



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG

**Kawalan Penerbitan-Penerbitan Yang Diimport (Pindaan)
1983**

DR.23/1983

Naskhah sahih—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Kawalan Penerbitan-Penerbitan Yang Diimport 1958.

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya seperti berikut:

1. Akta ini bolehlah dinamakan Akta Kawalan Penerbitan-Penerbitan Yang Diimport (Pindaan) 1983.

Tajuk
ringkas.

2. Seksyen 2 Akta Kawalan Penerbitan-Penerbitan Yang Diimport 1958, yang disebut "Akta ibu" dalam Akta ini, adalah dipinda dengan memasukkan selepas sahaja angka "4" dalam perenggan (a) takrif bagi "prohibited publication" huruf "F".

Pindaan
seksyen 2.
Akta 63.

3. Akta ibu adalah dipinda dengan memasukkan selepas sahaja seksyen 3, seksyen baru 4, 4A, 4B, 4C, 4D dan 4E yang berikut:

Seksyen
baru 4, 4A,
4B, 4C, 4D
dan 4E.

"Power to
require
payment
of a
deposit to
import
publication.

4. (1) The Minister may by order published in the Gazette require any foreign publisher to pay a deposit in such sum as he may determine for the importation of all or any publication published by such publisher.

(2) Where a deposit is required to be paid in pursuance of subsection (1), no such publication published by the publisher concerned can be imported into Malaysia without the publisher paying such deposit and a licence issued by the Chief Controller for the importation thereof.

(3) Whoever imports into Malaysia such publication as has been gazetted under subsection (1) and which has not complied with subsection (2) shall be punished with a fine which may extend to five thousand ringgit or with an imprisonment for a term which may extend to one year or with both.

Application
and issue
of a licence.

4A. (1) An application for a licence for the purpose of section 4 (2) shall be made to the Chief Controller.

(2) Where the Minister requires any foreign publisher to pay a deposit pursuant to section 4 (1) the Chief Controller shall require the foreign publisher to pay the deposit upon receipt of an application for a licence under this section.

Liability
of foreign
publisher.

4B. The foreign publisher shall be responsible and liable for any material published in any publication imported into Malaysia.

Foreign
publisher
to show
cause,
forfeiture
of deposit
and can-
cellation
of licence.

4C. (1) Where any action is filed by any person in any court in Malaysia, whether criminal or civil, against any foreign publisher in respect of anything published in any publication imported into Malaysia, and the Minister is satisfied on information and after such enquiry as he thinks necessary that the publisher failed to appear in court in respect of such action he may require the foreign publisher to show cause within such period as he may determine why the deposit should not be forfeited.

(2) If the foreign publisher fails to show cause to the satisfaction of the Minister within the time specified, the Minister shall forfeit the deposit and forthwith direct the Chief Controller to cancel the licence and to inform the licensee of such cancellation.

Obligation of court to inform Minister of non-appearance by foreign publisher.

4D. The court in which any action, either criminal or civil, is filed against the foreign publisher in respect of anything published in any of his publications imported into Malaysia, shall forthwith inform the Minister in writing of the failure on the part of such publisher to appear in court in respect of such action on the date he was required to appear.

Application for a new licence notwithstanding the foreign publisher having been dealt with.

4E. (1) Notwithstanding section 4C (2), the Chief Controller may, on application by any person intending to import any publication from any foreign publisher who has been dealt with under section 4C (2), grant such an application.

(2) The provisions of sections 4, 4A, 4B and 4C shall apply to an application made under subsection (1)."

4. Seksyen 4 Akta ibu yang sedia ada adalah dipinda dengan menomborkannya semula sebagai seksyen 4F.

Seksyen baru 4F.

5. Seksyen 5 Akta ibu adalah dipinda dengan memasukkan selepas sahaja angka "4" dalam subseksyen (1) dan dalam nota birai kepadanya huruf "F".

Pindaan seksyen 5.

6. Seksyen 9 Akta ibu adalah dipinda—

Pindaan seksyen 9.

