



LAWS OF SARAWAK

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Chapter 20

LOCAL AUTHORITIES ORDINANCE, 1996

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LOCAL AUTHORITIES ORDINANCE, 1996

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LAWS OF SARAWAK

Chapter 20

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LAWS OF SARAWAK

Chapter 20

LOCAL AUTHORITIES ORDINANCE, 1996

An Ordinance to consolidate the laws on local authorities in Sarawak and to make better provisions relating thereto.

[1st January, 1998]

**(Swk. L.G. 66/97)*

Enacted by the Legislature of Sarawak—

PART I PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Local Authorities Ordinance, 1996, and shall come into force on such date as the Minister may, by notification in the **Gazette*, appoint.

Interpretation

2.—(1) In this Ordinance—

“annual rateable value” means the estimated gross annual rent at which the holding might reasonably be expected to let from year to year the landlord paying the expenses of repair, insurance, maintenance or upkeep and all rates and taxes:

Provided that—

(a) in estimating the annual rateable value no account shall be taken of any restrictions or control on rent in so far as it limits the rent which may be required by a landlord or recovered from a tenant of a holding;

(b) in estimating the annual rateable value of any holding in or upon which there is any machinery used for any or all of the following purposes:

(i) the making of any article or part of an article;

(ii) the altering, repairing, ornamenting or finishing of any article;

(iii) the adapting for sale of any article,

the enhanced value given to the holding from the presence of such machinery shall not be taken into consideration, and for the purposes of this paragraph “machinery” includes steam engines, boilers or other motive power belonging to such machinery;

(c) in the case of any land—

(i) which is partially occupied or partially built upon;

(ii) which is vacant, unoccupied or not built upon;

(iii) with an incomplete building;

(iv) with a building which has been certified by the local authority to be abandoned or dilapidated or unfit for human habitation; or

(v) which is used for plantation, aquaculture, livestock farming and cultivation of crops for commercial purpose,

the annual rateable value shall be, in the case of subparagraphs (i) and (v), either the annual rateable value as hereinbefore defined or ten per centum of the open market value thereof at the absolute discretion of the Valuation Officer, and in the case of subparagraphs (ii), (iii) and (iv) the annual rateable value shall be ten per centum of the open market value thereof as if, in relation to subparagraphs (iii) and (iv), it were vacant land with no buildings thereon and in all cases the local authority may, with the approval of the Minister, reduce such percentage to a minimum of five per centum;

(d) where in respect of any particular holding, in the opinion of the Valuation Officer, there is insufficient evidence to base a valuation of annual rateable value upon, the Valuation Officer may apply such methods of valuation as in his opinion appears appropriate to arrive at the annual rateable value;

[Am. Cap. A114.]

“Bintulu Development Authority” means the Lembaga Kemajuan Bintulu (Bintulu Development Authority) established under section 3(1) of the Lembaga Kemajuan Bintulu (Bintulu Development Authority) Ordinance, 1978 *[Ord. No. 1/78]*;

“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, septic tank, underground tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing stage, swimming pool, bridge, railway lines, transmission lines, cables, rediffusion lines, overhead or underground pipelines, or any other structure, support or foundation;

“bylaws”, in relation to any local authority, means any bylaws made by the local authority under any power in that behalf conferred upon such local authority by this Ordinance or in force by virtue of this Ordinance, and includes any bylaws made by a local authority under any laws repealed by this Ordinance or pursuant to any other written laws;

“Chairman”, in relation to a local authority, means—

(a) the Commissioner of the City of Kuching North appointed under section 5(1) of the City of Kuching North Ordinance, 1988 [*Cap. 49*], and includes any person appointed to exercise the functions of the Commissioner temporarily;

[Am. Cap. A85.]

(b) the Mayor of the City of Kuching South appointed under section 10(1)(b), and includes the Deputy Mayor thereof;

(b) the Mayor of the Miri City Council appointed under section 10A, and includes the Deputy Mayor thereof;

(c) the Chairman or Deputy Chairman of a Municipal Council;

(d) the Chairman or Deputy Chairman of a District Council,

and including a person to whom the functions of a local authority has been transferred under section 8(1);

[Am. Cap. A85; Am. Cap. A114.]

“Councillor”, in relation to any local authority, means any person appointed under this Ordinance to serve on the local authority, and includes the Chairman thereof;

“District Officer” includes any person for the time being in charge of an administrative District;

“document of titles” means—

(a) a grant, lease of State land, occupation ticket or other document evidencing title to land issued under the Land Code [*Cap. 81 (1958 Ed.)*];

(b) subsidiary title or provisional subsidiary title issued under the Strata Titles Ordinance, 1995 [*Cap. 18*]; and

(c) mining leases and mining certificates issued under the Minerals Ordinance, 2004 [*Cap. 56*];

*“Headman” means any Headman appointed under section 140;

“Health Officer” means a Medical Officer of Health or any health inspector of the Ministry of Health or of a local authority, and includes an authorized officer appointed under section 3 of the Food Act 1983 [*Act 281*];

“holding” means any land, with or without buildings thereon, which is held or to be held under separate document of title, and in the case of subdivided buildings, the common property and any parcel thereof, and includes any building constructed on:

(a) a Native Communal Reserve declared under section 6 of the Land Code [*Cap. 81 (1958 Ed.)*]; and

(b) a Resettlement Scheme Area as defined in the Buildings (Exemption) Order, 1996 [*Swk. L.N. 7/96*];

[Am. Cap. A69; Am. Cap. A114.]

“improvements”, in relation to a holding, means all work done, material used at any time on or for the benefit of the holding by the expenditure of capital or labour by the owner or occupier thereof in so far as the effect of the work done or material used is to enhance the value of the holding;

“land” shall have the same meaning as assigned to it in the Land Code [*Cap. 81 (1958 Ed.)*];

* This definition will be repealed when the Community Chiefs and Headmen Ordinance, 2004 [*Cap. 60*] is brought into force.

“local authority” means—

(a) a City Administration named in Part I of the First Schedule;

(b) a Municipal Council named in Part II of the First Schedule; and

(c) a District Council named in Part III of the First Schedule;

“local authority area” means the area of jurisdiction of a local authority, and includes any area in which any person exercises powers under this Ordinance;

“market” means any public place ordinarily used for the sale of animals or of meat, fish, fruit, vegetables or other perishable articles of food for human consumption and for the sale of any clothing or other merchandise and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

“Minister” means in the case of the Bintulu Development Authority, the Commission of the City of Kuching North and the Council of the City of Kuching South, the Chief Minister, and for other local authorities, the Minister in the State Government charged with the responsibility for local government;

[Sub. Cap. A94.]

“nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell, or hearing, or which is or is likely to be injurious or dangerous to health or property;

“occupier” means the person in occupation of a holding or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“owner” means—

(a) in relation to any holding—

(i) the registered proprietor of the land as defined in the Land Code [*Cap. 81 (1958 Ed.)*]; or

(ii) the occupier; or

(iii) the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or as receiver or who would receive the same if such premises were let to a tenant; or

(iv) where the land has been subdivided, any person who pursuant to any agreement or instrument has acquired a beneficial interest in any subdivided lot;

(b) in relation to a subdivided building—

(i) in the case of the common property, the management corporation;

(ii) in the case of any parcel issued with a subsidiary title, the subsidiary proprietor;

(iii) where no subsidiary title has been issued, any person who, by virtue of any agreement or instrument, has acquired a beneficial interest in any individual parcel within the subdivided building;

the expressions “common property”, “management corporation”, “parcel” and “subsidiary title” shall have the meanings assigned to them in the Strata Titles Ordinance, 1995 [*Cap. 18*];

[Sub. Cap. A114.]

“Permanent Secretary” means the Permanent Secretary to the Ministry charged with the responsibility for local government in Sarawak;

“private road” means any road which is not a public road;

“public place” means any public road, street, square, alley, lane, footway, wharf, jetty, quay, bridge, parking place, garden, and any open space, public park, or special areas for greens constituted under the Public Parks and Greens Ordinance, 1993 [*Cap. 3*], and any place within the area of jurisdiction of a local authority, whether enclosed or not, set apart or appropriated for the use of the public or to which the public shall at any time have access, with or without payment of any fee, charge or consideration;

“public road” means any road or street over which the public have a right of way;

“rateable holding” means a holding which is subject to the payment of rates assessed and levied by a local authority under this Ordinance;

“regulate” includes control by a system of registration or licensing;

“Resident” means, whether preceded by a definite or indefinite article, the officer for the time being holding or acting in the office of Resident of the administrative Division in connection with which the word is used;

“road” shall have the same meaning as assigned to it in the Road Transport Act 1987 [*Act 333*];

“State financial authority” shall have the same meaning as assigned to it in the Financial Procedure Act 1957 [*Act 61*];

“temporary building” shall have the same meaning as assigned to it in the Buildings Ordinance, 1994 [*Cap. 8*];

“Valuation List” means a Valuation List of the rateable holdings prepared and certified by a Valuation Officer of a local authority pursuant to this Ordinance;

“Valuation Officer” means any Valuation Officer appointed by a local authority in consultation with the State Secretary in the case of the Commission of the City of Kuching North, Council of the City of Kuching South or the Permanent Secretary in the case of other local authorities.

[Am. Cap. A8; Am. Cap. A114.]

