



LAWS OF SARAWAK

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—

Chapter 27

NATIONAL PARKS AND NATURE RESERVES ORDINANCE, 1998

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**NATIONAL PARKS AND NATURE RESERVES
ORDINANCE, 1998**

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LAWS OF SARAWAK

Chapter 27

NATIONAL PARKS AND NATURE RESERVES ORDINANCE, 1998

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LAWS OF SARAWAK**Chapter 27****NATIONAL PARKS AND NATURE RESERVES
ORDINANCE, 1998**

An Ordinance for the constitution and management of National Parks and Nature Reserves and all matters incidental thereto.

[1st January, 1999]

Enacted by the Legislature of Sarawak—

**PART I
PRELIMINARY****Short title and commencement**

1. This Ordinance may be cited as the National Parks and Nature Reserves Ordinance, 1998, and shall come into force on the 1st day of January, 1999.

Interpretation

2. In this Ordinance—

“animal” means any species of animal, and includes mammals, birds, fish, reptiles, amphibians, insects, 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 Park Warden” means a Chief Park Warden appointed under section 3(2);

“Controller” means the Controller of National Parks and Nature Reserves appointed under section 3(1), and includes a Deputy Controller;

“historical monument” has the meaning assigned to it in the Sarawak Cultural Heritage Ordinance, 1993 [*Cap. 6*];

“historical site” has the meaning assigned to it in the Sarawak Cultural Heritage Ordinance, 1993 [*Cap. 6*];

“infrastructure” includes road, railway, dam, power transmission line, cable car and airfield;

“land” means unalienated State land and any other land held or registered in the name of the Government of Sarawak for the purpose of a national park or a nature reserve;

“Minister” means the Minister for the time being charged with the responsibility for national parks and nature reserves;

“national park” means any—

- (a) area of land;
- (b) inland water area; or
- (c) area within the territorial waters of the State,

constituted as a national park under Part III for—

- (i) conservation and protection of wild life and their habitat;
- (ii) preservation of geological or physiographical features of special interest on land and in areas beneath the territorial waters of the State;

(iii) facilitating study and research on the biodiversity of the State;

(iv) protection of the natural scenic beauty, and the historical sites and historical monuments on land and in the territorial waters of the State; and

(v) affording opportunities for public appreciation, enjoyment and education of the natural scenic beauty, wild life habitat, flora and fauna, geological and physiographical features, historical sites and historical monuments of the State;

“nature reserve” means any—

- (a) area of land;
- (b) inland water area; or
- (c) area within the territorial waters of the State,

constituted as a nature reserve under Part III for—

(i) the preservation of specific natural features, landscape and site for archaeological, recreational, educational or conservation purposes;

(ii) the preservation and protection of any particular historical site or historical monument on account of their unique natural beauty or interest; and

(iii) enhancing public appreciation, interest and education in the features, landscape, historical site or historical monument mentioned in paragraphs (i) and (ii);

“park officer” means any officer appointed under section 3, and includes the Controller;

“Park Warden” and “Park Ranger” means a Park Warden and a Park Ranger appointed under section 3(2);

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

“Sarawak Biodiversity Council” means the Sarawak Biodiversity Council established under section 3 of the Sarawak Biodiversity Centre Ordinance, 1997 [*Cap. 24*];

“weapon” includes any firearms, knives, blowpipes, spears, traps, snares, and any other type of weapon in common use by natives of Sarawak;

“wild life” means any species of wild animal or wild plant which exists, or whose habitat is, in the wild or natural state, in Sarawak or elsewhere in the world.

PART II

ADMINISTRATION OF NATIONAL PARKS AND NATURE RESERVES

Appointment of Controller of National Parks and Nature Reserves, etc.

