

No. S 24

**OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(S 6/2006)**

OFFENDERS (PROBATION AND COMMUNITY SERVICE) REGULATIONS, 2007

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OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(S 6/2006)

OFFENDERS (PROBATION AND COMMUNITY SERVICE) REGULATIONS, 2007

In exercise of the power conferred by section 18 of the Offenders (Probation and Community Service) Order, 2006, the Minister of Culture, Youth and Sports, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Offenders (Probation and Community Service) Regulations, 2007 and shall commence on the date appointed for the commencement of the Offenders (Probation and Community Service) Order, 2006 (S 6/2006).

Duties of Chief Probation Officer.

2. The duties of the Chief Probation Officer are as follows —

(a) to be responsible to the Minister, or such other person as the Minister may appoint, for the administration of the probation service;

(b) to assign probation officers;

(c) to maintain a register of all volunteer probation officers appointed under subsection (2) of section 3 of the Order;

(d) to maintain case-records and statistics of the work undertaken by probation officers;

(e) to submit to the Minister in the month of January of each year a return of all persons dealt with during the preceding year; and

(f) to perform such other duties as may be required to be performed by him under the Order, or by the Minister or by any person appointed by the Minister.

Probation committee.

3. (1) There is hereby appointed a probation committee consisting of the following persons —

- (a) the Permanent Secretary of the Ministry of Culture, Youth and Sports or his representative;
 - (b) the Attorney General or his representative;
 - (c) the Commissioner of Police or his representative;
 - (d) Director of Community Development;
 - (e) the Chief Probation Officer;
 - (f) the Chief Magistrate or his representative; and
 - (g) 5 other persons to be appointed by the Minister;
- (2) The probation committee shall consist of male and female members.

Chairman of committee.

4. The probation committee shall appoint one of its members to act as chairman.

Absence of chairman.

5. If the chairman is absent from any meeting of the probation committee, the members present shall elect from amongst themselves a person to be the chairman.

Secretary to committee.

6. The Chief Probation Officer shall be the secretary to the probation committee.

Meetings of probation committee.

7. Subject to these Regulations, the probation committee shall meet at such times and places and shall make such arrangements as to the transaction and management of its business as it thinks proper, and may regulate its own procedure.

Quorum.

8. No business shall be transacted at any such meeting unless 6 or more members of the probation committee are present.

Voting.

9. Every question at a meeting of the probation committee shall be determined by a majority of the votes of the members present and voting.

Chairman's casting vote.

10. In the event of an equality of votes, the chairman shall have a casting vote.

Saving.

11. The proceedings of the probation committee shall not be invalidated by reason of any vacancy amongst its members or any defect in the mode of appointment of any of its members.

Case committees.

12. The probation committee shall appoint from among its members one or more case committees to deal with persons placed on probation.

Convenor of case committees.

13. The Chief Probation Officer shall act as convenor of any case committee.

Duties of case committees.

14. A case committee shall —

(a) receive and consider written and oral reports from probation officers and volunteer probation officers on the progress of each of the cases under their supervision;

(b) afford such help and advice to probation officers and volunteer probation officers in performing their duties; and

(c) direct, where necessary, any information furnished to the committee to be given to the court;

Reports by volunteer probation officers.

15. Without prejudice to the foregoing provisions of these Regulations, any report by a volunteer probation officer may be presented to the case committee or to the court by a probation officer on behalf of that volunteer probation officer.

Annual reports of case committees.

16. A case committee shall furnish an annual report to the probation committee.

Medical etc. reports.

17. Where a court requires a pre-sentence report to be accompanied by a medical, psychiatric or psychological report on the person to whom that pre-sentence report relates, the probation officer shall obtain the medical, psychiatric, psychological report or any other relevant reports and forward it to the court with the pre-sentence report.

Probation officer to have access to medical etc. reports.

18. In the preparation of a pre-sentence report, the probation officer shall have access to and shall consider the contents of any medical, psychiatric, psychological report or any other relevant reports.

Supervision.

19. Subject to any provision in a probation order, a probation officer or volunteer probation officer who undertakes the supervision of any probationer shall —

(a) ensure that he understands —

- (i) the effect of the order placing him under his supervision; and
- (ii) the court's power to amend or discharge the order;

(b) keep in close contact with the probationer, and unless there is good reason for not doing so, visit his residence from time to time and require him to report at stated intervals:

Provided that the number of meetings for the first month of probation shall not be less than one a week;

(c) where appropriate, in respect of that probationer, make use of any statutory or voluntary agency which might contribute to his welfare and take advantage of any available social, recreational, religious or educational facilities suited to the probationer's age, ability and temperament; and

(d) where appropriate, endeavour to ensure that probationer is in suitable and regular employment.

Case-records.