(2) In this Ordinance, a reference to the Yang di-Petua Negeri shall be construed as a reference to the Yang di-Petua 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

CONSTITUTION OF LOCAL AUTHORITIES

Declaration and determination of status of local authority

3.—(1) For the administration of the local authority affairs and to facilitate the provisions of services by local authorities under this Ordinance, the Yang di-Petua Negeri may, by Order published in the *Gazette*,—

(a) declare any area in the State to be a local authority area, possessing jurisdiction over all persons within that area in the discharge of any powers or duties conferred by this Ordinance;

(b) constitute a local authority to administer that local authority area;

(c) assign a name to such local authority area;

(d) define the boundaries of such local authority area; and

(e) determine the status of the local authority for such local authority area and such status shall be that of a City Administration, a Municipal Council or a District Council.

(2) Any local authority named in the First Schedule shall be deemed to be a local authority constituted under subsection (1) and shall have the status specified in that Schedule.

(3) The Yang di-Petua Negeri may, by Order published in the *Gazette*,—

- (a) change the name of any local authority area;
- (b) alter by extending or reducing the area of jurisdiction of a local authority to any specified area;
- (c) change the status of a local authority;
- (d) replace any local authority by another; or
- (e) amend, alter, replace or substitute the First and Second Schedules.

(4) All local authorities listed in the First Schedule shall for all purposes of the Land Code [*Cap. 81 (1958 Ed.)*] be deemed a native of Sarawak.

[*Add. Cap. A191/2020*]

Body corporate

4. Every local authority named in the First Schedule or established under this Part shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

General powers of local authority

5. A local authority shall have and shall exercise only such powers within its area of jurisdiction as may be expressly conferred by this Ordinance and under any other written laws, and the exercise thereof shall be subject to the provisions of, and the restrictions contained in this Ordinance or such other written laws.

Powers of a local authority may be curtailed

6. When establishing a local authority under section 3, or at any time thereafter, the Minister, with the approval of the Yang di-Petua Negeri, may direct that such local authority shall exercise only such of the powers conferred on a local authority by this Ordinance or any other written laws as the Minister may specify, and, when any

such direction shall have been given, this Ordinance or such other written laws, as the case may be, shall be deemed to confer upon such local authority only such powers as the Minister shall have specified.

Merger of two or more local authorities

7.—(1) The Yang di-Petua Negeri may, by Order published in the *Gazette*, declare that as from the date specified therein, two or more local authorities named in the Order shall be merged into a single local authority (in this Ordinance referred to as the “enlarged local authority”).

(2) The Order referred to in subsection (1) may—

(a) provide for the following matters concerning the enlarged local authority:

(i) the name for the enlarged local authority;

(ii) its area of jurisdiction;

(iii) the number of Councillors to be appointed for the enlarged local authority;

(iv) the vesting of properties or assets, both movable and immovable, of the local authorities named in the Order, on the enlarged authority; and

(v) such other matters as the Yang di-Petua Negeri may deem fit or necessary to facilitate the merger of the local authorities concerned

(b) transfer or reassign any functions or responsibilities of any local authority named in the Order, to another local authority which is not intended to be incorporated into the enlarged local authority;

(c) transfer any part of the areas under the jurisdiction of the said local authorities but not included in the area of jurisdiction of the enlarged local authority, to another authority; and

- (d) provide for amendment of the First Schedule.

[Sub. Cap. A94.]

Transfer of functions

8.—(1) If it appears to the Yang di-Petua Negeri to be necessary or desirable in the public interest that any function of a local authority or of an employee of such local authority should be forthwith transferred from such local authority or such employee, the Yang di-Petua Negeri may, by Order published in the *Gazette*, transfer such function to any public officer or officers; and if the Yang di-Petua Negeri is of the opinion that any investigation should be held, he may in the same Order or in a subsequent Order direct that an enquiry be held into the matter and may make such further Order as may be necessary or expedient.

(2) Where under subsection (1) any function is transferred, the Minister may make such Order as may be necessary or expedient relating to the expenses required by such transfer of functions and such Order shall be binding on the local authority notwithstanding any provisions of this Ordinance relating to expenditure from the Local Authority Fund, and the payment of such expenses as may be authorized by the Order shall be a purpose for which the local authority may borrow in accordance with this Ordinance.

(3) Any Order made under subsection (1) shall be laid before the Dewan Undangan Negeri at its next meeting and shall, unless sooner revoked by the Yang di-Petua Negeri, continue to be in force until annulled by a resolution of the Dewan Undangan Negeri.

Power of the Yang di-Petua Negeri to issue directions

9.—(1) The Yang di-Petua Negeri may from time to time give the local authority directions of a general character, and not inconsistent with this Ordinance, on the policy to be followed in the exercise of the powers conferred and the duties imposed on the local authority by or under this Ordinance in relation to matters which appear to the Yang di-Petua Negeri to affect the interests of the local authority area, and the local authority shall as soon as possible give effect to all such directions.

(2) The local authority shall furnish the Minister with such returns, accounts and other information with respect to the property and activities of the local authority as the Minister may from time to time require.

PART III COMPOSITION AND ORGANIZATION

Administration of Kuching City

10.—(1) The City of Kuching shall be administered by—

(a) the Commission of the City of Kuching North appointed under the City of Kuching North Ordinance, 1988 [*Cap. 49*]; and

(b) the Council of the City of Kuching South consisting of:

(i) a Mayor;

(ii) a Deputy Mayor; and

(iii) not less than eight and not more than thirty-three other Councillors,

to be appointed by the Yang di-Petua Negeri.

[Am. Cap. A69; Am. Cap. A85; Sub.Cap. A160/2013, Am. Cap. A221.]

(2) (a) The Commission of the City of Kuching North shall have jurisdiction over the area of the City of Kuching North described in the Schedule to the City of Kuching North Ordinance, 1988 [*Cap. 49*].

(b) The Council of the City of Kuching South shall have jurisdiction over the area described and defined in the Second Schedule.

[Am. Cap. A85.]

Administration of Miri City Council

10A.—(1) The Miri City Council shall be administered by—

- (a) a Mayor
- (b) a Deputy Mayor; and
- (c) not less than eight and not more than thirty-three other Councillors,

to be appointed by the Yang di-Petua Negeri.

[Sub. Cap. A160/2013, Am. Cap. A221.]

(2) The Miri City Council shall have jurisdiction over the area described and defined in paragraph (8)(a) under the Schedule to the Administrative Areas Order, 1987 *[Swk. L.N. 19/87]*.

[Ins. Cap. A114.]

Municipal Council

11. A Municipal Council (except in the case of the Bintulu Development Authority) shall consist of—

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than eight and not more than thirty-three other Councillors,

to be appointed by the Yang di-Petua Negeri.

[Am. Cap. A69; Sub. Cap. A160/2013, Am. Cap. A221.]

District Council

12.—(1) A District Council shall consist of—

- (a) a Chairman;
- (b) a Deputy Chairman; and

(c) not less than six and not more than thirty other Councillors,
to be appointed by the Yang di-Pertua Negeri.

[Sub. Cap. A160/2013.]

(2) A District Officer, unless he is appointed Chairman or Deputy Chairman of a District Council, shall be an *ex officio* member of the District Council for the District in which he is serving.

(3) An *ex officio* member of a District Council shall be entitled to attend meetings thereof and give his views on any issue or question under deliberation, but shall not have any voting rights and shall not be counted for the purposes of determining whether there is a quorum for the meeting.

Qualification for appointment

13. Councillors of a local authority shall be appointed from amongst Malaysian citizens who are ordinarily resident in Sarawak and who in the opinion of the Yang di-Petua Negeri have wide experience in local government affairs or who have achieved distinction in any profession, commerce or industry, or are otherwise capable of representing the interests of their communities in the local authority area.

Tenure of office

14.—(1) The term of office of each Councillor shall not exceed three years.

(2) A Councillor may at any time resign his office by letter addressed to the Minister through the Chairman.

(3) The appointment of any Councillor may at any time be revoked by the Yang di-Petua Negeri without assigning any reason therefor.

- (4) The seat of a Councillor shall become vacant—
- (a) if he dies;
 - (b) if there has been proved against him, or he has been convicted on, a charge in respect of—
 - (i) an offence under any law relating to corruption or dishonesty; or
 - (ii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
 - (c) if he becomes a bankrupt;
 - (d) if he is of unsound mind or is otherwise incapable of performing his duties;
 - (e) if he absents himself from three consecutive meetings without leave of the Chairman;
 - (f) in the event of his resignation being accepted by the Minister; or
 - (g) if his appointment is revoked.
- (5) On a vacancy occurring in the seat of a Councillor, the Chairman shall immediately notify the Minister who, with the approval of the Yang di-Petua Negeri, may fill such vacancy.
- (6) A Councillor shall be eligible for reappointment upon the expiry of his term of office.
- (7) Councillors may be granted leave of absence for such period and upon such terms as the Minister may approve.

Allowances for Councillors

15. Every Councillor and every person appointed to any committee constituted by a local authority may be paid such salaries, allowances or other expenses as the Minister may determine.

Declaration by Councillors before assuming office

16.—(1) Every Councillor shall make and subscribe a declaration of acceptance of office in the Form prescribed in the Third Schedule at the first meeting of the local authority at which he attends, and the fact of such making and subscribing shall be recorded in the minutes of such meeting.

(2) A Councillor shall not act in the office of Councillor unless he has made and subscribed such a declaration.