3.—(1) The Minister may appoint a Controller of National Parks and Nature Reserves 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 National Parks and Nature Reserves and such number of Chief Park Wardens, Park Wardens, Park 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), including a Deputy Controller, 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, national parks and nature reserves;

(c) institute measures for the protection of national parks and nature reserves and to promote public appreciation and enjoyment thereof;

(d) protect and develop schemes and policies for the protection of wild life and their habitats within national parks and nature reserves which are not inconsistent with the provisions of the Wild Life Protection Ordinance, 1998 [*Cap. 26*];

(e) provide such facilities as may be necessary for the accommodation, enjoyment and comfort of visitors to a national park and a nature reserve;

(f) demarcate a national park or a nature reserve into various zones or areas to facilitate effective and proper management and control thereof;

(g) subject to section 25, engage or appoint any person to manage on his behalf any facilities provided for the purpose stipulated in paragraph (e) or any historical site, historical monument, geological or physiographical features within a national park or a nature reserve, and to provide the services referred to in section 25(1)(b);

(h) perform such other duties in relation to this Ordinance as the Minister may from time to time determine; and

(i) carry on such other activities as may appear to the Controller, 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 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 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 to 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 Park Warden

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

(2) A Chief Park 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 Park Warden shall be vested with the functions and duties of a Park Warden or Park Ranger.

Functions and duties of Park Warden, etc.

7.—(1) A Park Warden shall be responsible for the control and management of a national park or a nature reserve, and shall report to the Chief Park Warden having jurisdiction over the national park or the nature reserve, pertaining to all activities and incidents occurring therein.

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

Special Park Committee

8.—(1) The Controller may constitute a Special Park Committee, which shall be headed by a Park Warden to assist the

Controller in the protection and management of a national park or a nature reserve, and to promote public appreciation and enjoyment thereof.

(2) A Special Park Committee shall consist of not more than twelve members, and shall comprise park officers, Honorary Wild Life Rangers appointed under section 8(1) of the Wild Life Protection Ordinance, 1998 [*Cap. 26*], any other persons residing near a national park or a nature reserve and such other persons, who, in the opinion of the Controller, would be able to assist him in the protection and management of a national park or a nature reserve.

(3) (a) The Controller may designate any part of a national park for the exercise of subsisting rights or privileges which are recognized under section 11.

(b) In the exercise of his powers under subsection (1), the Controller shall take into account any recommendation which may be made to him by a Special Park Committee pertaining to the exercise of such rights and privileges within the national park.

PART III

ESTABLISHMENT OF NATIONAL PARKS AND NATURE RESERVES

Constitution of a national park or a nature reserve

9.—(1) Subject to this Part, a national park or a nature reserve may be constituted over—

- (a) any area of land, including land within a forest reserve or a Wild Life Sanctuary and land within a historical site or a historical monument;
- (b) any inland water area; or
- (c) any area within the territorial waters of the State.

(2) Where a historical site or a historical monument is within a national park or a nature reserve, that historical site and historical monument shall be preserved and managed in accordance with the Sarawak Cultural Heritage Ordinance, 1993 [*Cap. 6*].

Procedure for constituting a national park or a nature reserve

10.—(1) Where it is proposed to constitute a national park or a nature reserve over State land which is not within a forest reserve or a Wild Life Sanctuary, 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 as a national park or a nature reserve;

(b) directing any person claiming any rights or privileges in or over such land to submit, within sixty days from the date of publication of such notification, to the Chief Park 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 national park or a nature reserve 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 national park or a nature reserve or be brought to the notice of the persons affected thereby in such a manner as the Minister thinks necessary.

Rights or privileges

11. The rights or privileges that may be recognized in an area to be constituted as a national park or a nature reserve 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 16th February, 1956, to the date of the notification referred to in section 10.

Claim

12.—(1) A claim in respect of any right or privilege in or over the land to be constituted as a national park or a nature reserve must

be made in writing and in such form as may be prescribed by the Controller.

(2) A claim to such right or privilege may be submitted to the Chief Park Warden 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 national park or a nature reserve 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 constitution of the national park or the nature reserve.

Inquiry into claim

13.—(1) The Chief Park Warden shall, within sixty days from the date of receipt of any claim submitted under section 12 or such extended period as the Controller may allow, 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 Park 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 Park 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, on such date and at such location as may be specified in a notice to be issued by the Chief Park Warden.

Report

14.—(1) The Chief Park 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 Park Warden may deem it fit or proper to make.

