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P.U. (A) 431

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERINTAH PERIHAL DAGANGAN
(PERAKUAN DAN PENANDAAN HALAL) 2011

*TRADE DESCRIPTIONS
(CERTIFICATION AND MARKING OF HALAL) ORDER 2011*



DISIARKAN OLEH/
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ATTORNEY GENERAL'S CHAMBERS

AKTA PERIHAL DAGANGAN 2011

PERINTAH PERIHAL DAGANGAN (PERAKUAN DAN PENANDAAN HALAL) 2011

PADA menjalankan kuasa yang diberikan oleh seksyen 29 Akta Perihal Dagangan 2011 [Akta 730], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Perihal Dagangan (Perakuan dan Penandaan Halal) 2011**.

(2) Perintah ini mula berkuat kuasa pada 1 Januari 2012.

Tafsiran

2. Dalam Perintah ini—

“cara” termasuk representasi atau perbuatan;

“perkhidmatan yang berkaitan dengan makanan atau barang-barang” termasuklah pengangkutan, penyimpanan dan pemprosesan bahan mentah, penyajian dan peruncitan makanan atau barang-barang tersebut.

Pihak berkuasa berwibawa

3. Jabatan Kemajuan Islam Malaysia (JAKIM) dan Majlis Agama Islam bagi Negeri-Negeri masing-masing hendaklah menjadi pihak berkuasa berwibawa untuk memperaku bahawa mana-mana makanan, barang-barang atau perkhidmatan yang berhubung dengan makanan atau barang-barang itu adalah halal mengikut Perintah Perihal Dagangan (Takrif Halal) 2011 [P.U. (A) 430/2011].

Perakuan perihal halal

4. (1) Semua makanan dan barang-barang tidak boleh diperihalkan sebagai halal atau diperihalkan dengan cara lain untuk menunjukkan makanan atau barang-barang itu boleh dimakan atau digunakan oleh orang Islam melainkan jika—

- (a) diperakukan sebagai halal oleh pihak berkuasa berwajib; dan
- (b) ditandakan dengan logo sebagaimana yang dinyatakan dalam Jadual Pertama.

(2) Perkhidmatan yang berhubung dengan makanan atau barang-barang tidak boleh diperihalkan sebagai halal atau diperihalkan dengan cara lain untuk menunjukkan perkhidmatan itu boleh digunakan oleh orang Islam melainkan jika ia diperakukan sebagai halal oleh pihak berkuasa berwajib.

Perakuan perihal halal bagi makanan dan barang-barang import

5. (1) Semua makanan dan barang-barang import yang dipasarkan di Malaysia tidak boleh diperihalkan sebagai halal melainkan jika makanan dan barang-barang import itu mematuhi kehendak perenggan 4 atau diperakukan sebagai halal oleh badan pensijilan halal luar negara yang diiktiraf oleh JAKIM sebagaimana yang dinyatakan dalam Jadual Kedua.

(2) Pengimport atau pengeluar mana-mana makanan dan barang-barang yang diperakukan sebagai halal oleh badan pensijilan halal luar negara yang diiktiraf oleh JAKIM sebagaimana yang dirujuk dalam perenggan (1) hendaklah menandakan pada makanan dan barang-barang itu, nama badan pensijilan tersebut.

Penandaan ke atas makanan dan barang-barang

6. Semua makanan dan barang-barang yang hendak ditandakan mengikut perenggan 4 dan 5 hendaklah ditandakan dengan menampalkan atau melampirkan logo yang dinyatakan dalam Jadual Pertama pada atau dengan apa-apa cara lain mengecapkannya di atas atau menyatukannya dengan—

- (a) makanan atau barang-barang itu; atau
- (b) apa-apa benda yang di dalamnya, di atasnya atau dengannya makanan atau barang-barang itu dibekalkan.

Permohonan perakuan dan fi

7. (1) Mana-mana orang yang membekalkan atau menawarkan untuk membekalkan apa-apa makanan, barang-barang atau perkhidmatan yang berhubung dengan makanan atau barang-barang itu boleh memohon kepada Ketua Pengarah JAKIM atau Majlis Agama Islam bagi Negeri-Negeri masing-masing bagi mendapatkan perakuan halal.

(2) Mana-mana permohonan bagi perakuan halal itu hendaklah mematuhi standard, prosedur dan pekeliling yang dikuatkuasakan oleh Ketua Pengarah JAKIM atau Majlis Agama Islam bagi Negeri-Negeri masing-masing.

(3) Fi yang kena dibayar bagi permohonan perakuan halal adalah sebagaimana yang dinyatakan dalam Peraturan-Peraturan Perihal Dagangan (Fi Perakuan dan Penandaan Halal) 2011 [*P.U. (A) 432/2011*].