Councillor exempt from service as assessor

17. No Councillor shall be liable to serve as assessor.

Common seal

18.—(1) The common seal of a local authority shall be in the custody of the Secretary and shall be authenticated by the signature of the Chairman or his Deputy and the Secretary.

(2) Such seal shall be officially and judicially noticed.

Authentication and execution of documents

19.—(1) Every notice, order, warrant, licence, permit, receipt or other similar document issued or requiring authentication by a local authority shall be deemed to be sufficiently authenticated without the common seal of the local authority if signed by the Chairman or Secretary or any officer of the local authority duly authorized by the Chairman or by any bylaw of the local authority.

(2) Subject to section 47, every contract and every instrument and document which a local authority is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the local authority if signed by the Chairman, or by the Secretary, or by any one or more Councillors duly authorized thereto by any resolutions or bylaws of the local authority.

Local authority office

20. Every local authority shall provide an office within the local authority area for the transaction of business.

Meetings

21.—(1) Every local authority named in Parts I and II of the First Schedule shall hold an ordinary meeting for the despatch of business on such days and at such hours as it may from time to time appoint but not less than once in every month.

(2) Every local authority named in Part III of the First Schedule shall hold an ordinary meeting for the despatch of business on such days and at such hours as it may from time to time appoint but not less than four times in a year.

(3) The Chairman may at any time and shall, at the request in writing of not less than one third of the Councillors, call a special meeting of the local authority, and the day fixed for such meeting shall be within fourteen days of the presentation of such request.

(4) The notice of any special meetings shall specify the object of the meeting, and no other subjects than those specified in the notice shall be discussed at the meeting.

(5) Notice of the time, date and place of every meeting of the local authority shall be served on every Councillor either personally or by leaving the same at his usual place of residence or at his business address not less than thirty six hours before the meeting:

Provided that the accidental omission to serve a notice on any Councillor shall not affect the validity of any meeting.

(6) All meetings of the local authority shall be open to the public and to representatives of the press unless the local authority by resolution at the meeting otherwise decides:

Provided that this subsection shall not apply to any committee of the local authority unless such committee by resolution otherwise decides.

Quorum

22.—(1) The quorum necessary for the transaction of business at a special meeting of the local authority shall be one half of the full number of its Councillors excluding any vacant seat and where the number of Councillors is not divisible by two then one half of the next lower number.

(2) The quorum necessary for the transaction of business at an ordinary meeting of the local authority shall be one third of the full number of its Councillors excluding any vacant seat and where the number of Councillors is not divisible by three then one third of the next lower number divisible by three.

(3) If at any special or ordinary meeting of the local authority a quorum is not present, the meeting shall stand adjourned to such other day as the Chairman fixes, and the business which would have been brought before the original meeting, if there has been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum thereat or not.

Chairman of meetings

23.—(1) At every meeting of the local authority, the Chairman of the local authority or in his absence the Deputy Chairman of the local authority if present shall preside.

(2) If the Chairman and the Deputy Chairman of the local authority are absent from the meeting, the Councillors present shall elect one of their number to be Chairman of the meeting.

Vote of majority decisive

24.—(1) Except as otherwise prescribed, all questions or issues coming before any meeting of the local authority shall be decided by a majority of the votes of the Councillors present.

(2) In case of an equality of votes the Chairman at the meeting shall have a second or casting vote.

(3) *Ex officio* and coopted members of any local authority shall not be entitled to vote on any question or issue at the meeting.

Minutes to be kept of all proceedings

25.—(1) Every local authority shall cause to be duly made from time to time minutes of all proceedings of the local authority and of every committee appointed by it, including the names of the Councillors present, and the names of all Councillors voting on any question for the decision of which a division is called.

(2) All minutes shall be confirmed and signed by the Chairman of the meeting, and a copy of such minutes shall be transmitted to the Minister.

(3) The minutes of all proceedings of the local authority shall be kept at the office of the local authority and shall at all reasonable times be open to the inspection of the Minister or the Permanent Secretary or any Councillor or rate payer of the local authority area and of any officer of the Government, any of whom may at all reasonable times make a copy of any part thereof without fee:

Provided that the minutes of the proceedings of any committee shall not be open to inspection by a rate payer unless the Minister otherwise directs.

(4) The minutes of proceedings at a meeting of the local authority or of a committee duly signed by the Chairman of the meeting at which the minutes are signed shall be received in evidence without further proof and, subject to all just exceptions, shall be evidence of the matters stated therein.

Appointment of Committees

26. Every local authority may from time to time appoint Committees, either of a general or special nature, consisting of a Chairman and such number of Councillors and such other persons as the local authority may think fit, for the purpose of examining and reporting upon any matter or performing any act which in the opinion of the local authority would be more conveniently performed by means of a Committee, and may delegate to any Committee such powers, other than the power to raise money by rates or loans, as it may think fit, and may fix the quorum of any such Committee.

Standing orders for regulating proceedings of local authorities

27. Every local authority may, subject to this Ordinance, from time to time make standing orders for regulating its proceedings and those of any Committee thereof, for preserving order at its meetings or at the meetings of any Committee thereof and for regulating the duties of the Councillors and the transaction of its affairs.

Validity of acts of local authority officers

28.—(1) All acts of the local authority or of any person acting as Chairman, Deputy Chairman, Councillor, Secretary or any other officer of the local authority shall, notwithstanding that it be discovered that there was some defect in the appointment of any such person or that he was disqualified, be valid and effectual as if such person had been duly appointed and qualified.

(2) Nothing done under this Ordinance shall be invalid by reason only that the number of Councillors in a local authority is less than the number prescribed.

Disability of Councillors for voting on account of interests in contracts, etc.

29.—(1) If a Councillor has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the local authority or of any Committee thereof at which the contract or proposed contract or other matter is the subject of consideration, he shall, as soon as possible after the commencement thereof, disclose the fact, and shall withdraw from the meeting while the contract or proposed contract or other matter is under consideration:

Provided that this section shall not apply to an interest in a contract or proposed contract or other matter which a Councillor may have as a rate-payer or inhabitant of the local authority area, or as an ordinary consumer of water, gas, electricity or other local authority services or to an interest in any matter relating to the terms on which the right to participate in any local authority service, including the supply of goods, is offered to the public.

(2) For the purposes of this section, a Councillor shall be treated as having indirectly a pecuniary interest in a contract or proposed contract or other matter, if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that this subsection shall not apply to membership of, or employment under, any public body.

(3) In the case of married persons the interest of one spouse shall, if known to the other, be deemed for the purpose of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the Secretary by a Councillor to the effect that he or his spouse or a member of his family is a member or is in the employment of a specified company or other body, or that he or his spouse or a member of his family is a partner or in the employment of a specified person shall, unless the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The Secretary shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall be open at all reasonable hours to the inspection of any Councillor.

(6) If any Councillor fails to comply with subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding one year or to both such fine and imprisonment and in addition the Court shall make an order of forfeiture in respect of any profit which have accrued or may accrue to him as a result of such interest.

(7) Any Councillor convicted of an offence under this section shall thereupon become disqualified from continuing to be a Councillor.

(8) Any Councillor disqualified under subsection (7) shall not be eligible of being appointed a Councillor for any local authority.

(9) A prosecution for an offence under this section shall not be instituted except with the sanction of the Public Prosecutor.

(10) For the purpose of this section, "Councillor" includes a person appointed to any Committee of the local authority.

Restriction

30. No Councillor shall by himself or his partner or agent act in any professional capacity for or against the local authority of which he is a Councillor.

Contracts

31.—(1) A local authority may enter into contracts necessary for the discharge of any of its functions provided that such contracts do not involve any expenditure in that year in excess of the sums provided in the approved annual estimates for the discharge of such functions unless such expenditure in that year is authorized under this Ordinance.

(2) All contracts made by the local authority or by a Committee thereof on behalf of the local authority shall be made in accordance with any regulations which may be made under this Ordinance and in the case of contracts for the supply of goods or materials or services or the execution of works the regulations shall require that—

(a) except as otherwise provided therein tenders shall be called for in such manner as may in such regulations be prescribed; and

(b) no contract enduring for a longer period than the time elapsing between the making of such contract and the end of the financial year shall be made without the prior written consent of the Minister.

Mode of executing contracts exceeding fifty thousand ringgit

32. Every contract which involves the expenditure by the local authority of more than fifty thousand ringgit shall specify—

(a) the work or duty to be done;

(b) the materials to be used;

(c) the price to be paid for such work, duty or materials;

(d) the time or times within which the work or duty is to be done or the materials are to be furnished; and

(e) the damages for breaches of the contract by the contractor,

and shall be sealed by the common seal of the local authority.

Employees not to be interested in contracts

33. No officer or employee of a local authority shall in any way be concerned or interested in any contract or work made with or executed for the local authority without the prior knowledge and written consent of the local authority.

Restriction on privatization of functions and services

34. A local authority shall not, except with the prior written approval of the Minister, appoint or entrust the undertaking or performance of any of its functions or the provision of any services which that local authority is empowered to provide to any person or body to the intent that the person or body so appointed or entrusted can impose and collect any charges, fees or other levies from members of the public.

PART IV

OFFICERS AND EMPLOYEES OF LOCAL AUTHORITIES

Chief Administrative Officer

35.—(1) (a) The Chief Administrative Officer of the City of Kuching North shall be the Director of the City of Kuching North appointed under section 8 of the City of Kuching North Ordinance, 1988 [*Cap. 49*].