Rights or privileges admitted

15. Where any right or privilege is admitted or found to have subsisted at the time of the notification published under section 10, the Controller shall—

(a) regulate the exercise or enjoyment of such rights or privileges including directing the areas or places within a national park or a nature reserve 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 adequate compensation to the lawful claimant thereof.

Assessment of compensation

16. 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 national park or a nature reserve, 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 being exercised or enjoyed by the claimant at the date of notification published under section 10;

(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 enjoyment or exercise of such right or privilege.

Decision on compensation

17. 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

18.—(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

19.—(1) At any time after the Controller has made a decision on the compensation for extinguishment of 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 10, a national park or a nature reserve.

(2) Such notification shall—

(a) state the name of the national park or the nature reserve;

(b) specify the limit of the national park or the nature reserve;

(c) state the date on which the notification shall take effect;

(d) declare whether all rights or privileges in the national park or the nature reserve have been extinguished; and

(e) stipulate the special conditions, if any, governing the reservation thereof.

Constitution of a national park or a nature reserve within a forest reserve, etc.

20.—(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, a Wild Life Sanctuary or a special area declared under the Public Parks and Greens Ordinance, 1993 [*Cap. 3*], to be a national park or a nature reserve.

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

(a) state the name of the national park or the nature reserve;

(b) state the date on which the national park or the nature reserve is constituted;

(c) where the national park or the nature reserve is constituted within a forest reserve or a Wild Life Sanctuary, declare the area on which the national park or the nature reserve is constituted, shall cease to be a forest reserve or a Wild Life Sanctuary;

(d) provide a detailed description of the area to be constituted a national park or a nature reserve; and

(e) limit or prohibit the exercise or enjoyment of any subsisting rights or privileges in the national park or the nature reserve.

(3) Any area constituted a national park or a nature reserve pursuant to this section shall—

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

(b) be deemed to have ceased to be a Wild Life Sanctuary and section 27 of the Wild Life Protection Ordinance, 1998 [*Cap. 26*], shall apply; or

(c) be deemed to have ceased to be a special area under the Public Parks and Greens Ordinance, 1993 [*Cap. 3*]; or

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

Effect of notification

21.—(1) From the date referred to in the notification gazetted under section 19(1) or 20(1), no person shall—

(a) enter, reside or remain in a national park or a nature reserve without the permission of the Controller;

(b) exercise and enjoy any right or privilege in the national park or the nature reserve, whether such right or privilege were awarded under 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 national park or the nature reserve without the prior written permission of the Controller, who shall, if such permission is to be given to a person who is not a member of the public service of the State, consult the Chief Executive Officer of the Sarawak Biodiversity Council before granting such permission.

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

Alienated land

22.—(1) The inclusion of any alienated land in a national park or a nature reserve 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 19.

National park and nature reserve be the property of the Government of Sarawak

23.—(1) From the date of constitution of a national park or a nature reserve, the place so constituted shall be the property of the Government of Sarawak and shall, subject to this Ordinance, be managed and controlled by the Controller.

(2) Nothing in this Part shall authorize the Controller to grant any permit or licence to any person who is not a member of the public service of the State to take away, remove any wild life for research purposes without the prior approval of the Chief Executive Officer the Sarawak Biodiversity Council.

PART IV

MANAGEMENT OF NATIONAL PARKS
AND NATURE RESERVES**Minister may give directions to Controller**

24.—(1) The Minister may give to the Controller directions of a general character not inconsistent with the provisions of this Ordinance as to the exercise and performance of his powers and functions in relation to any matter which appears to him to concern the protection and conservation of national parks and nature reserves in the State.

(2) For the purpose of carrying out the duties and functions imposed upon him by subsection (1), the Controller may within a national park or a nature reserve—

(a) construct such trails, interpretive displays, bridges, buildings and fences, and provide water supplies and sewage and refuse disposal facilities as he considers necessary;

(b) take such measures as may be necessary for the protection of the wild life, geological and physiographical features in a national park or a nature reserve and the preservation of such national park or such nature reserve and the wild life therein in their natural state;

(c) reserve or set aside any portions of a national park or a nature reserve as breeding places for animals, and as nurseries for plants; and

(d) provide such accommodation, amenities, facilities and services as are likely to attract visitors to the national park or the nature reserve and are not prejudicial to the proper care, control and management thereof.

