Bukit Baru, in Central District of Malacca:</i></p> <p>All that land situated in the Mukim of Pringgit and Bukit Baru, in the Central District of Malacca, bounded by the grey line as shown in the <i>Gazette</i> Plan PG 108 deposited in the Office of the Director of Survey, Malacca.</p>                                | Manufacturing     |
| <p>5. <i>Mukim of Hulu Kinta in the District of Kinta, Perak:</i></p> <p>All that land situated in the Mukim of Hulu Kinta in the District of Kinta, bounded by the grey line as shown in the <i>Gazette</i> Plan 870 deposited in the Office of the Director of Survey, Perak.</p>  | Manufacturing     |
| <p>6. <i>Telok Panglima Garang in the District of Kuala Langat, Selangor:</i></p> <p>All that land situated in the Mukim of Telok Panglima Garang, in the District of Kuala Langat, Selangor, bounded by the grey line as shown in the <i>Gazette</i> Plan 460 and <i>Gazette</i> Plan 1269 deposited in the Office of the Director of Survey, Selangor.</p> | Manufacturing     |

| (1)<br>Name of Free Industrial Zone   | (2)<br>Activities |
|---|-------------------|
| <p>7. <i>Mukim of Ulu Klang, District of Gombak, Selangor:</i></p> <p>All that land situated in the Mukim of Ulu Klang, in the District of Gombak, Selangor bounded by the grey line as shown in the <i>Gazette</i> Plan 439 deposited in the Office of the Director of Survey, Selangor.</p>   | Manufacturing     |
| <p>8. <i>Mukim of Damansara, District of Klang, Selangor:</i></p> <p>All that land situated in the Mukim of Damansara, in the District of Klang, Selangor bounded by the grey line as shown in the <i>Gazette</i> Plan 375 deposited in the Office of the Director of Survey, Selangor.</p>   | Manufacturing     |
| <p>9. <i>Prai, Central District of Seberang Prai, Mukim 1, Penang:</i></p> <p>All that land bounded by the grey line as shown in the <i>Gazette</i> Plan 290 deposited in the Office of the Director of Survey, Penang.</p>   | Manufacturing     |
| <p>10. <i>Bayan Lepas, South West District, Mukim 12, Penang:</i></p> <p>(i) All that land bounded by the grey line as shown in the <i>Gazette</i> Plan 138 deposited in the Office of the Director of Survey, Penang;</p> <p>(ii) All that land bounded by the grey land as shown in the <i>Gazette</i> Plan 281 deposited in the Office of the Director of Survey, Penang;</p> <p>(iii) All that land bounded by grey line as shown in the <i>Gazette</i> Plan 289 deposited in the Office of the Director of Survey, Penang.</p> | Manufacturing     |
| <p>11. <i>Batu Berendam, Mukim of Bachang, Central District of Malacca:</i></p> <p>All that land situated in Batu Berendam, in the Mukim of Bachang, in the Central District of Malacca, bounded by the grey line as shown in the <i>Gazette</i> Plan 294 deposited in the office of the Director of Survey, Malacca.</p>   | Manufacturing     |

| (1)<br>Name of Free Industrial Zone  | (2)<br>Activities |
|--|-------------------|
| 12. <i>Kinta, Mukim of Hulu Kinta, District of Kinta, Perak:</i>   | Manufacturing     |
| <p>All that land situated in Kinta, in the Mukim of Hulu Kinta, in the District of Kinta, Perak bounded by the grey line as shown in the <i>Gazette</i> Plan 949 deposited in the office of the Director of Survey, Perak.</p> |                   |
| 13. <i>(Deleted by P.U. (B) 55/2001).</i>  |                   |
| 14. <i>Sama Jaya Kuching, Sarawak:</i>   | Manufacturing     |
| <p>All that land bounded by the grey line as shown in the Plan No. MPI/30-51 and MPI/30-62(B) deposited in the Office of the Director of Survey, Sarawak.</p>  |                   |
| 15. <i>Pulau Indah, Mukim Klang, District of Klang, Selangor:</i>  | Manufacturing     |
| <p>(Lot 67894) Pulau Indah, Mukim Klang, District of Klang, Selangor, as shown by the grey line in the <i>Gazette</i> Plan 1388 deposited in the Office of the Director of Survey and Mapping, Selangor.</p>                   |                   |