(b) The Chief Administrative Officer of the Bintulu Development Authority shall be the General Manager of that Authority appointed under section 18 of the Lembaga Kemajuan Bintulu (Bintulu Development Authority) Ordinance, 1978 [*Ord. No. 1/78*].

(c) The Chief Administrative Officer of all other local authorities shall be the Secretary of the local authority concerned who shall be appointed in accordance with the regulations made under section 37 and after consultation with the State Secretary.

[Am. Cap. A69; Am. Cap. A85.]

(2) Subject to any direction given by the Minister and the Chairman, the Secretary appointed under subsection (1)(c) shall be responsible for the general administration of the affairs of the local authority, and for the implementation of all decisions of the local authority and of the Minister.

(3) All communications between a local authority and the Minister, the State Secretary and other departments of the Government shall be conducted through the Secretary or an appropriate officer of the local authority generally or specially authorized by him.

List of offices

36.—(1) The local authority shall, once in every year before or at the time of submission of its annual estimates under section 53(5),—

(a) in the case of the Commission of the City of Kuching North, the Council of the City of Kuching South and Miri City Council, submit to the Majlis Mesyuarat Kerajaan Negeri for its approval; and

(b) in the case of all other local authorities, submit to the Minister for his approval,

a list of offices which the local authority thinks necessary for the purpose of this Ordinance with the salaries and allowances, if any, proposed to be attached to such offices respectively.

[Am. Cap. A85; Am. Cap. A114.]

(2) Such list shall, when approved by the Majlis Mesyuarat Kerajaan Negeri or by the Minister, as the case may be, continue in force until a new list is approved in like manner.

(3) The local authority may at any time submit for approval of the appropriate authority specified in subsection (1) any alterations and additions in and to such list, and such alterations and additions when approved shall have the same force as if they had been included in such list.

Power of Yang di-Petua Negeri to make regulations relating to staff of local authorities

37.—(1) The Yang di-Petua Negeri may make regulations to provide for the appointment, confirmation, promotion, transfer, posting, duties, tenure of office and terms and conditions of service including maternity benefits, duty allowances, leave, rest days, hours of work, overtime, privileges and other benefits of officers and employees of all local authorities.

(2) The Yang di-Petua Negeri may make regulations for the purpose of maintaining good conduct and discipline among officers and employees of local authorities, and may prescribe punishments upon any such officer or employee who is guilty of misconduct or breach of discipline in the exercise of his official functions and duties.

(2A) No officer or employee of a local authority shall be reduced in rank or dismissed without being given a reasonable opportunity of being heard:

Provided that this subsection shall not apply to the following cases:

(a) where an officer or employee of a local authority is dismissed or reduced in rank on the ground that a criminal charge has been proved against him;

(b) where the Yang di-Petua Negeri is satisfied that in the public interest or any other sufficient reason, the service of an officer or employee of a local authority should be terminated in accordance with any law relating to pensions applicable to that officer or employee; or

(c) where there has been made against any officer or employee of a local authority any order of detention, restricted residence, banishment or deportation, or where there has been imposed on such an officer or employee any form of restriction or supervision by bond or otherwise, under any law relating to the security of the Federation or any part thereof, prevention of crime, preventive detention, banishment, immigration or protection of women and girls.

[Sub. Cap. A69.]

(3) Until and unless regulations are made under this section, the State Public Service General Orders, 1996 *[Swk. L.N. 1/96]*, which are not inconsistent with the provisions of this Ordinance shall apply, with such modifications as the Minister may direct, to all officers and employees of a local authority.

(4) The Local Authority (Terms of Service) Regulations, 1955, are revoked as from the date of commencement of this Ordinance.

Transferability of local authority staff

38. Officers and employees of a local authority may be transferred, posted or seconded to another local authority in accordance with the regulations made under section 37: Provided that such transfer, posting, secondment shall not result in a reduction of rank of the officer or employee and would not result in any loss of seniority, privileges or benefits.

[Am. Cap. A69.]

PART V
GENERAL FINANCIAL PROVISIONS

Local authority revenue

39. The revenue of a local authority shall consist of—

(a) all taxes, rates, levies, rents, licence fees, dues and other sums or charges payable to the local authority by virtue of this Ordinance or of any written law;

(b) all charges or profits derived from services rendered or undertaking carried on by the local authority under the powers vested in it;

(c) all interest accrued on any monies invested by the local authority and all income arising from or out of the property, both movable or immovable, of the local authority;

(d) all other revenue accruing to the local authority from the Government of the Federation or of the State Government of Sarawak or from any statutory body, other local authority or from any other source, as grants, loans, contributions, endowments or otherwise; and

(e) such other revenues as the Majlis Mesyuarat Kerajaan Negeri may, with the approval of Dewan Undangan Negeri signified by resolution, declare to be the revenue of the local authority.

Local Authority Fund and Local Treasury

40.—(1) All moneys received by a local authority on its own behalf by virtue of this or any other written laws shall constitute a fund which shall be called the Local Authority Fund, and shall be administered from an office which shall be called the Local Treasury, and shall, together with all property which becomes vested in the local authority, be under the direction and control of the local authority subject to this Ordinance.

(2) All orders or cheques against the said Fund shall be signed by two officers authorized in writing by the local authority.

(3) Any such moneys may be invested in any securities in which trustees are empowered under Trustee Act 1949 [*Act 208*] to invest or in such other manner as authorized by the Minister.

(4) Notwithstanding subsection (1), the Minister may direct that all moneys received by a local authority shall be lodged on current or deposit account with one or more banks or financial institutions licensed under the Banking and Financial Institutions Act 1989 [*Act 372*], as may be approved by the State financial authority.

Borrowing powers

41.—(1) A local authority may, with the consent of the Majlis Mesyuarat Kerajaan Negeri and subject to such terms and conditions as it may think fit to impose, borrow such sums as may be required for any of the following purposes:

(a) for acquiring any land or other moveable assets which the local authority has power to acquire;

(b) for erecting any building which the local authority has power to erect;

(c) for the execution of any permanent work, the provision of any plant or the doing of any other thing which the local authority has power to execute, provide or do; and

(d) for paying off existing loans.

(2) Any moneys borrowed from the Government by a local authority shall, subject to any prior charge, be a first charge upon the revenues and assets of such local authority.

Borrowing powers for special purposes

42.—(1) In addition to the powers of borrowing conferred upon a local authority by section 41 and subject to any other written laws, a local authority may, for the purpose of carrying out any development for residential, commercial and industrial undertakings, raise by way of loan from any person such amounts of money at such rates of interest and upon such terms and conditions as may be agreed upon between the local authority and that person with the approval of the Majlis Mesyuarat Kerajaan Negeri.

(2) Any loan made to a local authority under this section may be secured by a first mortgage or a first charge or by debentures upon the assets, and the revenues derived from the assets, in respect of which the money is borrowed but not upon any other assets or revenue of the local authority.

(3) The local authority may, in consultation with the State financial authority and with the approval of the Minister, make regulations to provide the method of issue, transfer, redemption or other dealing with shares, stock, bonds, debentures or debenture stock issued under this Ordinance.

Loans by Government

43.—(1) Subject to any other written laws, the Government may, out of its revenue or other moneys as may from time to time be set aside or appropriated for the purpose, grant loans to any local authority at such rates of interest and on such terms and conditions to be observed by the local authority obtaining such loan, in addition to those prescribed bylaw, as it shall think fit to impose.

(2) Where a local authority is unable to pay any money due in respect of any loan granted under this section, the Government may, at any time after the expiry of sixty days from the date on which such money becomes due and payable, order that a rate or rates of such amounts as it may fix be made and levied upon all rateable holdings within the local authority area and such rate so ordered shall have the same incidence as any rate imposed by the local authority and may be enforced in like manner and the proceeds thereof shall be paid into the Consolidated Fund of the State.

(3) Every loan granted under this section shall, subject to any prior charge, be a first charge upon the revenues and assets of the local authority obtaining such loan.

Advances by way of overdraft

44. Subject to any other written laws, a local authority may from time to time obtain from any licensed bank advances by way of overdraft and any such overdraft shall, unless covered by fixed deposits with the same bank, require the written approval of the Minister:

Provided that all moneys so advanced by the bank and any interest thereon shall constitute a debt due by the local authority and shall be a charge on the property and revenues, present and future, of the local authority, and section 43(2) shall apply in all respects as if such advances were loans granted under section 43.

Sinking fund

45.—(1) The local authority shall establish a sinking fund or funds in respect of any loan raised by or granted to it and shall cause to be paid into such fund or funds such sums in every year to provide for the redemption of the loan or such sums as the Minister may direct and the local authority shall not appropriate any sum from the sinking fund for any other purpose without the written consent of the Minister.

(2) The Minister, in consultation with the State Financial Secretary, may from time to time give directions to the local authority as to the manner in which the moneys in any such sinking fund shall or may be applied, invested or transferred to any other fund or to the general assets of the local authority.

Renewal and insurance funds

46. A local authority may from time to time provide for the annual setting aside of amounts to create—

(a) adequate renewal funds to provide for the entire or partial replacement of assets of the local authority which, owing to depreciation or other cause, need to be replaced at some future date; and

(b) insurance funds to cover risks or to provide for contingencies, the liability for which would otherwise have to be met by the local authority as and when such risks or contingencies fall due.

