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WILD LIFE PROTECTION ORDINANCE, 1998

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LAWS OF SARAWAK

Chapter 26

WILD LIFE PROTECTION ORDINANCE, 1998

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

ADMINISTRATION

3. Appointment of Controller of Wild Life and other officers
4. Functions and duties of Controller
5. Delegation of functions or duties by the Controller
6. Functions and duties of Chief Wild Life Warden
7. Functions and duties of Wardens and Rangers
8. Honorary Wild Life Ranger
9. Special Wild Life Committee

PART III

WILD LIFE SANCTUARIES

10. Constitution of Wild Life Sanctuary
11. Procedure for constituting a Wild Life Sanctuary
12. Rights or privileges
13. Claim
14. Inquiry into claim
15. Report

Section

16. Rights or privileges admitted, *etc.*
17. Assessment of compensation
18. Decision on compensation
19. Appeal
20. Notification
21. Constitution of Wild Life Sanctuary over Forest Reserve
22. Effect of notification
23. Alienated land
24. Acts prohibited in Wild Life Sanctuary
25. Saving
26. Controller or authorized officer to exercise powers to evict
27. Termination of Wild Life Sanctuary
28. Right to protect wild life in special areas

PART IV

PROTECTION OF WILD LIFE

29. Totally protected animals and protected animals
30. Totally protected plants and protected plants
31. Licence to import and export wild animals and wild plants
32. Use of mist nets
33. Commercial sale of wild mammal, *etc.*
34. Prohibition against purchase of wild animal, *etc.*
35. Licence for breeding of wild mammal, *etc.*
36. Display and production of licence
37. Possession of wild animal, *etc.*
38. Onus of proving lawful acquisition
39. Exemption
40. Licences
41. Shooting, *etc.*, of wild animals in certain circumstances
42. Shooting of wild animal causing immediate danger to human life
- 42A. Shooting, *etc.*, of wild animal for protection of crops

Section

- 42B. Report on wounded animal to be made
- 42C. Sale of wild animal shot, *etc.*
- 43. Recognizable parts or derivatives of animal and young animals found
- 44. Prevention of cruelty to wild animals

PART V

PROVISIONS AS TO PROCEDURE AND TRIALS

- 45. Power of arrest and search
- 46. Power to hold inquiries and require attendance
- 47. Power to compound offences
- 48. Power to seize property
- 49. Seizure of property when offender cannot be found
- 50. Disposal of property
- 51. Double penalty in certain cases
- 52. Who may prosecute
- 53. Protection of informers from discovery
- 54. Rewards for informers

PART VI

MISCELLANEOUS

- 55. Power to make rules and orders
- 56. Repeal and saving

FIRST SCHEDULE—

- Part I — Totally protected animals.
- Part II — Protected animals.
- Part III — Animals which may be imported or exported under licence.

SECOND SCHEDULE—

- Part I — Totally protected plants.
- Part II — Protected plants.
- Part III — Plants which may be imported or exported under licence.

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LAWS OF SARAWAK

Chapter 26

WILD LIFE PROTECTION ORDINANCE, 1998

An Ordinance to provide better provisions for the protection of wild life, the establishment and management of Wild Life Sanctuaries and all matters ancillary thereto.

*[1st October, 1998]
(Swk. L.N. 93/98)

Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Wild Life Protection Ordinance, 1998, and shall come into force on such date as the Minister may, by notification in the **Gazette*, appoint.

Interpretation

2.—(1) In this Ordinance—

“animal” means any species of animal, and includes mammals, birds, reptiles, amphibians, fish, invertebrates, or any recognizable part or derivative thereof;

“building” includes any house, hut, shed, or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure, support or foundation connected to the foregoing;

“Chief Wild Life Warden” means a Chief Wild Life Warden appointed under section 3(2);

“CITES” means the Convention on International Trade in Endangered Species of Wild Flora and Fauna signed at Washington D.C. on 3rd March, 1973, and which came into force on 1st July, 1975;

“Controller” means the Controller of Wild Life appointed under section 3(1), and includes a Deputy Controller;

“cultivated plant” means any plant which has been brought into cultivation and has been selectively bred;

“export” means export from the State of Sarawak;

“forest produce” has the meaning assigned to it in the Forests Ordinance [*Cap. 126 (1958 Ed.)*];

“forest reserve” means a forest reserve constituted under Part II of the Forests Ordinance [*Cap. 126 (1958 Ed.)*];

“Honorary Wild Life Ranger” means an Honorary Wild Life Ranger appointed under section 8(1);

“hunt”, “kill” or “capture” means hunting, killing or capturing by any method, and includes attempts to kill or capture, and the taking or disturbing of nests or eggs;

“import” means import into the State of Sarawak;

“Minister” means the Minister for the time being having the responsibility for wild life protection;

“national park” and “nature reserve” shall have the same meanings assigned to these expressions in the National Parks and Nature Reserves Ordinance, 1998 [*Cap. 27*];

“nest” means—

(a) in relation to a wild mammal, reptile or amphibian, any abode, den, lair or any other structure which is being constructed or is being used by such wild mammal, reptile or amphibian for—

- (i) the procreation or spawning;
- (ii) the protection; or
- (iii) the nurture,

of immature wild mammal, reptile or amphibian, or their eggs; and

(b) in relation to a wild bird, any structure or device which is being constructed or is being used by wild birds for—

- (i) the laying of their eggs;
- (ii) the incubation of their eggs; or
- (iii) the protection or nurture of immature wild birds;

“occupier” means any person in actual occupation of land, and, in the case of land reserved or allocated for the use of a native community, includes the head of the community;

“owner” means the person in whose name the title to any land is registered, and includes any person, other than the Government, who receives or is entitled to receive the rent or profits of any land whether on his own account or on behalf of himself and others or as agent;

“plant” means any species of plant, including all flowering and non-flowering species, or any recognizable part or derivative thereof;

“protected animal” means any animal specified in Part II of the First Schedule;

“protected plant” means any plant specified in Part II of the Second Schedule;

“Ranger” means a Wild Life Ranger appointed under section 3(2);

“shoot” includes shooting at;

“State” means the State of Sarawak;

“State land” has the meaning assigned to it in the Land Code [*Cap. 81 (1958 Ed.)*];

“this Ordinance” includes any subsidiary legislation made under this Ordinance;

“totally protected animal” means any animal specified in Part I of the First Schedule;

“totally protected plant” means any plant specified in Part I of the Second Schedule;

“transport” means carry in, by or on a bicycle or any form of motorized vehicle or craft, including lorry, articulated lorry, truck, van, 4-wheel drive, car, motorbike, motor scooter, express boat or any other type of boat, aeroplane or helicopter;

“Warden” means a Wild Life Warden appointed under section 3(2);

“wild animal” means any species of animal which exists or occurs in the wild state in Sarawak or elsewhere in the world;

“wild life” means any species of wild animal or wild plant;

“Wild Life Officer” means any officer appointed under section 3(1) and (2), and includes an Honorary Wild Life Ranger appointed under section 8;

“Wild Life Sanctuary” means any area of land (including any marine, estuarine or freshwater areas) constituted as Wild Life Sanctuaries under the provisions of Part III;

“wild plant” means any species of plant which exists or occurs in the wild state in Sarawak or elsewhere in the world.

(2) A reference in this Ordinance to the “Yang di-Pertua Negeri” shall be construed as a reference to the Yang di-Pertua Negeri acting in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member thereof acting under the general authority of the Majlis.

PART II ADMINISTRATION

Appointment of Controller of Wild Life and other officers

3.—(1) The Minister may appoint a Controller of Wild Life from among members of the public service of the State for the purpose of performing the functions and duties assigned to him under this Ordinance.