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THIRD SCHEDULE

[Section 49]

AMENDMENTS AND REPEAL

| (1)<br>Acts      | (2)<br>Amendments  |
|------------------|--|
| Customs Act 1967 | <p>Section 2 is amended by substituting for subsection (1A) the following new subsection (1A):</p> <p>“(1A) For the purposes of this Act (other than section 31), a free zone shall be deemed to be a place outside Malaysia.</p> <p>In this subsection, the expression “free zone” has the meaning assigned to it under section 2 of the Free Zones Act 1990 [Act 438].”.</p> |

| (1)<br>Acts                       | (2)<br>Amendments  |
|-----------------------------------|--|
| Excise Act 1976                   | Subsection 2(1) is amended by substituting for the definition of “free trade zone” the following new definition:<br><br>“ “free zone” has the meaning assigned to it under section 2 of the Free Zones Act 1990 [ <i>Act 438</i> ] and for the purposes of this Act a free zone shall be deemed to be a place outside Malaysia;”.    |
| Sales Tax Act 1972                | Section 2A is amended by substituting therefor the following new section 2A:<br><br>“2A. For the purpose of this Act, a free zone shall be deemed to be a place outside Malaysia.<br><br>In this section, the expression “free zone” has the meaning assigned to it under section 2 of the Free Zones Act 1990 [ <i>Act 438</i> ].”. |
| Service Tax Act 1975              | Insert immediately after section 2 the following new section 2A:<br><br>“2A. For the purposes of this Act, a free zone shall be deemed to be a place outside Malaysia.<br><br>In this section, the expression “free zone” has the same meaning assigned to it under section 2 of the Free Zones Act 1990 [ <i>Act 438</i> ].”.       |
| Promotion of Investments Act 1986 | (a) Subsection 36(5) is amended by substituting the words “Free Industrial Zone” for the words “Free Trade Zone” appearing therein; and<br><br>(b) subsection 36A(3) is amended by substituting the words “Free Industrial Zone” for the words “Free Trade Zone” appearing therein.  |
| Free Trade Zones Act 1971         | Repeal the whole.  |

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# LAWS OF MALAYSIA

## Act 438

### FREE ZONES ACT 1990

#### LIST OF AMENDMENTS

| Amending law         | Short title   | In force from   |
|----------------------|---|---|
| P.U. (B)<br>466/1992 | Free Zones (Amendment)<br>Notification 1992         | 24-09-1992  |
| P.U. (B)<br>465/1992 | Free Zones (Amendment)<br>(No. 2) Notification 1992 | 24-09-1992  |
| P.U. (B)<br>467/1992 | Free Zones (Amendment)<br>(No. 2) Notification 1992 | 24-09-1992  |
| P.U. (B)<br>468/1992 | Free Zones (Amendment)<br>(No.3) Notification 1992  | 24-09-1992  |
| P.U. (B)<br>94/1993  | Free Zones (Amendment)<br>Notification 1993         | 18-03-1993  |
| P.U. (B)<br>96/1993  | Free Zones (Amendment)<br>(No. 2) Notification 1993 | 01-04-1993  |
| Act A924             | Free Zones (Amendment)<br>Act 1995                  | 21-07-1995  |
| P.U. (B)<br>272/1996 | Free Zones (Amendment)<br>Notification 1996         | 20-06-1996  |
| P.U. (B)<br>420/1996 | Free Zones (Amendment)<br>(No. 2) Notification 1996 | 23-09-1996  |
| Act 557              | Finance Act 1997                                    | Chapter 2 (except paragraphs 4(a), 4(b), 19(a), 19(b), ss. 5, 7, 15-18, 20 and 21), Chapter 3 (except ss. 26, 29, 30 and 31) and Chapter 5 in force for the year of assessment 1997 and subsequent years of assessment ; Paragraph 4(a), ss. 16-18, paragraph 19(b), Chapter 4 (except ss. 33-37) |