Power to enter into contracts

47. A local authority may, subject to any regulations which may be made under the Ordinance,—

(a) make such contracts as are necessary or expedient for the proper performance of its duties or the effective exercise of its powers, under this Ordinance; and

(b) enter into contracts of guarantee or indemnity for the purpose of facilitating the acquisition or erection of dwelling houses by officers or other servants of the local authority.

Expenditure of local authority

48. A local authority may, subject to such restrictions and limitations as may be prescribed by regulations made under this Ordinance, expend the Local Authority Fund, in the exercise of its powers and duties under this Ordinance or any other written laws, on such purposes as are authorized by this Ordinance or any other written laws, or as the Majlis Mesyuarat Kerajaan Negeri may approve.

Local authority to conform with regulations

49. Every local authority, in the control and administration of its property and the Local Authority Fund, and with respect to the preparation of estimates and the auditing of its accounts, shall conform with such instructions as may be given by the Minister, and any regulations which may be made by the Majlis Mesyuarat Kerajaan Negeri in that behalf.

PART VI**ACCOUNTS AND AUDIT****Financial year**

50. Unless otherwise directed by the Majlis Mesyuarat Kerajaan Negeri, the financial year of a local authority shall be the twelve months ending on the 31st day of December of each calendar year.

Accounts to be kept

51. The local authority shall cause proper books and accounts to be provided and true and regular records to be entered therein of all transactions of the local authority and such books and accounts shall be open at all reasonable times and for reasonable periods to the inspection of any Councillor with the prior consent of the Chairman.

Annual statement of accounts

52.—(1) The accounts of the local authority shall, as soon as may be, be balanced for the preceding financial year and an annual statement of accounts showing the revenue and expenditure and balance sheet of the Local Authority Fund shall be prepared.

(2) Copies of such annual statement signed by the Chairman of the local authority shall be laid before the local authority not later than its first ordinary meeting in the month of April following or at any time thereafter as allowed by the Minister.

Annual estimates to be passed and approved

53.—(1) The local authority shall, not later than the thirty-first day of October of each year, pass detailed estimates of the revenue and expenditure of the local authority for the next financial year.

(2) Such estimates shall be in such form as may be required by the Minister and shall be passed at a special meeting of the local authority.

(3) A copy of the draft estimates shall be delivered to each Councillor not less than seven days before the date fixed for such meeting.

(4) Subject to this Ordinance, the local authority may pass, modify, reject or add any item in such draft estimates.

(5) After the draft estimates have been passed by the local authority, it shall be forwarded,—

(a) in the case of the Commission of the City of Kuching North, the Council of the City of Kuching South and Miri City Council, to the Majlis Mesyuarat Kerajaan Negeri for its approval; and

(b) in the case of all other local authorities, to the Minister for his approval,

not later than the thirtieth day of November and the Majlis Mesyuarat Kerajaan Negeri or the Minister, as the case may be, may reduce or reject any item of expenditure appearing therein.

[Am. Cap. A85; Am. Cap. A114.]

(6) The local authority concerned shall be bound by the estimates approved by the Majlis Mesyuarat Kerajaan Negeri or by the Minister, as the case may be.

Supplementary estimates

54.—(1) Where additional financial provision is required in any year the local authority may from time to time pass supplementary estimates showing the sources out of which any additional expenditure incurred by it may be met.

(2) Subject to this section, section 53 shall apply to any supplementary estimates in like manner as they apply to the annual estimates.

No expenditure to be incurred unless included in the estimates

55. No local authority shall incur any expenditure which has not been included in the approved estimates except with the sanction of the Minister.

Virement

56. The local authority may, subject to any regulations which may be made under this Ordinance, transfer all or any part of the moneys assigned to one subhead of annually recurrent expenditure to another subhead of annually recurrent expenditure appearing under the same head of expenditure in the summary of the estimates as approved under section 53(5).

[Am. Cap. A69.]

Form of estimates

57. The annual and supplementary estimates and the summaries thereof shall be prepared in such form and shall contain such detailed information as the Minister may require.

Audit of accounts

58.—(1) The Auditor General or other auditor appointed by the local authority on the recommendation of the Auditor General shall, throughout the financial year, inspect and examine the accounts of the local authority, and the local authority shall, by the Treasurer or other officer authorized by the local authority, produce and lay before the auditor all books and accounts of the local authority together with all vouchers, papers, contracts and documents relating thereto.

(2) It shall be the duty of the auditor on or before the thirtieth day of June in each year to submit to the local authority in respect of the preceding financial year an annual report on the accounts of the local authority for such year and to certify therein whether or not—

- (a) the accounts of the local authority were in order;
- (b) separate accounts of all commercial undertaking had been kept;
- (c) the accounts presented a true and correct view of the financial position of the local authority and of the commercial undertakings;
- (d) due provision had been made for redemption and repayment of all moneys borrowed by the local authority;
- (e) the amount set aside for depreciation and renewal of the assets of the local authority were adequate; and
- (f) all the requirements of the auditor had been complied with.

(3) The auditor in his annual report may state his opinions and observations upon all questions arising out of the certificate given by him under subsection (2), and may in such report draw attention to all cases in which it may appear to him that the provisions of this Ordinance or any other written laws have not been carried out or that any acts, matters or things have been performed or carried out without due authority.

(4) The audited accounts together with the auditor's report shall be laid before the local authority at its next ensuing ordinary meeting and thereafter submitted to the Majlis Mesyuarat Kerajaan Negeri for its examination and approval to be laid before the Dewan Undangan Negeri.

(5) The auditor shall be paid by the local authority such remuneration as may be agreed between him and the local authority.

Power to take evidence

59.—(1) For the purpose of any examination under this Ordinance, an auditor may require by notice in writing to that effect any officer of the local authority or any other person to produce such records, minutes, books and documents in his possession or under his control and to give such information or explanation as may be necessary for the proper performance of his duties under this Ordinance.

(2) Any person who, without reasonable excuse, refuses to produce any record, minute, book or document or to give any information or explanation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or to both such fine and imprisonment and to a further fine not exceeding one thousand ringgit for each day during which the offence is continued after conviction.

Right of State Financial Secretary to inspection

60.—(1) The State Financial Secretary shall have access to and may authorize, in writing, any person to inspect any accounting books and records of a local authority and the person so authorized shall make such report to the State Financial Secretary on the financial affairs of the local authority as he may direct.

(2) It shall be the duty of the Secretary of a local authority to provide access to the State Financial Secretary or to any person authorized by him, for inspection of all accounting books and records of the local authority or which are within its custody or possession.

PART VII

RATES AND VALUATION

Rates

61.—(1) A local authority may, subject to and in accordance with this Ordinance, and with the approval,—

(a) in the case of the Commission of the City of Kuching North, the Council of the City of Kuching South and Miri City Council, of the Majlis Mesyuarat Kerajaan Negeri; and

(b) in the case of all other local authorities, of the Minister,

assess for rates all holdings whatsoever, or any specified class thereof, within its local authority area, and may make and levy any separate or consolidated rates thereon for all or any of the objects set out in subsection (2).

[Am. Cap. A114.]

(2) The objects for which such rates may be made are—

(a) the maintenance, repair and lighting of the public roads and of places and buildings vested in, or belonging to or under the control of, the local authority;

(b) the supply of utilities to the local authority area;

(c) the provision and maintenance of public parks, greens and other amenities;

(d) the provision and maintenance of public drainage system;

(e) the provision and maintenance of a system of removal of refuse, waste, or of the collection and removal of sewage, or of nightsoil, or of both and the establishment and maintenance of a public waste disposal facility or waste treatment or processing plant or site;

(f) the provision of housing under a scheme approved by the Majlis Mesyuarat Kerajaan Negeri;

(g) the acquisition or improvement of any area which is insanitary or dangerous to health;

(h) the performance of any duties imposed by any written law to the extent to which that law confers powers or duties on the local authority;

(i) the general purposes of this Ordinance; and

(j) any other purposes approved by the Majlis Mesyuarat Kerajaan Negeri.

[Am. Cap. A69.]

Rateable holding

62.—(1) All holdings within a local authority shall be rateable holding within the meaning of this Ordinance save as herein excepted, that is to say,—

(a) buildings used exclusively for religious worship;

(b) holding duly licensed for use exclusively as a public burial or cremation ground, and maintained in such condition as may be required under bylaws made under this Ordinance;

(c) holding, certified in writing by the State Director of Education to be premises used by the State or Federal Government or any educational authority approved by the Federal Government, exclusively as a kindergarten, school, college or university and not being run for profit;

(d) holding belonging to a charitable institution established under the Charitable Trusts Ordinance, 1994 [Cap. 7] or any other written laws and used exclusively for charitable purposes as defined in the said Charitable Trusts Ordinance, 1994 [Cap. 7];

(e) holding belonging to and occupied by the State or Federal Government;

(f) holding belonging to and occupied by a local authority.

(g) [Deleted by Cap. A114.].

(2) The Majlis Mesyuarat Kerajaan Negeri may, by order published in the *Gazette*,—

(a) exempt any rateable holding from payment of rates either wholly or partially; or

(b) direct that any class or particular class of rateable holding shall in lieu of payment of rates, make an annual payment of such amount as may be specified in such order to the appropriate local authority upon such terms and conditions as may be contained in such order.

[Sub. Cap. A114.]