Kesalahan

8. Mana-mana orang yang—

- (a) memperaku bahawa mana-mana makanan, barang-barang atau perkhidmatan yang berhubung dengan makanan atau barang-barang itu adalah halal; atau
- (b) membekalkan atau menawarkan untuk membekalkan apa-apa makanan, barang-barang atau perkhidmatan yang berhubung dengan makanan atau barang-barang itu,

bertentangan dengan Perintah ini, melakukan suatu kesalahan dan boleh, apabila disabitkan—

- (A) jika orang itu ialah suatu pertubuhan perbadanan, didenda tidak melebihi dua ratus ribu ringgit, dan bagi kesalahan yang kedua atau yang berikutnya, didenda tidak melebihi lima ratus ribu ringgit; atau

- (B) jika orang itu bukan suatu pertubuhan perbadanan, didenda tidak melebihi satu ratus ribu ringgit atau dipenjarakan selama tempoh tidak melebihi tiga tahun atau kedua-duanya, dan bagi kesalahan yang kedua atau yang berikutnya, didenda tidak melebihi dua ratus lima puluh ribu ringgit atau dipenjarakan selama tempoh tidak melebihi lima tahun atau kedua-duanya.

Peralihan

9. Semua makanan dan barang-barang yang berada di pasaran sebelum Perintah ini berkuat kuasa yang hendak diperihalkan sebagai halal hendaklah mematuhi kehendak perenggan 4 atau 5, dalam tempoh satu tahun dari permulaan kuat kuasa Perintah ini.

Jadual Pertama
[Perenggan 4]



Jadual Kedua
[Perenggan 5]

BADAN PENSIJILAN HALAL LUAR NEGARA YANG DIIKTIRAF

AUSTRALIA

1. Adelaide Mosque Islamic Society of South Australia
2. Islamic Association of Geraldton
3. Islamic Association of Katanning Inc
4. Islamic Co-ordinating Council of Victoria (ICCV)
5. Supreme Islamic Council of Halal Meat in Australia Inc. (SICHMA)
6. The Islamic Council of Western Australia
7. The Perth Mosque of Western Australia Incorporated

8. Australian Federation of Islamic Councils Inc.
9. Australian Halal Authority & Advisers
10. Halal Australia Inc.
11. Al-Iman Islamic Society

AUSTRIA

12. Islamic Information and Documentation Center

ARGENTINA

13. The Halal Catering Argentina
14. Islamic Centre of The Argentine Republic

BANGLADESH

15. Islamic Foundation

BELGIUM

16. Halal Food Council of Europe (HFCE)

BRAZIL

17. Federation of Muslims Associations in Brazil
18. Islam Dissemination Center for Latin America/(CDIAL)

BRUNEI

19. Lembaga Mengeluarkan Permit Import Halal Bahagian Kawalan Makanan Halal

CHINA

20. Shandong Islamic Association
21. China Islamic Association
22. Islamic Association of Henan

CHILE

23. Centro Islamico De Chile

DENMARK

24. Islamic Cultural Center (IKCS)

PERANCIS

25. Ritual Association of Lyon's Great Mosque

JERMAN

26. HALAL CONTROL e.K. (EU)

INDIA

27. Halal Committee-Jamiat-Ulama-E-Maharashtra
28. Jamiat Ulama-l-Hind Halal Trust

INDONESIA

29. The Indonesian Council of Ulama (MUI), Lembaga Pengkajian Pangan Obat-Obatan dan Kosmetika.

JEPUN

30. Japan Muslim Association

BELANDA

31. Control Office of Halal Slaughtering B.V & Halal Quality Control
32. Total Quality Halal Correct Certification
33. Halal Feed and Food Inspection Authority (HFFIA)

NEW ZEALAND

34. Federation of Islamic Associations of New Zealand (FIANZ)
35. NZ Islamic Meat Management & NZ Islamic Processed Foods Management

PAKISTAN

36. Jamea Markaz Uloom Islamia Mansoorah (JMUIIM)

FILIPINA

37. Islamic Da'wah Council of The Philippines (IDCP)
38. Ulama Conference of The Philippines

POLAND

39. The Muslim Religious Union of Poland (MRU)

SINGAPURA

40. Islamic Religious Council of Singapore (MUIS)

AFRIKA SELATAN

41. National Independent Halaal Trust
42. South African National Halal Authority (SANHA)
43. Muslim Judicial Council SA

TAIWAN

44. Taichung Mosque
45. Taipei Cultural Mosque

THAILAND

46. The Central Islamic Committee of Thailand (CICOT)

TURKEY

47. KAS ULUSLARARASI SERTİFİKASYON (KASCERT)
48. Association For The Inspection And Certification Of Food And Supplies (GIMDES)

UNITED KINGDOM

49. The Muslim Food Board (UK)

AMERIKA SYARIKAT

- 50. Islamic Food and Nutrition Council of America
- 51. Halal Food Council U.S.A
- 52. Islamic Services of America (ISA)