(3) No infrastructure shall be built within the boundaries of a national park or a nature reserve, except with the written permission of the Controller, in consultation with the Minister.

(4) Before any permission is given under subsection (3), the Controller shall be satisfied that—

(a) the construction of such infrastructure in a national park or a nature reserve is essential and in the public interests;

(b) there is no alternative route or site for such infrastructure outside the national park or the nature reserve;

(c) an environmental impact assessment of such infrastructure in a national park or a nature reserve has been undertaken and that all conditions and measures to mitigate against any adverse environmental impact have been complied with, or implemented to the satisfaction of the Controller.

(5) The Controller may, for the purpose of the proper maintenance of a national park or a nature reserve and for the

protection of the safety of visitors thereto, direct any wild animal to be removed from or taken away to such place as he may direct:

Provided that he shall not direct the removal of a totally protected animal or a protected animal without consultation with the Controller of Wild Life.

Appointment of managing agent

25.—(1) Subject to any directions that may be issued by the Majlis Mesyuarat Kerajaan Negeri, the Controller may, with the approval of the Minister, by order published in the *Gazette*, appoint any person or company (in this section described as a “managing agent”)—

- (a) to build, manage or maintain—
 - (i) any of the building and facilities referred to in section 24(2); or
 - (ii) any historical site or historical monument within a national park or a nature reserve; or
- (b) to undertake the provision of services, within a national park or a nature reserve, which a licensed tour operator may, under the Tourism Industry Act 1992 [*Act 482*], provide.

(2) Such appointment shall be regulated by an agreement between the Controller and the person or company to be appointed under subsection (1). The agreement shall set out the duties and responsibilities of the managing agent and the terms, conditions and duration of his appointment.

PART V

OFFENCES AND PENALTIES

Restriction on certain acts in a national park or a nature reserve

26. No person, other than a person acting under and in accordance with the permission of the Controller, shall—

(a) enter, reside or remain in a national park or a nature reserve;

(b) convey into a national park or a nature reserve or, within the confines thereof, be in possession of any weapon, explosive, poison or any contrivance of any kind used for the taking, capturing, shooting, killing or destroying of any animals;

(c) within a national park or a nature reserve, kill, injure, capture or disturb any animal or take or destroy any plant, egg or nest;

(d) cut or set fire to any plant or damage any object of geological, prehistoric, archaeological, historical or other scientific interest;

(e) introduce any animal, or permit any domestic animal to stray, into a national park or a nature reserve, or introduce any plant into a national park or a nature reserve;

(f) remove from a national park or a nature reserve any animal or plant, whether alive or dead, other than any animal or plant lawfully introduced into a national park or a nature reserve by the person removing it;

(g) remove from a national park or a nature reserve any object of geological, prehistoric, archaeological, historical or other scientific interest;

(h) destroy or deface any object, whether animate or inanimate;

(i) erect any building in a national park or a nature reserve;

(j) clear or break up any land in a national park or a nature reserve;

(k) without prejudice to any rights lawfully acquired before 16th day of February, 1956, and to the provisions of any law for the time being in force in Sarawak relating to mining, prospect for minerals in any national park or any nature reserve;
or

(l) place, dump, deposit, ease or throw any carcass, paper, boxes, bottles, tins, refuse of any kind, noxious liquid or other offensive or filthy matter of any kind in a national park or a nature reserve.

Power of arrest and search

27.—(1) Any park officer or police officer may, without a warrant, arrest any person who is reasonably suspected of having committed an offence against this Ordinance or any regulations made hereunder, if such person refuses to give his name and address or gives a name and address which there is reason to believe is false, or if there is reason to believe that he may escape.

(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 the Controller or any other park officer empowered under section 28 to compound the offence:

Provided that in the latter case, if the arrested person refuses to compound the alleged offence, he shall forthwith be sent to the officer-in-charge of the nearest police station to be dealt with according to the law.