(3) Every payment in lieu of rates payable under subsection (2) shall become due and payable upon such dates as the local authority may prescribe by notification in the *Gazette*; and thereafter shall be recoverable under this Part in the same manner and upon the same conditions, including payment of interest, as a rate imposed on rateable holding.

[Am. Cap. A114.]

(4) The annual payment provided for by subsection (2) may be made to vary according to any one or more of the following:

- (a) the locality of the holding exempted from payment of rates;
- (b) the class, description, condition or value of any such holding;
- (c) the class or description of the owners or occupiers thereof.

(5) Nothing in this section shall affect the liability of any person to pay any other charge or tax to which he may be liable.

Preparation of Valuation List

63.—(1) The local authority shall cause a Valuation List of all holdings not exempted from the payment of rates to be prepared containing—

- (a) the name of the street or locality in which such holding is situated;
- (b) the designation of the holding either by name or number sufficient to identify it;
- (c) the names of the owner and occupier, if known;
- (d) the annual rateable value of the holding.

(2) The local authority may, with the approval of the Minister, adopt the existing valuation list prepared under any written law repealed by this Ordinance either wholly or partly and may make amendments thereto for the purposes of subsection (1).

(3) The Valuation List together with the amendments made under section 69 shall remain in force until it is superseded by a new Valuation List.

(4) A new Valuation List which shall contain the same particulars as in subsection (1) shall be prepared and completed once every five years or within such extended period as the Majlis Mesyuarat Kerajaan Negeri may determine.

(5) The Valuation Officer may at his discretion value any holding or holdings jointly or separately.

Designation if name of owner unknown

64. Where the name of the owner or occupier is not known it shall be sufficient to designate him in the Valuation List and in any proceedings to recover any rate as the “owner” or “occupier” of the holding on which the rate is assessed without further description.

Returns may be required

65.—(1) In order to enable the local authority to assess the value of holdings liable to assessment, the local authority may require the owner or occupier thereof to furnish returns of the area, situation, quality, use and rent thereof and to give all such information as may be necessary for the preparation of the Valuation List or otherwise for the purpose of such valuation, and for the like purpose the local authority or any person appointed by it for that purpose may at any time enter and inspect and if necessary survey the same.

(2) Any person who—

(a) refuses or fails to furnish such return or to give such information within two weeks from the date of receipt of the notice requiring him to do so;

(b) knowingly makes a false or incorrect return or gives false or incorrect information;

(c) hinders, obstructs or prevents the local authority or any person appointed by it from entering, inspecting or surveying any such holding,

shall be liable on conviction to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

Notice of new Valuation List to be published

66.—(1) Where any Valuation List has been prepared or adopted under section 63, the local authority shall give notice of the same and of the place where the Valuation List or a copy thereof may be inspected in the *Gazette* and by way of advertisement in two local newspapers.

(2) Any person claiming to be either the owner or occupier of a holding included in the Valuation List or the agent of any such person may inspect the Valuation List and make extracts therefrom without charge.

(3) The local authority shall give notice in the same manner of a day not being less than thirty days from the date of notification in the *Gazette* when the local authority will proceed to revise the Valuation List and in all cases in which any holding is for the first time valued or the valuation thereon has increased the local authority shall also give notice to the owner or occupier thereof.

Objections

67.—(1) Any person aggrieved on any of the following grounds:

(a) that any holding for which he is rateable is valued beyond its rateable value;

(b) that any holding valued is not rateable;

(c) that any person who, or any holding which, ought to be included in the Valuation List is omitted therefrom;

(d) that any holding is valued below its rateable value; or

(e) that any holding or holdings which have been jointly or separately valued ought to be valued otherwise,

may make objection in writing to the local authority at any time not less than fourteen days before the time fixed for the revision of the Valuation List.

(2) Every objection made under subsection (1) shall be accompanied by a fee of twenty ringgit in respect of each holding on the Valuation List.

[Sub. Cap. A69.]

(3) Every objection shall be enquired into by a committee duly appointed by the local authority to hear and determine such objection.

[Ins. Cap. A69.]

(4) At the enquiry, the person making the objection shall be allowed an opportunity of being heard either in person or by an authorized agent or by a written request from him that the grounds of his objection be read out to the committee.

[Ins. Cap. A69.]

Confirmation of new Valuation List

68.—(1) On or before the 31st day of December of the year preceding the year in which any Valuation List is to come into force, the local authority shall, with the approval of the Minister, confirm such Valuation List with or without any amendment or revision and the Valuation List so confirmed shall be deemed to be the Valuation List until such time as it is superseded by another Valuation List.

(2) The confirmed Valuation List referred to in subsection (1) shall be deposited in the office of the local authority and shall be open during office hours to inspection by all owners and occupiers of holdings comprised therein, and a notice that it is so open to inspection stating the place of inspection shall forthwith be published.

(3) The local authority shall not be required to hear and determine all objections to the Valuation List before confirming it in accordance with subsection (1), and if any objection is not heard and determined before the Valuation List is confirmed it shall be heard and determined as soon as possible thereafter and with the like consequences as if it has been heard and determined before the Valuation List was so confirmed, and until the objection has been heard and determined the increase in valuation or new valuation objected to shall be deemed to be in force and be payable, provided

that if the objection is upheld and the valuation is varied or reduced, any excess rates paid shall be forthwith refunded to the objector.

Amendments to Valuation List

69.—(1) Where by reason of—

(a) a mistake, oversight or fraud the name of any person or the particulars of any rateable holding which ought to have been inserted in or omitted from the Valuation List, has been omitted from or inserted in the Valuation List, as the case may be, or any rateable holding has been insufficiently or excessively valued or for any other reason whatsoever any rateable holding has not been included in the Valuation List;

(b) any building erected, modified, altered, demolished or rebuilt, or other improvements made upon a rateable holding the value thereof has been increased;

(c) any building or part of a building being demolished or any other works being carried out on the rateable holding the value thereof has been decreased;

(d) any rateable holding which has been included in a joint valuation and which in the opinion of the Valuation Officer ought to have been valued separately or otherwise;

(e) the issue of any new titles in respect of any holdings; or

(f) any change to the rateable holding effected by any law relating to planning as a result of which the value of the holding has been increased or decreased,

the Valuation Officer may at any time amend the Valuation List accordingly and rates shall be payable in respect of the holding in question in accordance with the Valuation List so amended.

(2) Notice shall be given to all persons interested in the amendment of a time, not less than twenty one days from the date of service of such notice, at which the amendment is to be made.

(3) Any person aggrieved by the amendment of the Valuation List on any of the grounds specified in section 67 may make objection in writing to the local authority not less than ten days before the time fixed in the notice and shall be allowed an opportunity of being heard in person or by an authorized agent.

(3A) Every objection made under subsection (3) shall be accompanied by a fee of twenty ringgit in respect of each holding on the Valuation List.

[Ins. Cap. A114.]

(4) Any amendment made under this section may, at the discretion of the local authority, have regard to the level of annual rateable values prevailing as at or about the time the current Valuation List was prepared.

(5) Any amendment made in the Valuation List in accordance with this section shall be confirmed by the local authority.

(6) Where on account of any amendment in the Valuation List the rate payable in respect of any holding is enhanced, reduced or extinguished, the new rate shall be payable, or the rate shall cease to be payable, from the commencement of the next half year or such earlier date as the local authority may determine.

Appeals

70. Any person who having made an objection in the manner prescribed by section 67 or 69 is dissatisfied with the decision of the local authority thereon may within a period of thirty days from the date of receipt of such decision appeal to a Rating Appeal Tribunal established under section 88, by giving notice of appeal in Form A prescribed in the Fourth Schedule and accompanied by a fee of fifty ringgit in respect of each valuation appealed against: Provided that upon the filing of the notice of appeal there shall be paid to the local authority the amount of the rate appealed against.

Power of local authority to levy cess

71. A local authority may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, for any of the purposes specified in section 61(2), and either in lieu of or in addition to exercising the powers conferred on it by that section, levy a cess or cesses on such classes of persons as may be prescribed or, as may be determined by the Minister, subject to the exemptions on the owners or occupiers of such classes of holdings as may be prescribed or both.

Division of area and holdings for rates and cesses

72.—(1) For the purposes of this Part, the local authority may divide its local authority area into two or more parts and may in respect of such separate part or parts impose such rate or rates as may be considered just and proper and the local authority may further impose within such part or parts a differential rating in accordance with the actual usage of the rateable holdings or part thereof.

(2) Any rate or cess made or levied by a local authority or person under this Ordinance may vary as between different localities within the local authority area, or different classes or descriptions of holdings, or different classes or descriptions of persons.

Rates and other charges to be paid by the owner and until so paid shall be a first charge

73.—(1)(a) All rates imposed upon any holding by a local authority and all fees, charges and other moneys which may lawfully be claimed by a local authority in respect of services rendered to or for the benefit of the holding shall be paid by the owner thereof and until so paid shall be a first charge on the holding in respect of which it is assessed.

(b) If any rate is not paid on or before the date fixed by the local authority under subsection (2), a local authority may, without prejudice to its rights under sections 75 and 83, issue a Warrant of Attachment in Form A(1) of the Fourth Schedule and cause the same to be registered with the appropriate Land Registry Office where the holding is situated.