(2) The Minister may appoint a Deputy Controller of Wild Life, and such number of Chief Wild Life Wardens, Wild Life Wardens, Wild Life Rangers and such other officers as may be considered necessary for carrying out the purposes of this Ordinance.

(3) All officers appointed under subsection (2) shall be subject to the control, direction and supervision of the Controller.

(4) All officers appointed under this Ordinance shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

Functions and duties of Controller

4.—(1) The Controller shall—

(a) be responsible for the administration and enforcement of this Ordinance;

(b) exercise supervision and control of, and manage, Wild Life Sanctuaries;

(c) subject to the provisions of this Ordinance, protect and develop schemes and policies for the protection of wild life and their habitat in the State;

(d) regulate and control trade in wild life and the import and export thereof;

(e) obtain information on and keep records and data on wild life, the export and import thereof and the wild life and activities in Wild Life Sanctuaries;

(f) perform such functions in relation to this Ordinance as the Minister may from time to time determine; and

(g) carry on such other activities as may appear to the Controller, in consultation with the Minister, requisite, advantageous or convenient for the purpose of carrying out the provisions of this Ordinance.

(2) The functions and duties of the Controller shall, subject to the direction of the Controller, be exercisable by the Deputy Controller.

(3) The Minister may give the Controller such directions, not inconsistent with the provisions of this Ordinance, as he thinks fit, as to the exercise and performance of his functions and duties under this Ordinance, and the Controller shall give effect to all such directions.

Delegation of functions or duties by the Controller

5. The Controller may, in writing, delegate to any officer under his control, direction and supervision the exercise or performance, subject to such conditions, limitations or restrictions as may be provided in the instrument of delegation, of any of his functions or duties assigned to him under this Ordinance:

Provided that any delegation under this section with respect of any function or duty shall not prevent the Controller from himself exercising or performing such delegated function or duty in any case where it appears expedient to do so.

Functions and duties of Chief Wild Life Warden

6.—(1) A Chief Wild Life Warden shall exercise the functions and duties assigned by the Controller to him in the geographical locality under his jurisdiction.

(2) A Chief Wild Life Warden shall report to the Controller any matter in respect of which any action on the part of the Controller is necessary.

(3) A Chief Wild Life Warden shall be vested with the functions and duties of a Warden or a Ranger.

Functions and duties of Wardens and Rangers

7.—(1) A Warden shall be responsible for the control and management of a Wild Life Sanctuary, and shall report to the Chief Wild Life Warden having jurisdiction over that Wild Life Sanctuary, pertaining to all activities and incidents occurring therein.

(2) A Warden shall be assisted in the discharge of his functions and duties by such number of Rangers as may be determined by the Controller.

Honorary Wild Life Ranger

8.—(1) The Minister may, from time to time, appoint any person to be an Honorary Wild Life Ranger.

(2) Such appointment shall be for such period and subject to such terms and conditions as may be stipulated in the instrument of appointment.

(3) An Honorary Wild Life Ranger shall have all the powers, functions and duties as may be prescribed by rules made under this Ordinance.

Special Wild Life Committee

9.—(1) The Controller may, with the approval of the Minister, constitute a Special Wild Life Committee, which shall be headed by a Warden, to assist him in the supervision, control and management of a Wild Life Sanctuary and to protect the wild life and their habitat therein.

(2) A Special Wild Life Committee shall consist of not more than twelve members, and shall comprise Rangers, Honorary Wild Life Rangers and such other persons, residing near to a Wild Life Sanctuary, who, in the opinion of the Controller, would be able to assist him in the protection of wild life and the management of a Wild Life Sanctuary.

(3) A Special Wild Life Committee shall, in addition to assisting the Controller in the protection of wild life in the Wild Life Sanctuary, help to initiate and develop programmes for the maintenance of the Wild Life Sanctuary, the protection of animals and plants therein, and the enhancement of public interest and appreciation of wild life.

PART III
WILD LIFE SANCTUARIES

Constitution of Wild Life Sanctuary

10. Subject to the provisions of this Part, a Wild Life Sanctuary may be constituted over any State land which is not part of a national park or a nature reserve.

Procedure for constituting a Wild Life Sanctuary

11.—(1) Where it is proposed to constitute a Wild Life Sanctuary over State land which is not within a forest reserve, the Minister shall publish in the *Gazette*, a notification—

(a) specifying as accurately as possible the description and limits of the land intended to be constituted a Wild Life Sanctuary;

(b) directing any person claiming any right or privilege in or over such land to submit, within sixty days from the date of publication of such notification, to the Chief Wild Life Warden for the area in which the land is situated, his claim with evidence in support thereof; and

(c) stating that upon the expiry of a period of sixty days from the date of publication of the notification, no claim to any rights or privileges in or over the area intended to be constituted a Wild Life Sanctuary shall be entertained and such rights or privileges, if any, shall be deemed to have been abandoned or the exercise thereof has been waived, by any person entitled thereto.

(2) A copy of the notification shall be published in at least one newspaper circulating in Sarawak, and displayed at the District Office for the area to be constituted a Wild Life Sanctuary or be brought to the notice of the persons affected thereby in such manner as the Minister thinks necessary.

Rights or privileges

12. The rights or privileges that may be recognized in an area to be constituted a Wild Life Sanctuary shall be only those rights or privileges which have been enjoyed or exercised by or accrued to a native or his forefathers or a native community for an uninterrupted period beginning from a date prior to 1st January, 1958, to the date of the notification referred to in section 11(1).

Claim

13.—(1) A claim in respect of any right or privilege in or over the land to be constituted a Wild Life Sanctuary must be made in writing and in such form as may be prescribed to the Chief Wild Life Warden for the area where the land is situated.

(2) A claim to such right or privilege may be submitted by a Headman on behalf of any person claiming such right or privilege.

(3) Any person who fails to submit a claim to any right or privilege in or over the land to be constituted a Wild Life Sanctuary within the period stipulated in the notification shall be deemed to have abandoned or waived such right or privilege and shall not be entitled to exercise the same after the constitution of the Wild Life Sanctuary.

Inquiry into claim

14.—(1) The Chief Wild Life Warden shall, within sixty days from the date of receipt of any claim submitted under section 13, or such extended period as may be approved by the Controller, conduct an inquiry into such claim.

(2) In any such inquiry, the onus of proving the existence of any right or privilege claimed shall be on the claimant.

(3) The Chief Wild Life Warden may call for and receive any evidence to verify, confirm or support any claim from any claimant or any public officer or any other person having knowledge of such claim. In the conduct of such inquiry, the Chief Wild Life Warden shall have the same powers to summon and examine witnesses as a Magistrate.

(4) Where it is considered necessary and expedient, any inquiry conducted pursuant to this section may be held in public at such time and on such date as may be specified in a notice to be issued by the Chief Wild Life Warden.

Report

15.—(1) The Chief Wild Life Warden shall, upon conclusion of the inquiry, furnish a report thereof to the Controller.

(2) The report shall contain the notes of proceedings and evidence recorded at the inquiry together with such findings and recommendations as the Chief Wild Life Warden may deem it fit or proper to make.

Rights or privileges admitted, etc.

16. Where any right or privilege is admitted or found to have subsisted at the time of the publication of the notification under section 11, the Controller shall—

(a) regulate the exercise or enjoyment of such rights or privileges including directing the areas or places within a Wild Life Sanctuary where the rights or privileges may be exercised or enjoyed and the manner of exercising or enjoyment thereof; or

(b) with the approval of the Minister, proceed to extinguish such rights or privileges and pay compensation to the lawful claimant thereof or permit in consultation with the Director of Lands and Surveys, the exercise of such rights and privileges in any other area outside the Wild Life Sanctuary.