(3) Whenever a park officer or a police officer has reasonable cause to suspect that an offence against this Ordinance or any regulations made hereunder, has been committed, he may search any conveyance, building or place under the control of the person suspected, his agents or servants.

Power to compound

28.—(1) The Controller or any other park officer specially authorized by him in writing may compound any offence under this Ordinance or any regulations made hereunder, by accepting from the person reasonably suspected of having committed such offence, a sum of money not exceeding one half of the maximum fine prescribed for the offence.

(2) On 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 plant or protected animal or 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 shall think fit.

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

Power to hold inquiry and require attendance

29.—(1) Any park officer not below the rank of a Park Warden may, by notice in writing, require the attendance before him for purposes of investigation at a time and place to be specified in such notice, of any person suspected of being concerned in an offence against this Ordinance or any regulations made hereunder.

(2) If any such person refuses to attend as so required, the park officer 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 that notice.

Power to seize property

30.—(1) Where there is reason to believe that an offence against this Ordinance or any regulations made hereunder has been committed, any conveyance, plant, animal, or any part or derivative thereof, firearm, ammunition, appliance, weapon, trap, snare or any other object, article or thing which is the subject matter of or used in the commission of such offence, may be seized by any park officer or police officer.

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

Provided that, in any case where such property has been seized in connection with an offence dealt with under any regulations made under section 37(1) or committed by some person unknown or who cannot be found, it shall not be necessary to report to a Magistrate the seizure thereof and such property shall be taken possession of by the park officer who may after the expiration of one month, from the date of seizure thereof, dispose of the property in such manner as he shall think fit unless the property is subject to speedy or natural decay, in which case a Chief Park Warden may order its disposal immediately.

(3) When possession is taken of any property of a person which is unknown or who cannot be found under subsection (2), the park officer so taking possession shall either cause a notice thereof to be served upon any person whom he has reason to suspect to be interested in the property, or publish such notice in any way he thinks fit.

Disposal of confiscated property by court

31. When the trial of any offence under this Ordinance or any regulations made hereunder is concluded, any property that has been seized under this Ordinance shall, if they are the properties of the Government, be delivered to such park officer as the court may order and, in any other case, may be forfeited to the Government or otherwise disposed of as the court may order.

Offences and penalties

32. Any person who contravenes—

(a) any provision of this Ordinance or any regulations made hereunder, where no specific penalty is stipulated; or

(b) any order made by the Controller pursuant to this Ordinance; or

(c) any direction given by the Controller or a Chief Park Warden,

shall be guilty of an offence: Penalty, a fine of five thousand ringgit or imprisonment for one year or both fine and imprisonment.

Eviction from a national park or a nature reserve

33.—(1) When any person is convicted of an offence against the provisions of this Ordinance, the court shall, if application is made to it in that behalf by or on behalf of the Controller, issue a warrant addressed to all police officers or park officers requiring them forthwith to evict or remove such person from the national park or the nature reserve in which the offence was committed, and to take possession on behalf of the Government, of all animals, plants, crops,

buildings, instruments, weapons, machines and any other property used in the commission of the offences and the persons to whom such warrant is addressed shall forthwith carry the same into execution.

(2) An application under subsection (1) may be made without further process if made before the court recording a conviction adjourns but, if not so made, shall be made by summons before that court and the court shall make no further order unless proof of the service of such summons upon the person convicted is forthcoming.

Park officer to exercise powers of eviction, etc.

34.—(1) Where there is reason to believe that an offence against the provisions of section 26 has been committed, the Chief Park Warden or any other park officer duly authorized in writing in that behalf by the Controller may—

(a) remove from the national park or the nature reserve any person whom he has reason to believe to be committing the offence;

(b) seize any animal, plant, vehicle, vessel, machine, instrument, weapon, trap, snare or other implement or thing 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 or structure or take possession in the name of the Government all buildings, structure, machines, crops and other property.

(2) No park officer or police officer shall be liable for any injury, loss or damage caused to any person consequent upon his taking the steps mentioned in subsection (1).

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

Abetment and attempt

35. Any person who abets or attempts to commit an offence under this Ordinance is guilty of an offence and shall, on conviction, be liable to the same penalty provided for the principal offence.