20. A probation officer or volunteer probation officer shall maintain case-records on each placed under his supervision and shall make entries of each case without delay.

Keeping of case-records

21. Case-records of probationers shall be kept by the Chief Probation Officer at his office.

Dress rule.

22. A probation officer or volunteer probation officer shall not wear any uniform or badge distinctive of his office.

Forms.

23. The forms set out in the Schedule are prescribed as the forms to be used for the purposes of the Order.

SCHEDULE
(regulation 23)

FORMS

FORM P.O. 1
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(section 5)

PROBATION ORDER

In the Court
Court Case No.

WHEREAS NRIC No.
(Name in full)

..... (hereinafter called the defendant)
(Address)

appeared before the Court and was on the
day of 20..... convicted/found guilty of the offence;
(State nature of offence)

AND WHEREAS the Court is of the opinion that having regard to the
circumstances, including the nature of the offence and the character of the
defendant, it is expedient to make a probation order against him;

AND WHEREAS the Court has explained to the defendant the effect of this
Order and the defendant has expressed his willingness to comply with the
requirements thereof;

NOW, THEREFORE, it is hereby ordered that the defendant be required
for the period of years(s) next ensuing to be under the supervision of a
probation officer/volunteer probation officer; and it is further ordered that he
shall during that period comply with the following requirements –

(a) that he will be of good behaviour and keep the peace;

- (b) that he will report to and receive visits from the probation officer or volunteer probation officer;
- (c) that he will not change his employment without the prior written approval of the probation officer or volunteer probation officer;
- (d) that he will notify the probation officer or volunteer probation officer forthwith of any change of his residence;
- (e) that he will carry out such lawful instructions as may from time to time be given to him by the probation officer or volunteer probation officer;
- (f) *

Dated this day of 20

(Seal of the Court)

.....
Judge/Magistrate

* Insert any further requirements.

FORM P.O. 2
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(section 6)

ORDER DISCHARGING PROBATION ORDER

In the Court
Court Case No.

WHEREAS NRIC No. of
(Name of probationer)
..... appeared before the
(Address)
Court and a probation order was made by that Court requiring him/her to be
under the supervision of a probation officer/volunteer probation officer for a
period of year(s) and further requiring him to *

AND WHEREAS the Court has explained to the probationer the effect of
this discharge;

AND WHEREAS an application to discharge the Order has been made by
the probation officer/volunteer probation officer/probationer to the Court;

NOW, THEREFORE, the Court hereby discharges the Order.

Dated this day of 20

(Seal of the Court)

.....
Judge/Magistrate

Case File No.

Supervising probation officer/

volunteer probation officer

.....
(Name in block letters)

* Here set out requirements.

FORM P.O. 3
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(section 6)

ORDER AMENDING PROBATION ORDER

In the Court
Court Case No.

WHEREAS NRIC No. of
(Name of probationer)
..... appeared before the
(Address)
Court and a probation order was made by that Court requiring him to be under
the supervision of a probation officer/volunteer probation officer for a period of
..... year(s) and further requiring him to *.....;

AND WHEREAS the Court has explained to the probationer the effect of
this amendment and the probationer has expressed his willingness to comply
with the requirements of the Order as amended;

AND WHEREAS an application to amend the Order has been made by the
probation officer/volunteer probation officer/probationer to the Court;

NOW, THEREFORE, the Court hereby amends the Order as follows†
.....
.....

Dated this day of 20

(Seal of the Court)

.....
Judge/Magistrate

Case File No.

Supervising probation officer/
volunteer probation officer

.....
(Name in block letters)

* Here set out requirements which is amended.

† Here set out details of amendment.

FORM P.O. 4
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(section 7)

INFORMATION FOR BREACH OF REQUIREMENTS OF PROBATION ORDER

In the Court
Court Case No.

The information of NRIC No.
(Name of informant)
of
(Address)
who (upon/oath/affirmation) state:
..... NRIC No.
(Name of Probationer)
..... (hereinafter called the defendant) was on the
(Address)
day of 20 convicted/found guilty by the
Court of the following offence(s):
.....;

On the day of 20, the Court made a
probation order requiring the defendant to be under the supervision of a
probation officer/volunteer probation officer for the period of year(s) then
next ensuing and further requiring the defendant (amongst other things) to *
.....
.....
.....;

The defendant did on the day of20 fail to
comply with the last-mentioned requirement in that the defendant†.....
.....
.....

Taken and sworn/affirmed before me on this day of 20

(Seal of the Court)

.....
Signature of informant

.....
Judge/Magistrate

Order of the Court
.....

Case File No.

Supervising probation officer/
volunteer probation officer

.....
(Name in block letters)

* Here set out requirements which is contravened.

† Here set out particulars of breach.