Assessment of compensation

17. In assessing the compensation payable under this Part for the extinguishment of any right or privilege in or over the area constituted or to be constituted a Wild Life Sanctuary, the Controller shall take into account the following:

- (a) the nature and extent of the right or privilege claimed;
- (b) whether such right or privilege is still exercised or enjoyed by the claimant at the date of notification published under section 11;
- (c) the degree of actual dependency, if any, of the claimant on such right or privilege as a means of his livelihood;
- (d) if the right or privilege relates to the planting of any crop, whether alternative site or area has been provided by the Government for the person or the community to which he belongs, for farming; and
- (e) any other relevant factors or circumstances pertaining to the exercise or enjoyment of such right or privilege.

Decision on compensation

18. The decision of the Controller on the compensation payable to any claimant under this Part shall be served on the claimant at the address provided by him at the time of submission of his claim or if his claim is submitted through his Headman, the decision shall be served on the claimant by handing a copy thereof to the Headman.

Appeal

19.—(1) Any person aggrieved by the decision of the Controller may, within thirty days from the date of service of the decision on him, appeal to a Sessions Court.

(2) An appeal to a Sessions Court shall be by way of originating application and shall follow the procedures prescribed by the Subordinate Courts Rules 1980 [*P.U. (A) 328/80*].

(3) Subject to the Subordinate Courts Rules 1980 [*P.U.(A) 328/80*], a Judge of the Sessions Court may give such direction as he may deem fit or necessary for the disposal or hearing of any appeal before him under this section.

Notification

20.—(1) At any time after the Controller has made a decision on the rights or privileges under section 16, the Minister may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, publish in the *Gazette*, a notification to constitute the area specified in the notification referred to in section 11(1), a Wild Life Sanctuary.

(2) The notification under subsection (1) shall—

- (a) state the name of the Wild Life Sanctuary;
- (b) specify the limit of the Wild Life Sanctuary;
- (c) state the date on which the notification shall take effect;
- (d) declare whether all rights or privileges in the Wild Life Sanctuary have been extinguished; and
- (e) stipulate the special conditions, if any, governing the reservation thereof.

Constitution of Wild Life Sanctuary over Forest Reserve

21.—(1) The Minister may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, by notification in the *Gazette*, constitute any area within a forest reserve to be a Wild Life Sanctuary.

(2) The notification under subsection (1) shall—

- (a) state the name of the Wild Life Sanctuary;

(b) state the date on which the Wild Life Sanctuary is constituted;

(c) declare that area on which the Wild Life Sanctuary is to be constituted shall cease to be a forest reserve;

(d) provide a detailed description of the area to be constituted a Wild Life Sanctuary; and

(e) limit or prohibit the exercise or enjoyment of any subsisting rights and privileges in the area to be constituted a Wild Life Sanctuary.

(3) Any area constituted a Wild Life Sanctuary pursuant to this section shall—

(a) be deemed to have ceased to be part of the forest reserve and the provisions of section 24(2) and (3) of the Forests Ordinance [*Cap. 126 (1958 Ed.)*] shall apply; and

(b) be managed, administered and controlled by the Controller, subject to such direction as may be given to him by the Minister.

Effect of notification

22.—(1) From the date referred to in the notification gazetted under section 20(1) or 21(1), no person shall—

(a) enter and remain in the Wild Life Sanctuary without the written permission of the Warden in charge thereof;

(b) exercise and enjoy any right or privilege in the Wild Life Sanctuary, whether such right or privilege has been awarded under any licence, permit, or accrued or recognized under any written law, except in accordance with the written directive or guidelines issued by the Controller; and

(c) undertake any activities, studies or research in the Wild Life Sanctuary without the prior written permission of the Controller.

(2) Any person who fails to comply with any of the provisions of subsection (1) may be removed or evicted from the Wild Life Sanctuary by a Warden or a police officer not below the rank of Inspector.

Alienated land

23.—(1) The inclusion of any alienated land in a Wild Life Sanctuary shall be deemed to be a public purpose within the meaning of section 46 of the Land Code [*Cap. 81 (1958 Ed.)*].

(2) Where alienated land has been acquired for the purposes specified in subsection (1), the Minister may include the land so acquired in the notification made under section 20.

Acts prohibited in Wild Life Sanctuary

24.—(1) No person shall enter a Wild Life Sanctuary unless he first obtains a written permission from the Warden in charge thereof authorizing him to do so.

(2) No person shall in a Wild Life Sanctuary—

(a) hunt, kill or capture any animal;

(b) keep or carry any weapon, contrivance or material of any kind used for the taking, shooting or killing of any animal;

(c) be in possession of, or use, any form of trap, snare, net or other contrivance for trapping or snaring animals; the only exception are nets being used for fishing by people with subsisting rights or privileges;

(d) cut, collect, remove or be in possession of any wild plant or any part thereof;

(e) be in possession of any wild animal or any recognizable part or derivative thereof;

(f) quarry stone, burn lime or charcoal, or search for, collect or remove any minerals, stone, or any other material;

(g) erect any building or structure, or break up any land for cultivation or for any other purpose; or

(h) kindle or ignite any fire or leave a fire burning.

(3) Whoever does any act in contravention of paragraph (a) or (e) of subsection (2) shall be guilty of an offence: Penalty—

(a) if the animal concerned is a rhinoceros, imprisonment for five years and a fine of fifty thousand ringgit;

(b) if the animal concerned is an orang-utan or proboscis monkey, imprisonment for two years and a fine of thirty thousand ringgit;

(c) if the animal concerned is a totally protected animal other than those mentioned in paragraph (a) or (b), imprisonment for two years and a fine of twenty-five thousand ringgit;

(d) if the animal concerned is a protected animal, imprisonment for one year and a fine of ten thousand ringgit;

(e) in the case of any other animal not mentioned in paragraphs (a), (b), (c) and (d), imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of the wild animal hunted, killed or captured, whichever is the greater.

(4) Whoever does any act in contravention of paragraph (d) of subsection (2) shall be guilty of an offence: Penalty—

(a) if the plant concerned is a totally protected plant, imprisonment for two years and a fine of twenty-five thousand ringgit;

(b) if the plant concerned is a protected plant, imprisonment for one year and a fine of ten thousand ringgit,

(c) in the case of other wild plant not being a totally protected plant or protected plant, imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of the wild plant cut or removed, whichever is the greater.

(5) Whoever does any act in contravention of subsection (1), or paragraphs (b), (c), (f), (g) and (h) of subsection (2), shall be guilty of an offence: Penalty, imprisonment for one year and a fine of five thousand ringgit.

(6) No road or railway shall be built within the boundaries of a Wild Life Sanctuary, except with the written permission of the Minister.

(7) Before any written permission is given under subsection (6), the Minister shall be satisfied that—

(a) the construction of such road or railway through a Wild Life Sanctuary is essential and in the public interests;

(b) there is no alternative route or site for such road or railway outside the Wild Life Sanctuary;

(c) an environmental impact assessment of such road or railway through a Wild Life Sanctuary has been undertaken and approved by the Natural Resources and Environment Board constituted under the Natural Resources and Environment Ordinance [*Cap. 84 (1958 Ed.)*], and that all conditions and measures to mitigate against any adverse environmental impact have been complied with, or implemented, in the construction of the roads or railways.

Saving

25.—(1) Nothing in paragraphs (a), (b), (c), (d), (e), (g) and (h) of subsection (2) of section 24 shall be deemed to prohibit or render punishable the exercise of any right or the enjoyment of any privilege established or acquired under the provisions of this Ordinance or any written law repealed by this Ordinance.

(2) Nothing in paragraphs (a), (b), (c), (d), (e) and (g) of subsection (2) of section 24 shall be deemed to prohibit or render punishable any act done, with the permission in writing of the Controller, for scientific or educational purposes or for the protection, conservation and management of wild life.