VIETNAM

- 53. Islamic Community of Ho Chi Minh City

Dibuat 29 Disember 2011

[KPDN(PUU)(PU2)26/5/5; PN(PU2)120/VI]

DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH
Menteri Kewangan Kedua
yang menjalankan fungsi-fungsi Menteri Perdagangan Dalam
Negeri, Koperasi dan Kepenggunaan

TRADE DESCRIPTIONS ACT 2011

TRADE DESCRIPTIONS (CERTIFICATION AND MARKING OF HALAL) ORDER 2011

IN exercise of the powers conferred by section 29 of the Trade Descriptions Act 2011 [Act 730], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Trade Descriptions (Certification and Marking of Halal) Order 2011**.

(2) This Order comes into operation on 1 January 2012.

Interpretation

2. In this Order—

“manner” includes representation or conduct;

“services in relation to the food or goods” includes the transporting, storing and processing raw materials, serving and retailing of such food or goods.

Competent authorities

3. The Department of Islamic Development Malaysia (JAKIM) and the Islamic Religious Council in the respective States shall be the competent authorities to certify that any food, goods or services in relation to the food or goods is halal in accordance with the Trade Descriptions (Definition of Halal) Order 2011 [*P.U. (A) 430/2011*].

Certification of description of halal

4. (1) All food and goods shall not be described as halal or be described in other manner to indicate that the food or goods can be consumed or used by a Muslim unless it is—

(a) certified as halal by the competent authority; and

(b) marked with the logo as specified in the First Schedule.

(2) The services in relation to the food or goods shall not be described as halal or be described in other manner to indicate that the services can be used by a Muslim unless it is certified as halal by the competent authority.

Certification of description of halal for imported food and goods

5. (1) All imported food and goods marketed in Malaysia shall not be described as halal unless the imported food and goods comply with the requirements in paragraph 4 or certified as halal by the foreign halal certification body recognized by JAKIM as specified in the Second Schedule.

(2) The importer or manufacturer of the food and goods which have been certified as halal by the foreign halal certification body recognized by JAKIM as referred in paragraph (1) shall mark on the said food and goods, the name of the said certification body.

Marking of food and goods

6. All food and goods which are intended to be marked in accordance with paragraphs 4 and 5 shall be marked by affixing or annexing the logo specified in the First Schedule to or in any other manner marking it on or incorporating it with—

(a) the food or the goods themselves; or

(b) anything in, on or with which the food or goods are supplied.

Application for certification and fee

7. (1) Any person who supplies or offers to supply any food, goods or services in relation to the food or goods may apply to the Director General of JAKIM or the Islamic Religious Council in the respective States for the halal certification.

(2) Any application for the halal certification shall comply with the standards, procedures and circulars enforced by the Director General of JAKIM or the Islamic Religious Council in the respective States.

(3) The fee payable for the application of the halal certification is as specified in the Trade Descriptions (Certification and Marking of Halal Fees) Regulations 2011 [P.U. (A) 432/2011].

Offence

8. Any person who—

- (a) certifies that any food, goods or services in relation to the food or goods is halal; or
- (b) supplies or offers to supply any food, goods or services in relation to the food or goods,

in contravention of this Order, commits an offence and shall, on conviction, be liable—

- (A) if such person is a body corporate, to a fine not exceeding two hundred thousand ringgit, and for a second or subsequent offence, to a fine not exceeding five hundred thousand ringgit; or
- (B) if such person is not a body corporate, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both, and for a second or subsequent offence, to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Transitional

9. All food and goods existing in the market before the commencement of this Order which are intended to be described as halal shall comply with the requirements in paragraph 4 or 5, within one year from the commencement of this Order.

Schedule 1
[Paragraph 4]



Schedule 2
[Paragraph 5]

RECOGNIZED FOREIGN HALAL CERTIFICATION BODY

AUSTRALIA

1. Adelaide Mosque Islamic Society of South Australia
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3. Islamic Association of Katanning Inc
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SINGAPORE

40. Islamic Religious Council of Singapore (MUIS)

SOUTH AFRICA

41. National Independent Halaal Trust
42. South African National Halal Authority (SANHA)
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TURKEY

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- 48. Association For The Inspection And Certification Of Food And Supplies (GIMDES)

UNITED KINGDOM

- 49. The Muslim Food Board (UK)

UNITED STATE OF AMERICA (USA)

- 50. Islamic Food and Nutrition Council of America
- 51. Halal Food Council U.S.A
- 52. Islamic Services of America (ISA)

VIETNAM

- 53. Islamic Community of Ho Chi Minh City

Made 29 December 2011
[KPDN (PUU) (PU2)26/5/5; PN(PU2)120/VI]

DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH
Second Minister of Finance
exercising the functions of the Minister of Domestic Trade,
Cooperatives and Consumerism