FORM P.O. 5
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006
(section 9)

INFORMATION OF COMMISSION OF FURTHER
OFFENCE DURING PROBATION PERIOD

In the Court
Court Case No.

The information of who (upon oath/affirmation)
states: NRIC No.
(Name of probationer)
of (hereinafter called the defendant)
(Address)
was on the day of 20..... convicted/found guilty by
the Court of the following offence(s):
.....
.....;

On the day of 20..... the Court made a
probation order against the defendant for the period of year(s) next
ensuing subject to the condition that the defendant should commit no offence
during the period;

The defendant was on the day day of 20
convicted/found guilty by the Court of the following offence(s)
of.....
.....
committed by him during that period, namely that on the
day of 20..... he was sentenced/ordered to
.....

Taken and sworn/affirmed before me on the day of 20....

.....
Signature of informant

(Seal of the Court)

.....
Judge/Magistrate

Order of the Court

Case File No.

Supervising probation officer/
volunteer probation officer

.....
(Name in block letters)

FORM P.O. 6
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006

BOND OF SECURITY FOR GOOD BEHAVIOUR
IN RESPECT OF A PROBATIONER

In the Court
Court Case No.

Before the Court

.....
(Name of probationer)

NRIC No. of
(Address)

having appeared before the Court on the day
of 20;

And a probation order having been made by the Court requiring him for
the period of year(s) next ensuing to be under the supervision of a
probation officer/volunteer probation officer and further requiring him —

- (a) to be of good behaviour and keep the peace;
- (b) to report to and receive visits from the probation officer/volunteer
probation officer;
- (c) not to change his employment without the prior approval of the
probation officer/volunteer probation officer;
- (d) to notify the probation officer/volunteer probation officer forthwith of
any change in his residence;
- (e) to carry out such lawful instructions as may from time to time be given
by the probation officer;
- (f) *
.....;

I/We hereby acknowledge myself/ourselves surety/sureties for him that he will comply with these requirements and in case of him making default therein, I/We bind myself/ourselves jointly and severally to forfeit to the Government the sum of dollars

Dated this day of 20

- | | |
|---------------------|---------------------|
| 1. Signature: | 2. Signature: |
| Name: | Name: |
| NRIC No.: | NRIC No.: |
| Address: | Address: |
| | |

Acknowledged before me,

.....
Sworn Interpreter

(Seal of the Court)

.....
Judge/Magistrate

Case File No.

Supervising probation officer/
volunteer probation officer
(Name in block letters)

* Insert any further requirements.

FORM P.O. 7
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006

INFORMATION OF COMMISSION OF FURTHER OFFENCE
DURING PERIOD OF CONDITIONAL DISCHARGE

In the Court
Court Case No.

The information of who (upon oath/affirmation)
(Name of informant)
states: NRIC No.
(Name)
of (hereinafter called the defendant) was
(Address)
on the day of 20..... convicted/found guilty by the
..... Court of the following offence(s):
.....
.....;

On the day of 20..... the Court discharged the
defendant subject to the condition that the defendant should commit no offence
during the period of month(s) then next ensuing;

The defendant was on the day of 20....
convicted/found guilty by the Court of the offence(s) of
.....
committed by him during that period, namely that on the
day of 20 he was sentenced/ordered to
.....

Taken and sworn/affirmed before me on the day of 20....

.....
Signature of informant

(Seal of the Court)

.....
Judge/Magistrate

Order of the Court

.....

FORM P.O. 8
OFFENDERS (PROBATION AND COMMUNITY SERVICE) ORDER, 2006

BOND OF SECURITY FOR GOOD BEHAVIOUR
IN RESPECT OF A PERSON CONDITIONALLY DISCHARGED

In the Court

Court Case No.

Before the Court
(Name)

holder of NRIC No. of
(Address)

(hereinafter called the defendant) having appeared before the
Court on the day of 20.....;

And the Court having ordered that the said defendant be discharged subject
to the condition that the defendant commits no offence during the period of
..... year(s) next ensuing;

I/We hereby acknowledge myself/ourselves surety/sureties for the
defendant that he will comply with that condition and in case of him making
default therein, I/We bind myself/ourselves jointly and severally to forfeit to the
Government the sum of dollars

Dated this day of 20

1. Signature:	2. Signature:
Name:	Name:
NRIC No.:	NRIC No.:
Address:	Address:
.....

Acknowledged before me,

.....
Signature of informant

(Seal of the Court)

.....
Judge/Magistrate

Made this 14th. day of Rabiulawal, 1428 Hijriah corresponding to the
2nd. day of April, 2007.

PEHIN ORANG KAYA SERI DEWA MEJAR JENERAL (B)
DATO SERI PAHLAWAN HAJI AWANG MOHAMMAD BIN
HAJI DAUD
Minister of Culture, Youth and Sports.