Controller or authorized officer to exercise powers to evict

26.—(1) Where there is reason to believe that an offence against subsection (1) or (2) of section 24 has been committed, the Chief Wild Life Warden or Warden or any person authorized by the Controller, or a police officer not below the rank of Inspector, may—

(a) remove from the Wild Life Sanctuary any person whom he has reason to believe to have committed the offence;

(b) seize all instruments, machinery, weapons, implements, forest produce, minerals, chemicals and any other object or item which he has reason to believe was used or is being used in the commission of the offence; and

(c) demolish or remove any building, structure, barrier or obstruction, or take into possession in the name of the Government all buildings, animals, plants, crops and any other property.

(2) Every officer in the exercise of the powers conferred under subsection (1) may call upon any police officer for assistance and it shall be the duty of every such police officer to comply with such request.

Termination of Wild Life Sanctuary

27.—(1) The Yang di-Pertua Negeri may, by order published in the *Gazette*, direct that, from a date to be fixed by such notification, any Wild Life Sanctuary, or any part thereof, shall cease to be a Wild Life Sanctuary.

(2) From the date so fixed, the Wild Life Sanctuary or any part thereof shall cease to be a Wild Life Sanctuary and become unalienated State land.

Right to protect wild life in special areas

28.—(1) Where the Minister is of the opinion that any area of land is of special interest by reason of its wild life or geological or physiographical features, he may order the owner or occupier of the land—

(a) to undertake or adopt such measures as he may deem necessary for the conservation of wild life or geological or physiographical features in the areas;

(b) to take appropriate measures for the protection of any wild life and to ensure sufficient habitat for its survival; and

(c) not to hunt, kill, trap, snare or capture any wild animal, or destroy, cut, collect, uproot or remove any wild plant, forest produce, soil, rock, peat, clay, minerals or any geological substrata.

(2) Such order may relate to—

(a) the prohibition, restriction or control of the burning, clearing, collecting, damaging or destruction of wild plants;

(b) the restriction or control of removing or felling of timber or any forest produce;

(c) the prohibition, restriction or control of hunting, killing, capturing, shooting, netting, trapping, snaring, fishing or taking of any wild animal;

(d) the preservation and protection of wild life or geological or physiographical features;

(e) the exercise of any rights over the land;

(f) the doing or abstaining from doing any act which in the opinion of the Minister is necessary for the conservation of wild life or geological or physiographical features of the land.

(3) Before making an order under subsection (1), the Minister shall cause the Controller to—

(a) make arrangement or agreement with the owner or occupier of the land with a view to compensation and to carry out all such works in respect of the land as may be necessary for the protection or conservation of its wild life or geological or physiographical features; the agreement may impose restrictions or obligations as respects the method of cultivating the land, its use for agriculture or forestry purposes or any other usage or the exercise of rights over the land; or

(b) where it is not possible to come to an arrangement or agreement with the owner or occupier of the land, enforce the provisions of this section by serving on the owner or occupier of the land on whom the order is to be addressed a notice in writing setting out the measures to be taken as stated in the order and specifying the time (not being less than one month from the date of the giving of the notice) within which the manner in which representations or objections with respect thereto may be made to the Yang di-Pertua Negeri whose decision shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called into question in any court or before any other authority, judicial or otherwise, whatsoever.

(4) The Yang di-Pertua Negeri shall consider any representations or objections duly made with or without modifications or direct that the order shall not be proceeded with.

(5) Any order under subsection (1) shall specify—

(a) the wild life or geological or physiographical features by reason of which the land is of special interest; and

(b) any activities or operations appearing to the Minister to be likely to damage or cause harm to that wild life or geological or physiographical features.

(6) Any owner or occupier of land who, without the permission in writing of the Minister or any officer authorized in writing in that behalf by the Minister, contravenes, fails or neglects to carry out any order made under subsection (1) or acts in breach of the provisions of an arrangement or agreement made under subsection (3), shall be guilty of an offence: Penalty, imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of any wild life killed, captured, collected or damaged, or of any stone or other materials removed, whichever is the greater.

(7) The Controller may pay to the owner or occupier of the land such compensation as may be agreed upon between the parties or, in default of such agreement, by submission of the matter to arbitration under the law relating to arbitration for the time being in force in Sarawak.

PART IV

PROTECTION OF WILD LIFE

Totally protected animals and protected animals

29.—(1) Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any totally protected animal or any recognizable part or derivative thereof, or any nest thereof, except in accordance with the permission in writing of the Controller for scientific or educational purposes or for the protection and conservation of such totally protected animal, shall be guilty of an offence: Penalty—

(a) if the animal concerned is a rhinoceros, imprisonment for five years and a fine of fifty thousand ringgit;

(b) if the animal concerned is an orang-utan or proboscis monkey, imprisonment for two years and a fine of thirty thousand ringgit;

(c) in the case of other totally protected animals not mentioned in paragraph (a) or (b), imprisonment for two years and a fine of twenty-five thousand ringgit.

(2) Any person who hunts, kills, captures, sells, offers for sale or claims to be offering for sale, imports, exports, or is in possession of, any protected animal or any recognizable part or derivative thereof, or any nest thereof, except under and in accordance with the terms and conditions of a licence issued under this Ordinance, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of ten thousand ringgit.

Totally protected plants and protected plants

30.—(1) Without prejudice to section 24(4), any person who collects, cultivates, cuts, trims, removes, burns, poisons, injures, sells, offers for sale, imports, exports or is in possession of, any totally protected plant or any recognizable part or derivative thereof, except in accordance with the permission in writing of the Controller for scientific or educational purposes or for the protection and conservation of such totally protected plant, shall be guilty of an offence: Penalty, imprisonment for two years and a fine of twenty-five thousand ringgit.

(2) Any person who collects, cultivates, cuts, trims, removes, burns, poisons, in any way injures, sells, offers for sale, imports, exports or is in possession of, any protected plant or any recognizable part or derivative thereof, except under and in accordance with the terms and conditions of a licence issued under this Ordinance, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of ten thousand ringgit.

Licence to import and export wild animals and wild plants

31. Any person who imports into or exports out of the State any wild animal specified in Part III of the First Schedule or any wild plant specified in Part III of the Second Schedule, except under and in accordance with the terms and conditions of a licence issued by the Controller, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of two thousand ringgit or five times the sum which appears to the court to be the value of any wild animal or wild plant imported or exported, whichever is the greater.

Use of mist nets

32.—(1) Any person who sells mist nets for the catching of mammals or birds without a licence issued by the Controller shall be guilty of an offence: Penalty, imprisonment for three months and a fine of one thousand ringgit.

(2) Any person who uses mist nets to catch any mammal or bird except under and in accordance with the terms and conditions of a licence issued by the Controller, shall be guilty of an offence: Penalty, imprisonment for six months and a fine of two thousand ringgit.

(3) All licences issued under this section shall be subject to such terms and conditions as may be imposed by the Controller.

Commercial sale of wild mammal, etc.

33.—(1) Without prejudice to section 29 and subject to section 37, no person shall sell or offer for sale or claim to be offering for sale, any wild mammal, bird, reptile or amphibian or any recognizable part or derivative thereof other than a wild mammal, bird, reptile or amphibian which is bred, reared or kept in accordance with a licence issued under section 35.

[Am. Cap. A108.]

(2)(a) No person shall collect, sell, offer for sale or export from or import into the State, any nest of any swiftlets or any recognizable part or derivative thereof without a licence from the Controller.

(b) No person shall, without a licence from the Controller, build, erect, maintain or set up any building or structure for the purposes of harbouring, or providing facilities or environment for, swiftlets to make or create nests thereon with a view to collecting and taking edible birds' nests for sale or trade.

[Add. Cap. A108.]