(c) A Registrar or Assistant Registrar appointed under section 3 of the Land Code [*Cap. 81 (1958. Ed.)*] shall on presentation of the Warrant of Attachment cause the same to be registered against the holding described in the Warrant of Attachment and upon such registration, the local authority shall be deemed to be a chargee of the said holding for purposes of that Code.

[*Sub. Cap. A114.*]

(2) All rates imposed by a local authority shall become due and payable on such date or dates as the local authority may fix from time to time by notification published in the *Gazette*.

[*Sub. Cap. A69.*]

(2A) It shall be lawful for a local authority to allow such discount on any rates paid on or before the date on which the same become due and payable as may be approved by the Minister.

[*Add. Cap. A114.*]

Proceedings in default and surcharge

74.—(1) If any sum payable in respect of any rate remains unpaid from the date upon which payment is due and payable, the owner shall be liable to pay such sum together with a surcharge at such rate as the local authority may fix from time to time by notification published in the *Gazette*.

(2) If any amount of rate remains due and unpaid, including the amount of any surcharge imposed under subsection (1), it shall be deemed to be an arrear and may be recovered by the local authority in accordance with section 75 or 83.

[*Sub. Cap. A160/2013.*]

Proceedings for recovery of an arrear

75.—(1) For the recovery of an arrear the local authority may issue a warrant of attachment in Form B of the Fourth Schedule and may seize by virtue thereof any movable property belonging to the owner or occupier liable to pay the same:

Provided that no warrant of attachment shall be issued by the local authority unless it has served a notice, in Form C of the Fourth Schedule, posted or delivered to the owner or any one of the owners, if more than one, at the last known address, calling on him to pay the arrear within fifteen days of the posting or delivery.

(2) The warrant shall be executed by an officer of the local authority who shall make an inventory of the property attached thereunder, and shall at the same time give notice in Form D of the Fourth Schedule, to the person in possession of the property at the time of attachment.

[Am. Cap. A114.]

(3) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

(4) The fee for a warrant of attachment shall be of such amount as the local authority may fix from time to time and shall be costs of the attachment.

Sale of property attached

76.—(1) Unless the arrear with costs be paid within seven days from the date of the attachment, the property attached or such part thereof as may be necessary shall be sold by public auction:

Provided that where the property seized is of a perishable nature or where expense of keeping it in custody will exceed its value it may be sold at once.

(2) The expenses of the maintenance of livestock and the custody of movable property shall be costs of the attachment.

Application of proceeds of sale

77. The proceeds of sale shall be applied in satisfaction of the arrear together with interest thereon at the rate of eight per centum per annum and costs, and the surplus, if any, shall be paid to the person in possession of the property at the time of attachment.

Attachment and sale of rateable holdings

78. Upon registration of the Warrant of Attachment under section 73(1)(b), the local authority shall have the same right as a registered chargee to apply for the sale of the holding in accordance with the provision of section 148(2) of the Land Code [*Cap. 81 (1958 Ed.)*] and the proceeds of the sale shall be paid out and distributed in accordance to the priority of payment set out in section 151 of that Code.

[Sub. Cap. A114.]

Recovery of costs

79. All costs of any proceeding under this Part for the recovery of arrears may be recovered as if they formed part of such arrears.

Power to stop sale

80. If any person having any interest in any property liable to be sold under this Part at any time previous to such sale tenders the arrear with interest and costs the local authority shall thereupon desist from all further proceedings in respect thereof.

[Am. Cap. A114.]

Objection to attachment

81.—(1) If any person whose property has been attached under this Part disputes the propriety of the attachment he may apply to the Sessions Court in the case of the attachment of movable property, for an order to stay the proceedings, and such Court after making such enquiry as may be necessary shall make such order on the property as may be just.

[Am. Cap. A114.]

(2) No application shall be entertained by any Court unless the applicant has deposited with the local authority the amount of the arrear with interest and costs.

Recovery of rates paid by occupier

82. If the sum due from the owner of any rateable holding on account of any rate or costs is paid by the occupier of such rateable

holdings such occupier may, notwithstanding anything contained in any agreement or arrangement with the owner, deduct from the next and following payments of his rent the amount which may have been so paid by him.

Arrear may be sued as debt

83. Notwithstanding anything therein, an arrear may be sued for and recovered as a debt in a court of competent jurisdiction by the local authority in its official name from any person liable to pay the same.

Evidence of rates

84. The production of the books or records purporting to contain any rate or assessment made under this Part shall, without any other evidence whatever, be *prima facie* proof of the making and validity of the rates or assessment mentioned therein.

Assessment, etc., not to be impeached for want of form

85.—(1) No valuation or rate assessed thereon, no charge or demand of any rate and no attachment or sale shall be impeached or affected by reason of any mistake in—

- (a) the spelling of the name of any person liable to pay the rate;
- (b) the description of any rateable holding liable to such rate;
- (c) the amount of the rate assessed thereon; or
- (d) the mode of attachment or sale;

where the requirements of this Part or of any bylaw, rule or regulation are in substance and effect complied with.

(2) No proceedings under this Part for the recovery of any rate shall be quashed or set aside in any Court for want of form.

Liability of owner on subdivision or amalgamation of rateable holdings

86. Whenever rateable holdings are subdivided or amalgamated, the owner thereof shall be liable to pay until the end of the year in which subdivision or amalgamation is effected or until the coming into force of a new Valuation List, whichever is prior in time, all rates, arrears, interest and costs due thereon as if such subdivision or amalgamation had not been made.

Notice of transfer of rateable holdings

87.—(1) Whenever any rateable holding within a local authority area is sold or transferred, it shall be the duty of the seller or transferor and the purchaser or transferee within three months after such sale or transfer to give notice thereof to the local authority in Form F of the Fourth Schedule.

(2) Whenever the owner of any rateable holding within a local authority area dies, it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof to the local authority within a period of one year of the death in Form G of the Fourth Schedule.

(3) On receipt of such notice the local authority may require the production of the instrument effecting change of ownership or of a certified copy thereof.

(4) Every person who sells or transfers any rateable holding within a local authority area shall continue to be liable for the payment of all rates payable in respect of such holding and for the performance of all other obligations imposed by this Part or by any bylaw upon the owner of such holding which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the local authority.

(5) Nothing herein shall affect the liability of the purchaser or transferee to pay the rates in respect of such holding or to perform such obligation, or affect the right of the local authority to recover such rate or to enforce such obligation under this Part notwithstanding that such rates became payable or such obligations were imposed before notice of such sale or transfer has been recorded.

(6) Every person who fails to give any notice under this section shall be guilty of an offence.

Rateable holding not to be transferred, etc., while rates and other charges unpaid

87A.—(1) Notwithstanding anything contained in the Land Code [*Cap. 81 (1958 Ed.)*] or any rules made thereunder, the Registrar or Assistant Registrar appointed under section 3 thereof shall not register any documents or instruments evidencing a dealing affecting any rateable holding the registration of which is required to be or may be registered under that Code unless the application for such registration is accompanied by the original certificate having a validity period of not more than thirty days from the date of its issue and signed by the Chief Administrative Officer of the local authority having jurisdiction in respect of such holding to the effect that—

(a) all amounts due to the local authority by the owner or occupier of such holding in respect of rates or other charges for services rendered in relation to such holding have been paid; and

(b) all amounts due by the owner or occupier of such holding on account of expenses incurred by the local authority in relation to such holding under the provisions of this Ordinance have been paid.

[Sub. Cap. A160/2013.]

(2) A certificate as in Form G(1) of the Fourth Schedule stating whether or not such rates, charges or expenses are due may be issued to the applicant for such registration or to his advocate or agent on demand.

[Add. Cap. A114.]

Rating Appeals Tribunal

88.—(1) A local authority shall appoint a Rating Appeals Tribunal consisting of a Chairman who shall not be a member of the local authority, and not more than four other members.

(2) Each member of the Tribunal shall hold office for such period not exceeding three years as the local authority may direct:

Provided that when any Councillor appointed to be a member of the Tribunal ceases to hold office as a Councillor he shall thereupon cease to be a member of the Tribunal.

(3) Three members of the Tribunal shall form a quorum.

(4) The Chairman and each member of the Tribunal shall be paid a sitting allowance of not more than one hundred and fifty ringgit for each day or any part thereof when the Tribunal meets to hear any appeal or case or for any deliberation thereon.

(5) The Chairman of the Tribunal shall, in addition to his deliberative vote as a member of the Tribunal, have a casting vote.

(6) The procedure of the Tribunal shall be as determined by the Tribunal with the concurrence of the local authority.

(7) At the time and place specified in the notice given by the local authority, the Tribunal shall hear all objections which may be urged against any valuation by or on behalf of any person by whom due notice thereof has been given under section 70, and shall inquire into the merits of such objections, and shall confirm, alter, increase or reduce any valuation objected to, and shall make such additions and alterations to the Valuation List as are necessary to give effect to its decision, and the Chairman shall sign and certify such additions and alterations:

Provided that the Tribunal may adjourn from time to time upon the application of any person objecting, who shall show reasonable grounds for not being ready with proofs, or for the purpose of obtaining further evidence in regard to any case which shall have been partly heard.

(8) The Chief Administrative Officer of the local authority and the person objecting may appear and be heard before the Tribunal either personally or by agent.

(9) The Tribunal shall have the powers of a Sessions Court in regard to compelling attendance of witnesses and production of documents and maintaining order at the hearing. Any person interested shall be entitled to a copy of the record and report of the Tribunal on paying the appropriate fees chargeable for copies of records in the Sessions Court.

