

DEFERRED PROSECUTION AGREEMENTS STILL ON THE CARDS

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Just over a year ago, it was reported that the Chief Commissioner of the Malaysian Anti-Corruption Commission (“**MACC**”), Tan Sri Azam Baki, had stated that the MACC is planning to amend the Malaysian Anti-Corruption Commission Act 2009 (“**MACC Act**”) to introduce a deferred prosecution agreement (“**DPA**”) mechanism.¹

More recently, the MACC Chief Commissioner has stated that the MACC is considering “using elements of a UK law² to manage large-scale corporate cases in Malaysia” and that “discussions were underway with the Attorney General’s Chambers (AGC) to assess whether the Deferred Prosecution Agreement (DPA) legal framework could be adapted for local use.”³

Tan Sri Azam added that “Both MACC and the AGC are looking at all angles. Although we may not adopt it in its entirety, we want to use it as a benchmark, drawing on practices from both the United Kingdom and United States.”

It is heartening to see that the introduction of DPAs is still being studied by the MACC. It is hoped that the MACC Act will be amended within the foreseeable future to provide the MACC with an additional tool to combat corruption and prevent future violations of the MACC Act.

Our earlier article that provides an outline on DPAs can be accessed [here](#).⁴

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¹ *Fast-tracking Recovery of Illegal Gains*, *The Star Online*, 19 September 2023, and *Azam: DPA being assessed*, *The Star Online*, 2 October 2023.

² DPAs are governed by section 45 and Schedule 17 of the Crime and Courts Act 2013 in the United Kingdom.

³ *UK’s Deferred Prosecution Agreement being studied*, *The Star Online*, 15 October 2024.

⁴ In respect of the last paragraph of our article referred to in endnote 3, it is to be noted that Tan Sri Azam Baki’s tenure as Chief Commissioner of the MACC has been extended a year from 12 May 2024 - *Azam Baki reappointed as MACC chief commissioner for another year*, *malaymail online*, 10 May 2024.



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