(3) Any person who contravenes subsection (1) or (2), or who fails to comply with any condition imposed in a licence issued by the Controller for the purposes of subsection (2), shall be guilty of an offence: Penalty, a fine of five thousand ringgit.

Prohibition against purchase of wild animal, etc.

34. Any person who buys—

(a) any wild animal or any recognizable part or derivative thereof which is sold or offered for sale in contravention of section 33(1); or

(b) any nest of swiftlets which is offered for sale in contravention of section 33(2),

shall be guilty of an offence: Penalty, a fine of two thousand ringgit.

Licence for breeding of wild mammal, etc.

35.—(1) No person shall breed, rear or keep any wild mammal, bird, reptile or amphibian for the purpose of trade, sale or commercial usage without a licence from the Controller.

(2) The sale or offer for sale of any wild mammal, bird, reptile or amphibian which is bred, reared or kept pursuant to subsection (1) shall be regulated—

(a) by conditions imposed in the licence issued thereunder;
or

(b) where the sale or offer for sale is not carried out by the holder of a licence issued under subsection (1), in accordance with a licence for the sale thereof issued by the Controller.

(3) Any person who contravenes subsection (1) or any condition of a licence issued for the purpose stipulated thereunder shall be guilty of an offence: Penalty, imprisonment for one year and a fine of ten thousand ringgit.

Display and production of licence

36.—(1) The holder of any licence issued under section 33(2) or 35 shall display the licence in a prominent place in his business premises where the public have access, and shall upon request by a Wild Life Officer, a police officer or any person intending to make any purchase of wild animal or nest from him, produce his licence for inspection.

(2) Upon request by a Wild Life Officer, a police officer or any person intending to make any purchase of wild animal, the holder of a licence referred to in subsection (1) must disclose and provide satisfactory proof of where he obtained the wild animal or nest or the origin thereof.

(3) Any licence holder who contravenes subsection (1) or (2) shall be guilty of an offence: Penalty, a fine of two thousand ringgit.

Possession of wild animal

37.—(1) No person shall, unless licensed under this Ordinance, have in his possession any species of wild animal:

Provided that—

(a) a native residing within a Native Area Land or Native Customary Land may have in his possession, for his own consumption or use, any wild animal or other recognizable part or derivative thereof; and

(b) any other person may have, for his own consumption, not more than five kilograms of wild animal.

[Am. Cap. A108.]

(2) Any person who contravenes subsection (1) shall be guilty of an offence: Penalty—

(a) if the animal concerned is a totally protected species, the penalty shall follow those specified in subsection (1) of section 29 per individual animal and animal part in his possession;

(b) if the animal concerned is a protected species, the penalty shall follow those specified in subsection (2) of section 29 per individual animal and animal part in his possession;

(c) for all other species, the penalty shall be imprisonment for one year and a fine of two thousand ringgit per individual animal and animal part found in his possession.

(3) Any person having in possession any wild animal exceeding the quantities stipulated in paragraph (b) of the proviso to subsection (1) shall be deemed to have intended to sell or offer for sale such wild animal, and be guilty of an offence under section 33(1).

[Am. Cap. A108.]

(4) The terms “Native Area Land” and “Native Customary Land” in subsection (1) shall have the same meanings assigned thereto in the Land Code *[Cap. 81 (1958 Ed.)]*.

Onus of proving lawful acquisition

38. In any prosecution under section 29, 30, 33, 34 or 37, the onus of proving lawful acquisition or possession shall be upon the person in possession of the wild animal or wild plant or any recognizable part or derivative thereof.

Exemption

39. The Minister may exempt any public officer acting in the course of his official or statutory duties and functions from the provisions of section 29, 30, 34 or 37 in regard to the taking, possession and transport of turtles or their eggs, or other wild animal or wild plant or any recognizable part or derivative thereof.

Licences

40.—(1) Licences required under this Ordinance may be issued by the Controller or any officer duly authorized in writing in that behalf by him, and subject to such conditions which the Controller or any such officer thinks fit to impose, and in such form as may be prescribed by the Controller.

(2) Licences issued under this Ordinance shall be for a period not exceeding one year unless otherwise expressly stipulated in the licence.

(3) Such licences shall not be transferred, sublet or assigned to any other person.

(4) Fees at the rates prescribed by rules made under section 55 shall be payable when such licence is issued, and no fee shall be refunded if the act authorized by such licence is not performed.

(5) The holder of any licence shall carry such licence on his person when performing any act authorized by it, and shall produce it for inspection on the demand of a Wild Life Officer.

(6) Any licence issued under this Ordinance shall be available only for the locality specified therein.

(7) The holder of any licence issued under this Ordinance shall, as soon as such licence expires or is otherwise determined, return it to a Wild Life Officer at the place where it was issued.

(8) Any person who fails to comply with subsection (3), or any condition of the licence issued under this Ordinance shall be guilty of an offence: Penalty, imprisonment for three months and a fine of one thousand ringgit.

Shooting, etc., of wild animals in certain circumstances

41. Any Wild Life Officer (other than an Honorary Wild Life Ranger) or any other person authorized by the Controller, acting *bona fide* in the exercise of his powers may shoot, kill, capture or take away any wild animal if—

(a) the wild animal is a danger to human life or property;
or

(b) it is necessary or expedient to prevent undue suffering on the part of the wild animal; or

(c) it is established that the population of the wild animal in any area or place or river has grown to such an extent as to endanger that or any other species of wild animal or human beings thereat.

[Sub. Cap. A108.]

Shooting of wild animal causing immediate danger to human life

42.—(1) Notwithstanding anything to the contrary in this Ordinance, if a wild animal, without provocation from any person, constitutes an immediate danger to human life, any person may shoot, kill, capture or take the wild animal.

(2) For the purpose of this section, “an immediate danger to human life” arises where there is reason to believe that if the wild animal is not shot, killed, captured or taken, it may cause serious bodily injury to any person or cause loss of human life.

(3) Where pursuant to this section any person shoots, kills, captures or takes any wild animal with the object of preventing serious body injury to any person or saving human life, he shall forthwith report the matter to the Controller or any other Wild Life Officer, and where the person wounds the wild animal, the provisions of section 42B shall apply.

(4) Any wild animal shot, killed, captured or taken in pursuance of this section shall be the property of the State and shall without delay be handed over to a Wild Life Officer.

[Sub. Cap. A108.]

Shooting, etc., of wild animal for protection of crops

42A.—(1) Notwithstanding anything in any other provisions of this Ordinance and except as provided in this section, where a wild animal is causing or there is reason to believe that it is about to cause serious damage to crops, vegetables, fruits, growing timber, domestic fowls or domestic animals in the possession of an owner or occupier of land, the owner or occupier of land or his servants or any Wild Life Officer (other than an Honorary Wild Life Ranger) may shoot, kill, capture or take the wild animal if—

(a) he first uses reasonable efforts to frighten away the wild animal (including the firing into the air of a firearm); and

(b) these reasonable efforts fail to frighten away the wild animal.

(2) An owner or occupier of land shall report the details of the damage (if any) to his crops, animal or property and the species of the wild animal shot, killed, captured or taken under this section to a Wild Life Officer.

[Ins. Cap. A108.]

Report on wounded animal to be made

42B.—(1) Any person who wounds a dangerous wild animal shall without unnecessary delay make a report (in this section referred to as a “danger report”) to—

- (a) any Wild Life Officer;
- (b) any police officer; or
- (c) the District Officer of the District in which the dangerous wild animal was wounded,

and the officer shall forthwith take down or record the danger report in writing.

(2) For the purpose of this section, “dangerous wild animal” means any wild animal which constitutes an immediate danger to human life.

(3) The danger report shall specify or describe the dangerous wild animal, the time, date and place where it was wounded, and the weapon which inflicted the wound.