| Amending law         | Short title                                     | In force from  |
|----------------------|---|--|
|                      |   | and Chapters 06-09—25-10-1996; Paragraph 4(b), ss. 5, 7,15, paragraph 19(a), s. 21 and Chapter 10—01-01-1997; ss. 20, 26, 29-31, 33-37—02-08-1996.   |
| P.U. (B)<br>199/1997 | Free Zones (Declared Area)<br>Notification 1997 | 15-05-1997   |
| P.U. (B)<br>200/1997 | Free Zones (Amendment)<br>Notification 1997     | 15-05-1997   |
| Act 578              | Finance Act 1998                                | Chapter II (except ss. 7, 8, 10, 14, 15 and 18 and paragraphs 21(d) and 21(g) has effect for the year of assessment 1998 and subsequent years of assessment; ss. 7, 8, 14 and 15 and paragraph 21(g)—01-01-1999; s. 10 —17-10-1997; s . 18 — 20-3-1998; paragraph 21(d) in force for the year of assessment 1999 and subsequent years of assessment; Chapter III (except for ss. 24, 27 and 28) has effect for the year of assessment 1998 and subsequent years of assessment ; s. 24— 17-10-1997, ss. 27 and 28 — 01-01-1999, s. 30—01-01-1999, ss. 31 and 32 —17-10-1997; Chapter V—01-01-1998; Chapter VI—17-10-1997; Chapter VII (except paragraph 38(d) and ss. 47, 48, 49, 51, 52 and 53)— 17-10-1997; Paragraph 38(d) and ss. 47, 48, 49, 51, 52 and 53—01-01-1998; Chapter VIII—01-01-1998 |
| P.U. (A)<br>144/1998 | Free Zones (Amendment)<br>Notification 1998     | 16-04-1998   |
| P.U. (A)<br>246/1998 | Free Zones (Declared<br>Area) Notification 1998 | 30-06-1998   |

| Amending law         | Short title   | In force from |
|----------------------|---|---------------|
| P.U. (A)<br>419/1999 | Free Zones (Amendment)<br>Notification 1999                       | 01-10-1999    |
| P.U. (A)<br>420/1999 | Free Zones (Declared<br>Area) Notification 1999                   | 01-10-1999    |
| P.U. (A)<br>319/2000 | Free Zones (Amendment)<br>Notification 2000                       | 24-08-2000    |
| P.U. (A)<br>326/2000 | Free Zones (Amendment)<br>Notification (No. 2) 2000               | 14-09-2000    |
| P.U. (B)<br>18/2001  | Free Zones (Amendment)<br>Notification 2001                       | 15-02-2001    |
| P.U. (B)<br>55/2001  | Free Zones (Amendment)<br>Notification (No. 2) 2001               | 01-03-2001    |
| P.U. (B)<br>79/2001  | Free Zones (Amendment)<br>Notification (No. 3) 2001               | 29-03-2001    |
| P.U. (B)<br>162/2001 | Free Zones (Amendment)<br>Notification (No. 2) 2001               | 07-06-2001    |
| Act A1113            | Free Zones (Amendment)<br>Act 2001                                | 06-07-2001    |
| P.U. (B)<br>575/2001 | Free Zones (Declared<br>Area) (Amendment) (No. 3)<br>Notification | 13-12-2001    |
| P.U. (B)<br>576/2001 | Free Zones (Amendment)<br>Notification (No. 5) 2001               | 13-12-2001    |
| Act A1166            | Free Zones (Amendment) Act 2002                                   | 01-09-2002    |
| P.U. (B)<br>337/2002 | Free Zones (Amendment)<br>Notification 2002                       | 01-11-2002    |
| P.U. (B)<br>192/2003 | Free Zones (Amendment)<br>Notification 2002                       | 01-06-2003    |
| P.U. (B)<br>65/2004  | Free Zones (Declared Area)<br>Notification 2004                   | 19-02-2004    |
| P.U. (B)<br>193/2005 | Free Zones (Declared Area)<br>Notification 2004                   | 09-06-2005    |