Power to conduct prosecutions

36. Prosecutions for offences against this Ordinance or any regulations made hereunder may be conducted by the Public Prosecutor or any person authorized in writing by him under section 377 of the Criminal Procedure Code [*Act 593*].

PART VI
GENERAL

Regulations

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

- (a) the powers and duties of a park officer in regard to—
 - (i) the exclusion of members of the public from a national park or a nature reserve or any part thereof;
 - (ii) the killing, capturing or impounding of any animals within a national park or a nature reserve and the disposal of such animals;
 - (iii) the burning and cutting of plants within a national park or a nature reserve; and
 - (iv) the disposal of animal, plant, mineral or other product of the national park or the nature reserve;
- (b) regulating and controlling the taking, hunting, killing, snaring, trapping or capturing any kind of wild life by people with subsisting rights and privileges in a national park or a nature reserve, and regulating and controlling the type of weapons, instruments, contrivances and various other methods which may be used by such people in the taking, shooting or killing of wild life;

(c) regulating the activities which can be undertaken for research and other scientific or other purposes inside national parks and nature reserves;

(d) prescribing the powers, duties, responsibilities and other activities of a Special Park Committee;

(e) 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 national park or a nature reserve and the protection of wild life, geological and physiographical features therein or to any person who provides information leading to the conviction of any person of any offence under this Ordinance;

(f) compensation for any interference with the exercise of any rights or privileges recognized under section 11 within a national park;

(g) the conditions subject to which permission to enter a national park may be granted, and the periods or times during which a national park or any part thereof shall be open to the public;

(h) the conditions under which the services or attendance of park officers, or the services or attendance of any other person licensed by the Controller, may be obtained by any person entering, passing through so journeying within a national park or a nature reserve, and the fees to be paid for such services or attendance;

(i) the fees for admission in respect of persons and vehicles entering a national park or a nature reserve, the taking of photographs therein and the circumstances and conditions under which such fees may be waived or reduced;

(j) the protection and preservation of a national park or a nature reserve and the wild life therein;

(k) the regulation of traffic in and over a national park or a nature reserve, the carriage of passengers, goods and weapons in a national park or a nature reserve and the points at which people may enter a national park or a nature reserve;

(l) the conditions under which, and the persons or officers by whom, in contravention of the provisions of this Ordinance or any regulations made hereunder may be compounded;

(m) procedure and forms for compounding of offences;

(n) the demarcation of specific areas within a national park or a nature reserve for the exercise of any rights or privileges recognized under this Ordinance;

(o) the role and responsibilities of a managing agent appointed under section 25(1);

(p) anything that may be or is required to be prescribed under this Ordinance.

(2) Any regulations made under subsection (1) may provide for the punishment of any contravention thereof by penalties not exceeding a fine of five thousand ringgit or imprisonment not exceeding one year.

Repeal and saving

38.—(1) The National Parks and Nature Reserves Ordinance [*Cap. 127 (1958 Ed.)*] is repealed.

(2) Nothing in this Ordinance shall affect the past operation of, or anything done under, the repealed Ordinance and any national park or nature reserve constituted under Part II thereof shall be deemed to have been constituted under and be subject to this Ordinance.

(3) Any regulation, order, direction, notice, notification or proclamation made, issued, given or published under the repealed Ordinance and is still in force immediately before the date of commencement of this Ordinance shall continue to be in force and have full effect until such regulation, order, direction, notice, notification or proclamation, as the case may be, is amended, revoked or replaced under any corresponding provision of this Ordinance.

(4) Any action, suit, claim, proceedings or inquiry which has been instituted, filed, commenced or made under the repealed Ordinance and is still pending or existing immediately before the date of commencement of this Ordinance shall be continued and be

determined or completed in all respects under the provisions of the repealed Ordinance as if this Ordinance had not been enacted.

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LAWS OF SARAWAK

Chapter 27

**NATIONAL PARKS AND NATURE RESERVES
ORDINANCE, 1998**

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Swk. L.N. 92/2010	The National Parks and Nature Reserves (Amendment) Regulations, 2010	1st July, 2011 [Swk. L.N. 7/2011]

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