(4) Where the person wounding the dangerous wild animal is by reason of serious injury unable to make a report, he shall at the first reasonable opportunity request some other person to make a danger report as prescribed by this section.

[Ins. Cap. A108.]

Sale of wild animal shot, etc.

42C. Any wild animal or part thereof—

(a) which is shot, killed, captured or taken pursuant to section 41, 42 or 42A or in contravention of the provisions of this Ordinance; or

(b) whose unclaimed carcass is found in any State land or State land forest or on any other land,

may be sold or otherwise disposed of or kept in captivity in such manner and under such terms and conditions as the Controller of Wild Life or Chief Wild Life Officer may direct.

[Ins. Cap A108.]

Recognizable parts or derivatives of animal and young animals found.

43.—(1) Any person finding any recognizable part or derivative of a totally protected animal or protected animal shall, as soon as may be, deliver or give notice of the finding of such recognizable part or derivative to the nearest Wild Life Officer, and such recognizable part or derivative shall be disposed of in such manner as the Controller may direct.

(2) Any person who, upon finding the progeny of any totally protected animal or protected animal, has reason to believe that the progeny should still be under the care of its mother but that such care is not being afforded, shall as soon as may be, either deliver the animal to the nearest Wild Life Officer or furnish him with all such particulars as may be necessary to enable that officer to effect capture, and such animal shall be disposed of in such manner as the Controller may direct.

(3) Any person who contravenes subsection (1) or (2) commits an offence: Penalty, imprisonment for three months and a fine of one thousand ringgit.

Prevention of cruelty to wild animals

44. Save as otherwise provided for in this Ordinance, any person who—

(a) beats, kicks, harms, terrifies or tortures any wild animal;

(b) neglects to supply sufficient food or water to any wild animal which he houses, confines or breeds;

(c) houses, confines or breeds any wild animal in such a manner so as to cause it unnecessary pain or suffering including the housing, confining or breeding of any wild animal in any cage, enclosure or hut which is not suitable for or conducive to the health of the wild animal;

(d) uses any wild animal for performing or assisting in the performance of any work or labour which is beyond its reasonable capacity or by reason of any infirmity, wound, disease or any other incapacity it is unfit to perform;

(e) incites, provokes or infuriates any wild animal for the purpose of baiting it or for fighting it with any other animal or owns and manages any premises or place for any of these purposes;

(f) wilfully does anything which in any way cause any unnecessary suffering, pain or discomfort to any wild animal;

(g) wilfully omits to do anything to prevent any unnecessary suffering, pain or discomfort to any wild animal,

shall be guilty of an offence: Penalty, imprisonment for six months and a fine of two thousand ringgit.

PART V

PROVISIONS AS TO PROCEDURE AND TRIALS

Power of arrest and search

45.—(1) Any Wild Life Officer, police officer or customs officer may, without warrant, arrest any person who is reasonably suspected of having committed an offence against this Ordinance, if such person refuses to give his name and address, or gives a name and address which the officer has reasonable grounds for believing to be false, or if such officer has reasonable grounds for believing that, unless such person is arrested, he may escape, or that an unreasonable amount of delay, trouble or expense in making him answerable to justice will ensue.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer-in-charge of the nearest police station, or to an officer empowered to compound the offence in accordance with section 47.

(3) Whenever a Wild Life Officer, police officer or customs officer has reasonable cause to suspect that an offence under this Ordinance has been committed, he may enter upon any land or premises for the purposes of carrying out the provisions of this Ordinance, or for the purpose of preventing or detecting offences under this Ordinance, and may search any vessel, vehicle, building, enclosure or place under the control of the person suspected, his agents or servants:

Provided that no woman shall be searched under this subsection except by a woman.

Power to hold inquiries and require attendance

46.—(1) Any Wild Life Officer not below the rank of Chief Wild Life Warden may, by notice in writing, require the attendance before him for the purposes of investigation, at a time and place to be specified in the notice, of any person suspected of being concerned in an offence under this Ordinance.

(2) If any person refuses to attend as so required by the Wild Life Officer, he may report the refusal to a Magistrate who may thereupon, if he thinks fit, issue a summons or warrant to secure the attendance of that person as required by the notice.

Power to compound offences

47.—(1) The Controller or any other Wild Life Officer specially authorized by him in writing may compound any offence under this Ordinance, other than offences against—

- (a) section 24(3)(a), (b) and (c);
- (b) section 29(1);
- (c) section 30(1); and
- (d) section 37(2)(a),

by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding one half of the amount of maximum fine prescribed for the offence.

[Am. Cap. A108.]

(2) On the payment of such sum of money, the person shall be discharged and no further proceedings shall be taken against him, and such property, if any, (other than totally protected animal or protected animal or any recognizable part or derivative thereof or totally protected plant or protected plant or any recognizable part or derivative thereof) which has been confiscated as provided in this Part shall be disposed of in such manner as the officer concerned shall think fit.

(3) All sums of money received in compensation under this section shall be credited to the State Consolidated Fund.

Power to seize property

48.—(1) Where there is reason to believe that an offence under this Ordinance has been committed, any animal or any recognizable part or derivative thereof, or any plant or any recognizable part or derivative thereof, together with all weapons, instruments, machinery and contrivances used in the commission of such offence, may be seized by any Wild Life Officer, police officer or customs officer.

(2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it has been contained, a mark indicating that it has been so seized, and shall, without unnecessary delay, make a report of such seizure to a Magistrate having jurisdiction to try the offence in respect of which the seizure has been made:

Provided that, in any case where such property has been seized in connection with an offence compounded under section 47, it shall not be necessary to report to a Magistrate the seizure there of, and such property shall be disposed of in such manner as the Controller shall think fit.

Seizure of property when offender cannot be found

49. Where there is reason to believe that an offence under this Ordinance has been committed by a person who is unknown or cannot be found, all property seized under section 48 in respect of the offence shall be taken possession of by a Wild Life Officer not below the rank of Chief Wild Life Warden who shall report the seizure to a Magistrate, and the Magistrate shall deal with the property as if it were the subject of a report to him under section 413 of the Criminal Procedure Code [Act 593].

Disposal of property

50. Where the trial of any offence under this Ordinance is concluded, any property that has been seized in relation thereto shall be disposed of as the court may order.

Double penalty in certain cases

51. Any person who commits an offence against this Ordinance or any rule made thereunder—

- (a) after sunset and before sunrise; or
- (b) after a previous conviction for a like offence,

shall be liable to double the penalty prescribed for such offence.

Who may prosecute

52. Prosecutions in respect of offences committed under this Ordinance or any rule made thereunder may be conducted by the Public Prosecutor or any person authorized in writing by him under section 377(b) of the Criminal Procedure Code [Act 593].

Protection of informers from discovery

53.—(1) Except as herein provided, no witness in any proceedings under this Ordinance shall be obliged or permitted to disclose the name and address of any informer, or the substance of the information received from him, or to state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any proceedings under this Ordinance contain any entry in which an informer is named or described, or which might lead to his discovery, the court shall cause that entry to be concealed from view or to be obliterated, but only to the extent that it is necessary to protect the informer from discovery.

(3) If, in a trial for any offence against this Ordinance or any rule made thereunder, the court, after full inquiry, believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true or, if the court is of the opinion that justice cannot be done without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

Rewards for informers

54.—(1) Where, in any proceedings under this Ordinance, any fine is imposed, the court may award any sum or sums not exceeding one-half the total fine collected to any informer or informers.

(2) For the purpose of this section, informers shall exclude the Controller or any officer appointed under section 3(2).