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## LAWS OF MALAYSIA

### Act 438

### FREE ZONES ACT 1990

#### LIST OF SECTIONS AMENDED

| Sections | Amending authority | In force from |
|----------|--------------------|---------------|
| 2        | Act A924           | 21-07-1995    |
|          | Act 557            | 25-10-1996    |
|          | Act A578           | 01-01-2000    |
|          | Act A1166          | 01-09-2002    |
| 5        | Act 557            | 25-10-1996    |
| 6A       | Act 557            | 25-10-1996    |
| 8        | Act 557            | 25-10-1996    |
| 9        | Act 557            | 25-10-1996    |
| 10       | Act 557            | 25-10-1996    |
| 11       | Act 557            | 25-10-1996    |
| 12       | Act 557            | 25-10-1996    |
| 13       | Act 557            | 25-10-1996    |
| 17       | Act A924           | 21-07-1995    |
| 23A      | Act A1113          | 06-07-2001    |
| 25       | Act A1113          | 06-07-2001    |
| 27       | Act A1113          | 06-07-2001    |
|          | Act A578           | 01-01-2000    |
| 28       | Act A1113          | 06-07-2001    |
| 30       | Act A1113          | 06-07-2001    |
|          | Act 557            | 25-10-1996    |
| 30A      | Act A1113          | 06-07-2001    |
| 32       | Act A1113          | 06-07-2001    |

| Sections          | Amending authority | In force from |
|-------------------|--------------------|---------------|
| 33                | Act A1113          | 06-07-2001    |
| 42                | Act A924           | 21-07-1995    |
| 42A               | Act A924           | 21-07-1995    |
| 42B               | Act A924           | 21-07-1995    |
| 42C               | Act A924           | 21-07-1995    |
| First Schedule    | P.U. (B) 94/1993   | 18-03-1993    |
|                   | P.U. (B) 96/1993   | 01-04-1993    |
|                   | P.U. (B) 272/1996  | 20-06-1996    |
|                   | P.U. (B) 420/1996  | 23-09-1996    |
|                   | P.U. (B) 200/1997  | 15-05-1997    |
|                   | P.U. (A) 144/1998  | 16-04-1998    |
|                   | P.U. (A) 246/1998  | 30-06-1998    |
|                   | P.U. (A) 419/1999  | 01-10-1999    |
|                   | P.U. (B) 79/2001   | 29-03-2001    |
|                   | P.U. (B) 576/2001  | 13-12-2001    |
|                   | P.U. (B) 337/2002  | 01-11-2002    |
|                   | P.U. (B) 192/2003  | 01-06-2003    |
| P.U. (B) 65/2004  | 19-02-2004         |               |
| P.U. (B) 193/2005 | 09-06-2005         |               |
| Second Schedule   | P.U. (B) 466/1992  | 24-09-1992    |
|                   | P.U. (B) 467/1992  | 24-09-1992    |
|                   | P.U. (B) 468/1992  | 24-09-1992    |
|                   | P.U. (B) 94/1993   | 18-03-1993    |
|                   | P.U. (B) 272/1996  | 20-06-1996    |
|                   | P.U. (A) 319/2000  | 24-08-2000    |
|                   | P.U. (B) 326/2000  | 14-09-2000    |
|                   | P.U. (B) 18/2001   | 15-02-2001    |
|                   | P.U. (B) 55/2001   | 01-03-2001    |
|                   | P.U. (B) 162/2001  | 07-06-2001    |
|                   | P.U. (B) 193/2005  | 09-06-2005    |

