

# **SERVICE TAX (COMPOUNDING OF OFFENCES) (AMENDMENT) REGULATIONS 2019**

PU (A) 233  
30 August 2019

IN exercise of the powers conferred by subsection 80(1) of the Service Tax Act 2018 [Act 807], the Minister, with the approval of the Public Prosecutor, makes the following regulations:

## **Citation and commencement**

1(1) These regulations may be cited as the **Service Tax (Compounding of Offences) (Amendment) Regulations 2019**.

1(2) These Regulations come into operation on 1 September 2019.

## **Amendment of regulation 4**

2 The Service Tax (Compounding of Offences) Regulations 2018 [*P.U. (A) 218/2018*], which are referred to as the “principal Regulations”, are amended—

- (a) in subregulation (2), by substituting for the words “fourteen days” wherever appearing the words “fourteen days or such extended time as the Director General may grant”; and
- (b) in subregulation (3), by substituting for the words “on or before the expiry of the period” the words “within the period”.

## **Amendment of regulation 5**

3 Regulation 5 of the principal Regulations is amended—

- (a) in subregulation (1)—
  - (i) by deleting the words “banker’s cheque or”; and
  - (ii) by deleting the words “or through electronic banking”; and
- (b) by deleting subregulation (2).

## **Amendment of First Schedule**

4 The First Schedule of the principal Regulations is amended in paragraph (a)—

- (a) in item (vi), by substituting for the word “(7)” the word “(8)”; and
- (b) by inserting after item (vi) the following item:  
“(viA) subsections 26A(2) and (4);”.

## **Amendment of Second Schedule**

5 The Second Schedule to the principal Regulations is amended—

- (a) by substituting for Form 2 the following form—

"FORM 2  
[Subregulation 3(1)] SERVICE TAX ACT 2018  
SERVICE TAX (COMPOUNDING OF OFFENCES) REGULATIONS 2018 OFFER TO COMPOUND OFFENCES

Reference number : .....  
Service tax register number : .....  
Date : .....

Royal Malaysian Customs Department  
.....  
.....  
.....  
.....

To:  
.....  
.....  
.....  
.....

Sir/Madam\*,

An investigation has been conducted against you .....\*  
*(state name of company/business/other body, if any\*)*

and you are found to have committed the offence under the Service Tax Act 2018 [Act 807]/regulations made under the Act with the following particulars:

- (a) relevant provisions of the Act/regulations \* :  
.....  
.....
- (b) date : .....
- (c) time : .....
- (d) place : .....
- (e) particulars of offence/offences:  
.....  
.....

2. Pursuant to subsection 80(2) of the Service Tax Act 2018, with the consent in writing of the Public Prosecutor, you are offered a compound for the offence/offences stated above for the sum of RM ..... (Ringgit Malaysia ..... only).

3. If an offer to compound is accepted, payment may be made by bank draft crossed with the words "Account Payee Only" made payable to the Director General of Customs and send by hand to the relevant Customs office.

4. An official receipt shall be issued on receipt of the payment of the compound.

5. This offer to compound shall be valid until.....
6. If there is no payment received within period referred to in paragraph 5, prosecution for the offence may be instituted against you without further notice.

Thank you.

“BERKHIDMAT UNTUK NEGARA”

Director General of Customs and Excise Royal Malaysian Customs Department

\*Delete whichever is inapplicable”

(b) by substituting for Form 3 the following form—

“FORM 3  
 [Subregulation 3(2)] SERVICE TAX ACT 2018  
 SERVICE TAX (COMPOUNDING OF OFFENCES) REGULATIONS 2018  
 ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

To:  
 .....  
 .....  
 .....

Sir,

I refer to the Offer to Compound Offences bearing the Reference No. .... dated .....

2. I admit that I have committed this offence/these offences and I accept the offer of compound and enclosed herewith the payment by bank draft crossed with the words “Account Payee Only” made payable to the Director General of Customs for the sum of RM..... (Ringgit Malaysia..... only) as full settlement of the sum stipulated in paragraph 2 of the Offer to Compound Offences.

Signature : .....  
 Name (*in capital letter*) : .....  
 \*Identification No./Passport No. : .....  
 For and on behalf (if applicable) : .....  
(name of \*company/business)

Official stamp of \*company/business (*if applicable*) :  
 .....

Address :

.....  
.....

Date : .....



\*Delete whichever is inapplicable”.