PART VI

MISCELLANEOUS

Power to make rules and orders

55.—(1) The Majlis Mesyuarat Kerajaan Negeri may make rules generally for carrying out the provisions of this Ordinance, and in particular such rules may provide for—

(a) regulating and controlling the taking, hunting, killing, snaring, trapping or capturing any kind of wild life;

(b) regulating and controlling the transporting of any kind of wild life;

(c) regulating and controlling the keeping of any kind of wild life in captivity, including in private possession, public collections and zoos, farms and ranches;

(d) regulating and controlling the import and export of wild life;

(e) the type of weapons, instruments, contrivances and various other methods which may be used in the taking, shooting or killing of wild life;

(f) regulating the activities which can be done for research and other scientific or other purposes inside Wild Life Sanctuaries;

(g) prescribing the powers, duties, responsibilities and other activities of Honorary Wild Life Rangers and a Special Wild Life Committee;

(h) granting exemption from anything as provided by such rules;

(i) provisions for appeal against or review of the exercise of any discretion vested by the rules in any Wild Life Officer;

(j) regulating and controlling the collection, sale, offer for sale, export or import of turtle eggs, edible birds' nests, guano or animal faeces including the erection, setting up or maintenance of any building or structure for harbouring or providing facilities or environment for, swiftlets to make or create nests with view to the collection of edible birds' nests for sale or trade;

[Am. Cap. A108.]

(k) incentives, by way of grants or other forms of monetary rewards, to any person or body of persons involved in the supervision, control and management of a Wild Life Sanctuary and the protection of wild life therein or to any person who provides information leading to the conviction of any person of any offence under this Ordinance;

(l) the fees and forms for licences and permits issued or granted under this Ordinance;

(m) procedures and forms for compounding of offences; and

(n) anything which requires to be prescribed or provided for under this Ordinance.

(2) The Minister may, by order published in the *Gazette*, amend any of the Schedules.

Repeal and saving

56.—(1) The Wild Life Protection Ordinance 1990 [*Ord. No. 2/90*], is repealed.

(2) Any Wild Life Sanctuary constituted or deemed to have been constituted under the repealed Ordinance shall, if still subsisting or in force immediately before the date of commencement of this Ordinance, be deemed to be a Wild Life Sanctuary constituted under Part III of this Ordinance, until or unless amended or revoked under and by virtue of this Ordinance, and the provisions of this Ordinance shall apply thereto:

Provided that where a forest reserve or a protected forest or any part thereof has been constituted as a Wild Life Sanctuary under Part II of the repealed Ordinance, the Minister having responsibilities for forestry shall, in pursuance of section 24 or 39 of the Forests Ordinance [*Cap. 126 (1958 Ed.)*], take such action as is necessary for that forest reserve or protected forest or any part thereof to cease to be a forest reserve or protected forest, as the case may be.

(3) Any rule, order or direction, notice or notification made, issued or given before the date of commencement of this Ordinance, under the repealed Ordinance shall, if it could have been made, issued or given under any corresponding provision of this Ordinance, continue in force, and have the like effect, as if it had been so made, issued or given, as the case may be.

(4) Nothing in this Ordinance shall affect the past operation of, or anything done under, the repealed Ordinance provided that any right, privilege, licence or liability existing immediately before the date of commencement of this Ordinance by virtue of the repealed Ordinance, shall be subject to this Ordinance.

(5) Any action, suit or proceedings which has been instituted, filed or commenced under the repealed Ordinance and is still pending or existing immediately before the date of commencement of this Ordinance shall be continued under the provisions of the repealed Ordinance as if this Ordinance had not been enacted.

Saravak Law

FIRST SCHEDULE

(Section 2(1))

PART I**TOTALLY PROTECTED ANIMALS**

<i>English Name</i>	<i>Scientific Name</i>	<i>Local Name</i>
A. MAMMALS		
Slow loris	<i>Nycticebus coucang</i>	Ukang; bengkang (I)
Western tarsier	<i>Tarsius bancanus</i>	Kera hantu; ingkat (I)
Silvered langur	<i>Presbytis cristata</i>	Lotong
Hose's langur	<i>Presbytis hosei</i>	Berangad
White-fronted langur	<i>Presbytis frontata</i>	Puan
Banded langur	<i>Presbytis melalophos</i>	Penetat
Maroon langur	<i>Presbytis rubicunda</i>	Lotong merah; jelu merah (I)
Proboscis monkey	<i>Nasalis larvatus</i>	Orang belanda; rasong (I)
Bornean gibbon	<i>Hylobates muelleri</i>	Wak-wak; empelau (I)
Orang-utan	<i>Pongo pygmaeus</i>	Mawas; maia (I)
Giant squirrel	<i>Ratufa affinis</i>	Tupai kerawak
Tufted ground squirrel	<i>Rheithrosciurus macrotis</i>	Tupai
Clouded leopard	<i>Neofelis nebulosa</i>	Rimau dahan; engkuli (I)
Bay cat	<i>Felis badia</i>	Kucing merah
Marbled cat	<i>Felis marmorata</i>	Kucing dahan
Flat-headed cat	<i>Felis planiceps</i>	Kucing hutan
All whales, dolphins and porpoises	All species of Cetacea	Paus; lumba lumba
Dugong	<i>Dugong dugon</i>	Dugong; duyong (I)
Rhinoceros	<i>Dicerorhinus sumatrensis</i>	Badak
Wild cattle	<i>Bos javanicus</i>	Tembadau
Naked bat	<i>Cheiromeles torquatus</i>	

<i>English Name</i>	<i>Scientific Name</i>	<i>Local Name</i>
B. BIRDS		
Oriental darter	<i>Anhinga melanogaster</i>	
Pacific reef egret	<i>Egretta sacra</i>	Ujoh laut
Cattle egret	<i>Bubulcus ibis</i>	Burung apuh; burung lima ringgit
Storm's stork	<i>Ciconia stormi</i>	Bangau
Lesser adjutant stork	<i>Leptoptilos javanicus</i>	Bangau
White-bellied fish eagle	<i>Haliaeetus leucogaster</i>	Lang laut
Grey-headed fish eagle	<i>Ichthyophaga ichthyaetus</i>	Lang laut
Bornean peacock pheasant	<i>Polyplectron schleiermacheri</i>	Ruai
Argus pheasant	<i>Argusianus argus</i>	Ruai
Bulwer's pheasant	<i>Lophura bulweri</i>	Bekia
Black-naped tern	<i>Sterna sumatrana</i>	Burung laut
Bridled/brown-winged tern	<i>Sterna anaethetus</i>	Burung laut; entala puteh (I)
All phalaropes	<i>Phalaropus spp.</i>	Kedidi
All imperial pigeons	<i>Ducula spp.</i>	Rawa
Silvery (grey) wood pigeon	<i>Columbia argentina</i>	Pergam
White-crowned hornbill	<i>Aceros comatus</i>	Sentuku (I)
Bushy-crested hornbill	<i>Anorrhinus galeritus</i>	Kakalau (I)
Wrinkled hornbill	<i>Aceros corrugatus</i>	Alau buloh
Wreathed hornbill	<i>Aceros undulatus</i>	Alau sangoh
Asian black hornbill	<i>Anthracoceros malayanus</i>	Alau babi; gagak/rengak (I)
Oriental pied hornbill	<i>Anthracoceros albirostris</i>	Alau pedada; bruie (I)
Rhinoceros hornbill	<i>Buceros rhinoceros</i>	Kenyalang (I)

<i>English Name</i>	<i>Scientific Name</i>	<i>Local Name</i>
Helmeted hornbill	<i>Buceros vigil</i>	Tajai (I)
All pittas	<i>Pitta</i> spp.	Burung pacat
Straw-headed bulbul	<i>Pycnonotus zeylanicus</i>	Barau-barau
Bornean bristlehead	<i>Pityriasis gymnocephala</i>	

