



LAWS OF MALAYSIA

Act A1709

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS
(AMENDMENT) ACT 2024**

Date of Royal Assent	14 May 2024
Date of publication in the <i>Gazette</i>	24 May 2024

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Act A1709

MUTUAL ASSISTANCE IN CRIMINAL MATTERS (AMENDMENT) ACT 2024

An Act to amend the Mutual Assistance in Criminal Matters Act 2002.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Mutual Assistance in Criminal Matters (Amendment) Act 2024.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 2

2. The Mutual Assistance in Criminal Matters Act 2002 [*Act 621*], which is referred to as the “principal Act” in this Act, is amended—

(a) in subsection 2(1)—

(i) by substituting for the definition of “financial institution” the following definition:

‘ “financial institution” means—

- (a) a licensed bank, licensed insurer and licensed investment bank under the Financial Services Act 2013 [*Act 758*];
 - (b) a licensed international Islamic bank, licensed international takaful operator, licensed Islamic bank and licensed takaful operator under the Islamic Financial Services Act 2013 [*Act 759*];
 - (c) a prescribed institution under the Development Financial Institutions Act 2002 [*Act 618*];
 - (d) a licensee under the Money Services Business Act 2011 [*Act 731*];
 - (e) a person licensed or registered under the Capital Markets and Services Act 2007 [*Act 671*];
 - (f) a central depository under the Securities Industry (Central Depositories) Act 1991 [*Act 453*];
 - (g) a bank licensee, an insurance licensee, a securities licensee and any licensed entity under the Labuan Financial Services and Securities Act 2010 [*Act 704*]; and
 - (h) an Islamic bank licensee, a takaful licensee, an Islamic securities licensee and any licensed entity under the Labuan Islamic Financial Services and Securities Act 2010 [*Act 705*];’;
- (ii) by deleting the definition of “offshore financial institution”;

- (iii) by substituting for the definition of “serious offence” the following definition:

‘ “serious offence” means—

(a) an offence against the laws of Malaysia in respect of which the punishment provided by the law is imprisonment for a period of at least one year, or a more severe punishment; or

(b) any attempt, abetment or conspiracy to commit any of the offences referred to in paragraph (a);’;

- (iv) in the definition of “foreign serious offence” by substituting for paragraph (a) the following paragraph:

“(a) against the laws of a prescribed foreign State in respect of which the punishment provided by the law is imprisonment for a period of at least one year, or a more severe punishment; and”;

- (v) in the definition of “authorized officer” in paragraph (d), by substituting for the words “Anti-Corruption Agency” the words “Malaysian Anti-Corruption Commission”;

- (vi) by inserting after the definition of “foreign law immunity certificate” the following definition:

‘ “instrumentalities” means—

(a) any thing which is used in, or in connection with, the commission of any serious offence or foreign serious offence; or

- (b) any property which is wholly or partly used in, or in connection with, the commission of any serious offence or foreign serious offence,

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

- (vii) in the definition of “forfeiture order” by inserting after the word “property” the words “or instrumentalities”;

- (viii) in the definition of “foreign forfeiture order”—

- (A) in paragraph (a), by deleting the word “or” at the end of that paragraph;

- (B) in paragraph (b), by substituting for the comma at the end of that paragraph the words “; or”;

- (C) by inserting after paragraph (b) the following paragraph:

“(c) instrumentalities or the value of such instrumentalities;”;

- (D) by deleting the words “that is made on or after the date of the order under subsection 17(1) declaring a foreign State as a prescribed foreign State comes into force or on or after the date of the special direction given by the Minister in respect of a foreign State under section 18;”;

- (ix) in the definition of “ancillary criminal matter”, in paragraph (a), by inserting after the word “property” the words “or instrumentalities”; and

(b) in subsection 2(3)—

- (i) by substituting for the words “that are criminal proceedings are” the words “in a prescribed foreign State are”;
- (ii) by substituting for paragraph (a) the following paragraph:

“(a) instituted when any action is brought in court against a person in relation to a foreign serious offence;”;

and
- (iii) in subparagraph (b)(vi), by inserting after the word “property” the words “or instrumentalities”.

Amendment of section 3

3. Paragraph 3(c) of the principal Act is amended by inserting after the word “property” the words “or instrumentalities”.

Amendment of section 7

4. Subsection 7(2) of the principal Act is amended by inserting after the words “diplomatic channel” the words “, or where the circumstances require, may be made directly to the relevant authority as determined by the foreign State”.

Amendment of section 13

5. Section 13 of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the words “property concerned is located” the words “property or instrumentalities concerned is or are located”;

- (ii) in paragraph (b), by substituting for the words “in criminal proceedings which have been or are to be instituted in Malaysia, to restrain dealing in any property” the words “in Malaysia to restrain dealing in any property or instrumentalities”; and

(b) in subsection (2)—

- (i) in paragraph (a), by substituting for the words “property has been recovered” the words “property or instrumentalities has or have been recovered”;
- (ii) in paragraph (b), by inserting after the word “property” the words “or instrumentalities”; and
- (iii) in paragraph (c), by substituting for the words “property was recovered” the words “property or instrumentalities was or were recovered”.

Amendment of section 19

6. Section 19 of the principal Act is amended—

- (a) in subsection (2), by inserting after the words “diplomatic channel” the words “, or where the circumstances require, may be made directly to the Attorney General”; and

(b) in subsection (3)—

- (i) by deleting subparagraph (c)(i); and
- (ii) in subparagraph (c)(iii)—
 - (A) in subsubparagraph (B), by substituting for the words “property that is suspected” the words “property or instrumentalities that is or are suspected”; and

- (B) by inserting after the words “description of the property” the words “or instrumentalities”.

Amendment of section 20

- 7. Paragraph 20(1)(h) of the principal Act is amended by deleting the words “is of insufficient importance to the investigation or”.

Amendment of section 23

- 8. Subparagraph 23(4)(b)(i) of the principal Act is amended by substituting for the words “likely to be of substantial value, whether by itself or together with another thing,” the word “relevant”.

Amendment of section 31

- 9. Subsection 31(1) of the principal Act is amended by substituting for the words “property that is” wherever appearing the words “property or instrumentalities that is or are”.

Amendment of section 34

- 10. Subsection 34(1) of the principal Act is amended—

- (a) in paragraph (c), by inserting after the word “property” the words “or instrumentalities”; and

- (b) in paragraph (e), by inserting after subsubparagraph (i)(B) the following subsubparagraph:

- “(C) instrumentalities or the value of such instrumentalities; or”.

Amendment of section 36

11. Subparagraph 36(2)(b)(i) of the principal Act is amended by substituting for the words “likely to be of substantial value, whether by itself or together with another thing,” the word “relevant”.

Amendment of section 38

12. Section 38 of the principal Act is amended in the shoulder note by substituting for the words “**in respect of authorized officer executing**” the words “**in compliance of**”.

New section 41A

13. The principal Act is amended by inserting after section 41 the following section:

“Application of other written laws

41A. (1) In providing assistance in criminal matters under this Part, the provisions of any other written laws relating to the powers of an authorized officer shall apply in so far as those provisions are not inconsistent with this Act.

(2) For the purposes of subsection (1), the protection and immunity conferred on the authorized officer in exercising the powers under such other written laws shall apply to the authorized officer.”.



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WJW24/XXXX 24-05-2024