(a) dengan memasukkan selepas sahaja perkataan "publication" dalam subseksyen (1) perkataan-perkataan "or any publication for which no licence has been issued for the purpose of section 4 (2) or that the licence has been cancelled under section 4C (2)"; dan

(b) dalam subseksyen (2)—

(i) dengan menggantikan noktah selepas perkataan "thereof" di hujung perenggan

(b) dengan koma bertitik; dan

(ii) dengan menambah selepas sahaja perenggan (b), perenggan baru (c) yang berikut :

“(c) to contain or consist of any publication for which no licence has been issued for the purpose of section 4 (2) or that the licence has been cancelled under section 4c (2) or any extract therefrom the article shall be confiscated and the officer may, with the approval of the Chief Controller, destroy or cause it to be destroyed.”.

Pindaan
seksyen 10.

7. Seksyen 10 Akta ibu adalah dipinda dengan memasukkan selepas sahaja angka “4” dalam perenggan (a) subseksyen (1) huruf “F”.

Pindaan
seksyen 12.

8. Seksyen 12 Akta ibu adalah dipinda—

(a) dengan memasukkan selepas sahaja perkataan “publication” di baris 12 dalam subseksyen (1) perkataan-perkataan “or any publication for which no licence has been issued for the purpose of section 4 (2) or that the licence has been cancelled under section 4c (2)”;

(b) dengan memasukkan selepas sahaja perkataan “publication” di baris 14 dalam subseksyen (1) perkataan-perkataan “or any publication for which no licence has been issued for the purpose of section 4 (2) or that the licence has been cancelled under section 4c (2)”.

Pindaan
seksyen 15.

9. Seksyen 15 Akta ibu adalah dipinda—

(a) dengan memasukkan selepas sahaja perkataan-perkataan “prohibited publication” dalam subseksyen (1) perkataan-perkataan “or any publication for which no licence has been issued for the purpose of section 4 (2) or that the licence has been cancelled under section 4c (2)”;

(b) dengan memasukkan selepas sahaja perkataan “publication” dalam subseksyen (2) perkataan-perkataan “or any publication for which no licence has been issued for the purpose of section 4 (2) or that the licence has been cancelled under section 4c (2)”.

10. Subseksyen (2) seksyen 19 Akta ibu adalah di-pindaan
pinda— seksyen 19.

- (a) dengan memasukkan selepas sahaja perkataan “under” dalam perenggan (b) perkataan-perkataan “section 4A, section 4E or”;
- (b) dengan menggantikan perkataan “under” dalam perenggan (c) dengan perkataan-perkataan “for the purposes of section 4, section 4E or”;
- (c) dengan memasukkan selepas sahaja perkataan-perkataan “of a licence” dalam perenggan (c) perkataan-perkataan “under section 5”; dan
- (d) dengan menggantikan perkataan-perkataan “under section” dalam perenggan (d) dengan perkataan-perkataan “for the purposes of sections 4, 4E and”.

HURAIAN

Rang Undang-Undang ini bertujuan meminda Akta Kawalan Penerbitan-Penerbitan Yang Diimport 1958 untuk mengadakan—

- (a) kuasa bagi menghendakki penerbit-penerbit tertentu dari luar negeri seperti yang dinyatakan dalam *Warta* membayar deposit bagi mengimport kesemua atau mana-mana penerbitan yang diterbitkan oleh penerbit-penerbit itu sebelum lesen mengimport dikeluarkan. Penerbit-penerbit dari luar negeri itu yang mana ada penerbitan-penerbitan mereka diimport ke Malaysia adalah bertanggungjawab dan bertanggung di sisi undang-undang terhadap sebarang material dalam penerbitan-penerbitan itu;
- (b) kuasa merampas deposit jika penerbit-penerbit luar negeri itu tidak hadir di mana-mana mahkamah di negara ini dalam tempoh masa yang ditentukan.

2. Pindaan-pindaan yang lain cumalah pindaan yang berbangkit.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini akan melibatkan Kerajaan dalam perbelanjaan wang tambahan yang amaunnya tidak dapat ditentukan sekarang ini. [PN. (U²) 1237.]