C. REPTILES

All marine turtles	All species of Chelonidae and Dermochelyidae	Penyu-penyu laut
Painted terrapin	<i>Calligur borneensis</i>	Beluku
Terrapin	<i>Orlitia borneensis</i>	Beluku
Niah cave gecko	<i>Cyrtodactylus cavernicolus</i>	Cicak gua Niah
Earless monitor lizard	<i>Lanthanotus borneensis</i>	Cicak purba

PART II**PROTECTED ANIMALS****A. MAMMALS**

All treeshrews	All species of Tupaiidae	
All bats	All species of Chiroptera excluding those already listed in Part I	
All primates	All species of Primates excluding those already listed in Part I	
Flying lemur/colugo	<i>Cynocephalus variegatus</i>	Kubung
Pangolin	<i>Manis javanica</i>	Tenggiling
All flying squirrels	All species of Petuaristinae	Tupai terbang

<i>English Name</i>	<i>Scientific Name</i>	<i>Local Name</i>
Porcupines	All species of Hystricidae	Landak
Sun bear	<i>Helarctos malayanus</i>	Beruang
Bear cat	<i>Arctitis binturong</i>	Binturung
All civets and mongooses	All species of Viverridae	Musang
All otters	All species of <i>Lutra</i> and <i>Aonyx</i>	Memerang
All cats	All species of Felidae excluding those already listed in Part I	Kucing hutan

B. BIRDS

Christmas frigatebird	<i>Fregata andrewsi</i>	
All herons, egrets and bitterns, excluding those already listed in Part I	All species of Ardeidae	
All storks, excluding those already listed in Part I	All species of Ciconiidae	
Osprey	<i>Pandion haliaetus</i>	Lang; menaul
All falcons	All species of Falconidae	Rajawali; menaul
All scrubfowl, partridges and pheasants, excluding those already listed in Part I	All species of Phasianidae	
All waders, excluding those already listed in Part I	All species of Charadiiformes	
Metallic pigeon	<i>Columbia vitiensis</i>	Pergam
Nicobar pigeon	<i>Caloenas nicobarica</i>	Pergam
All owls	All species of Tytonidae and Strigidae	Burung hantu

<i>English Name</i>	<i>Scientific Name</i>	<i>Local Name</i>
All swiftlets	All species of <i>Aerodramus</i> , <i>Hydrochous</i> and <i>Collocalia</i>	Burung layang
All kingfishers	All species of Alcedinidae	Pekaka
All woodpeckers	All species of Picidae	Belatok
Asian paradise fly-catcher	<i>Terpsiphone paradisi</i>	Burung sambar ekor panjang
Grackle or hill myna	<i>Gracula religiosa</i>	Burung tiong
All parrots and parakeets	All species of Psittacidae	Bayan
White-rumped shama	<i>Copyschus malabaricus</i>	
C. REPTILES		
Burmese brown tortoise	<i>Geochelone emys</i>	Baning
All soft-shelled turtles	All species of Tryonychidea	Labi-labi
False gharial	<i>Tomistoma schleglii</i>	Buaya jujulong
Estuarine crocodile	<i>Crocodylus porosus</i>	Buaya katak
All monitor lizards	All species of <i>Varanus</i>	Biawak
King cobra	<i>Ophiophagus hannah</i>	Ular tedung
Common cobra	<i>Naja naja</i>	Ular tedung
All pythons	All species of Python	Ular sawa
D. FISH		
Arowana (dragonfish)	All species of Osteoglossidae	Ikan seruk; ikan siluk
E. INVERTEBRATES		
All hard and soft corals	All species of Hydrozoa and Anthozoa (Actinozoa)	Batu karang
Raja Brooke's birdwing	<i>Troides brookiana</i>	

F. ADDITIONAL SPECIES

All species of animals listed in Appendices I and II of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), excluding those already listed in Part I.

PART III

(Section 31)

**ANIMALS WHICH MAY BE IMPORTED OR EXPORTED
UNDER LICENCE**

All animals, other than totally protected animals.

SECOND SCHEDULE

(Section 2 (1))

PART I**TOTALLY PROTECTED PLANTS**

<i>Scientific Name</i>	<i>Common Name</i>
1. All <i>Rafflesia</i> species	Bunga pakma
2. <i>Dipterocarpus obloglofolius</i>	Ensurai

PART II**PROTECTED PLANTS**

1. <i>Shorea macrophylla</i>	Engkabang jantung
2. <i>Shorea splendida</i>	Engkabang bintang
3. <i>Shorea helmsleyana</i>	Engkabang gading
4. <i>Shorea siminis</i>	Engkabang terendak
5. <i>Shorea palembanica</i>	Engkabang asu
6. <i>Shorea stenoptera</i>	Engkabang rusa
7. <i>Shorea pinanga</i>	Engkabang langai bukit
8. <i>Shorea ochracea</i>	Raru
9. All <i>Ficus</i> species	Pokok ara
10. <i>Sonneratia alba</i>	Perepat

<i>Scientific Name</i>	<i>Common Name</i>
11. <i>Sonneratia caseolaris</i>	Pedada
12. <i>Avicennia alba</i>	Api-api hitam
13. <i>Avicennia lanata</i>	Api-api
14. <i>Avicennia marina</i>	Api-api merah
15. <i>Avicennia officinalis</i>	Api-api sudu
16. <i>Lumnizera littorea</i>	Terentum merah
17. <i>Koompassia excelsa</i>	Tapang
18. <i>Koompassia malaccensis</i>	Menggris
19. <i>Aetoxylon sympetalum</i>	Kayu gahru
20. <i>Aquilaria beccariana</i>	Kayu gahru, engkaras (I)
21. <i>Aquilaria malaccensis</i>	Kayu gahru
22. <i>Aquilaria microcarpa</i>	Kayu gahru
23. <i>Didesmandra aspera</i>	
24. <i>Casuarina equisetifolia</i>	Rhu laut
25. All <i>Rhododendron</i> species	
26. All <i>Nepenthes</i> species	Periok nera
27. All Orchidaceae species	Orkid
28. <i>Salacca magnifica</i>	
29. <i>Johannesteysmannia altifrons</i>	Ekor buaya
30. <i>Areca triadra</i>	Pinang
31. <i>Areca jugahpunya</i>	Pinang
32. <i>Pinanga mirabilis</i>	Pinang
33. <i>Areca subcaulis</i>	Pinang
34. <i>Licuala orbicularis</i>	Biris
35. <i>Eurycoma longifolia</i>	Tongkat ali, sengkayap
36. <i>Goniothalamus velutinus</i>	Kayu hujan panas
37. All <i>Monophyllaea</i> species	
38. <i>Anñiaris toxicaria</i>	Ipoh
39. All peat swamp species of <i>Madhuca</i>	Ketiau
40. <i>Calophyllum lanigerum</i>	Bintangor

<i>Scientific Name</i>	<i>Common Name</i>
41. <i>Calophyllum teysmanii</i>	Bintangor
42. <i>Cycas rumphii</i>	Paku gajah, paku laut
43. All epiphytic <i>Lycopodium</i> species	Ekor tupai
44. All <i>Begonia</i> species	Riang, telinga gajah
45. All <i>Aeschynanthus</i> species	
46. All <i>Cyrtandra</i> , <i>Didymorcarpus</i> and species	Melebab
47. All species of plants listed in Appendices I and II of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), excluding those already listed in Part I.	

PART III

(Section 31)

PLANTS WHICH MAY BE IMPORTED OR EXPORTED
UNDER LICENCE

All plants, other than totally protected plants.

LAWS OF SARAWAK
Chapter 26
WILD LIFE PROTECTION ORDINANCE, 1998

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Swk. L. N. 93/98	Date of Commencement Notification of the Ordinance	1.10.1998 (Swk. L.N. 93/1998)
Cap. A108	Wild Life Protection (Amendment) Ordinance, 2003	1.10.2005 (Swk. L.N. 97/2005)