(10) The Tribunal may order any person to pay the costs of any hearing or proceeding before the Tribunal. Such costs may include the expenses of the Tribunal and the allowances paid under subsection (4).

Decision of Tribunal to be recorded on objection notice

89. The decision of the Tribunal shall be signed by the Chairman, and shall be noted in writing upon the notice given in section 70, and such notice shall be kept on record in the office of the Secretary and shall during office hours be open to inspection by any person affected by such decision.

Appeal from the Tribunal

90.—(1) The local authority, or any person aggrieved by any decision of the Tribunal, may, within a period of three months from the date of such decision, appeal to the High Court and such appeal shall be conducted, as nearly as may be, in conformity with the law and practice for the time being in force relating to appeals in civil cases from a subordinate court to the High Court.

(2) The Chairman of the Tribunal may, on his own volition or on the application of any party, state a case for the opinion of a Judge of the High Court or a Sessions Court on any question of law arising out of any objection to the Valuation List, or any entry therein, which may be brought before him.

Provision for rating buildings on untitled land or reserved land

90A.—(1) In the case of buildings erected on any land which is not held under a separate document of title or on land reserved for a public purpose and not occupied by the Federal or State Governments or a public authority, the local authority may impose the rates referred to in section 61 upon the annual rateable value of all or any of such

buildings, and the occupiers of such buildings shall be liable to pay the said rates.

(2) This Part shall apply to any rates imposed under subsection (1) except that in the application thereof references to a “holding” shall be deemed to be references to a “building”, and references to the “owner” of a holding shall be deemed to be references to the “occupier” of a building.

[Ins. Cap. A69.]

Existing Valuation List to be used as basis for rating of holdings

90B. Notwithstanding the provisions of this Ordinance, until such time as a new Valuation List is prepared and certified in accordance with this Part, the Valuation List furnished or prepared by a local authority under any written law repealed by this Ordinance shall notwithstanding such repeal be the basis of the rates to be levied in respect of rateable holdings contained in such Valuation List and such Valuation List shall be deemed to be the Valuation List for the time being in force in the local authority area concerned.

[Ins. Cap. A69.]

PART VIII

BYLAWS

General power to make bylaws

91. In addition to the powers of making bylaws expressly or impliedly conferred upon it by any other provisions of this Ordinance, and subject to sections 92 and 93, every local authority may from time to time make, amend and revoke bylaws in respect of all such matters as are necessary or desirable for the maintenance of the health, safety, quality of life and well being of the inhabitants or for the good order and government of the local authority area and in particular in respect of all or any of the following purposes:

- (a) to regulate the repairing, cleaning, watering and lighting of streets, roads, canals and bridges;

(b) to regulate, license, restrict, prohibit or remove the exhibition of advertisements;

(c) to regulate the planting, preservation and removal of trees, flowers and shrubs in public places;

(d) to provide for the protection from damage or interference of any local authority works or property situated or being in, under or over any public or private place within the local authority area;

(e) to provide for the establishment, regulation and management of any public park, walk, recreation and pleasure ground, garden, swimming pool, lake, stadium, library, art gallery, museum, theater, restaurant, hall, assembly room, or aquarium under the control of the local authority by virtue of this Ordinance and any other written laws;

(f) to regulate within the local authority area the landing and temporary storage of goods upon public quays, wharves and streets, adjacent to any port, or any waterway connected therewith, and to fix the fees to be charged in respect of such temporary storage;

(g) to regulate any public sales held in any public place;

(h) to designate or regulate the streets or areas within which specified trades, businesses or callings may or may not be established or carried on;

[Am. Cap. A160/2013.]

(i) *[Repealed by Cap. 33];*

(j) to regulate the provision and standard of public transport services;

(k) to regulate the maintenance and upkeep of private gardens, property or land and for the clearance of rank vegetation in any property;

(l) (i) to regulate, supervise and license trishaws, rickshaws, carriages and carts and to prescribe the rates or fares,

whether by distance or time within or without the local authority area to be charged for such services, the number of passengers and the weights, dimensions, and nature of the loads to be carried and the mode of construction thereof;

(ii) to prescribe standards of medical and physical fitness and efficiency for the riders, drivers or haulers or trishaws or carts, as the case may be;

(m) to provide for the registration or licensing of bicycles and tricycles;

(n) *[Repealed by Cap. 33]*;

(o) to regulate laundries and places for the cleaning or washing of vehicles;

(p) to regulate the maintenance and cleanliness of building, including the whitewashing thereof;

(q) to control and supervise, by registration, licensing or otherwise, including in proper cases by prohibition, a trade, business or industry which is of an obnoxious nature or which could be a source of nuisance to the public or a class of the public;

(r) to control and regulate land or building used for the keeping or rearing of livestock and animals;

(s) to regulate the use and enjoyment of all public amenities or facilities under the control of the local authority;

(t) to provide for the offences under this Ordinance and any bylaw which may be compounded by the local authority, the persons who may compound, the limit of the sum of money to be collected by such local authority for compounding such offences and the procedure and forms to be complied with in compounding;

(u) to provide and maintain a system for the collection, removal, handling, treatment, processing and disposal of all types of waste generated within its area of jurisdiction, and to regulate and control the establishment and maintenance of waste disposal facilities including waste treatment or processing plant, incinerators, landfill sites and the like, and to regulate the manner, process or method for the collection, removal, handling, treatment, processing and disposal of waste, and to determine the ownership of and rights to all waste materials and substances after their collection, removal, treatment or processing by a local authority or any person or agent appointed by a local authority for the collection, removal, handling, treatment, processing or disposal of waste;

[Sub. Cap. A69.]

(v) to establish and regulate public car parks including the provision and limitation of any fees chargeable for the parking of vehicles therein;

(w) to control or regulate the removal of earth, sand, stone or rock and the conveyance, transport and removal of earth, sand, stone or rocks along or through any public road;

(x) to provide for the burial of paupers in accordance with the religion and custom of the deceased; and

(y) in so far as they do not fall within any of the preceding paragraphs, to provide for all procedural and other matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Ordinance.

Bylaws to be approved by Yang di-Petua Negeri

92. Every bylaw under this Ordinance shall not have effect until it is approved by the Yang di-Petua Negeri and published in the *Gazette*.

Yang di-Petua Negeri's power to make bylaws

93. The Yang di-Petua Negeri may make, amend or revoke any bylaw for any local authority, and such bylaw, amendment or revocation shall come into effect on such date or dates as may be specified or provided for in such bylaws.

[Am. Cap. A69.]

Penalties for breaches of bylaws

94. A local authority may, by bylaw, prescribe for the breach of any bylaw a fine not exceeding five hundred thousand ringgit or a term of imprisonment not exceeding five years or both such fine and imprisonment and in the case of a continuing offence a sum not exceeding two thousand ringgit for each day during which such offence is continued after conviction.

[Am. Cap. A160/2013.]

Power to demand monetary deposit from applicant for licence or permit

95. Where the local authority is empowered to make bylaws prohibiting, restricting or regulating the doing of any act and such bylaws require any person to obtain a licence or a permit before the doing of such act, such bylaws may provide for a deposit of such sum, or the execution of a bond with or without sureties in such sum, as may be prescribed in such bylaws, such sum to be refunded or such bond to be void, as the case may be, if the person to whom such licence or permit is granted complies with all the conditions of the licence or permit.

Publication of bylaws in the *Gazette* constitutes notice

96. The publication in the *Gazette* of any bylaw shall constitute sufficient notice of the bylaw and of the due approval by the Yang di-Petua Negeri.

PART IX**POWERS AND DUTIES OF LOCAL AUTHORITIES****GENERAL****Restriction on exercise of powers, etc.**

97.—(1) No local authority shall exercise any power or perform any duties not expressly provided for under this Ordinance or under any other written laws.

(2) Where a local authority is in doubt as to whether it should exercise any power or perform any duty, the local authority shall seek a ruling from the Majlis Mesyuarat Kerajaan Negeri, through the Minister, relating to the intended exercise of such power or the performance of any such duty.

(3) The ruling of the Majlis Mesyuarat Kerajaan Negeri given under subsection (2) shall be final and binding on the local authority concerned.

General duties

98. A local authority shall—

(a) carry out and implement, or assist in the implementation or execution of any works, project and scheme which the State Government has decided to carry out or implement in the area within the jurisdiction of the local authority;

(b) assist generally the officers of the Federal and State Governments in the execution of their official duties and in particular, to maintain and upkeep public roads, buildings and other facilities, and to maintain public health and assist to prevent and suppress diseases;

(c) aid in the collection of revenue due to the Federal and State Governments;

(d) keep the area within its jurisdiction clean and hygienic;

(e) keep and maintain such official records as may be required by the Minister;

(f) take such steps as may be necessary and expedient generally to improve and maintain a good and healthy standard of living for people within its area of jurisdiction; and

(g) take such steps as may be required to enhance the environment and to prevent pollution of the areas within its jurisdiction.

PUBLIC PLACES

Vesting of public places in a local authority

99.—(1) The Majlis Mesyuarat Kerajaan Negeri may, by Order signified in the *Gazette*, vest in a local authority any public place within the local authority area upon the conditions and restrictions, if any, specified therein.

(2) A local authority shall, as from the date of vesting, have the general control and care of all places within the local authority area which have been vested in the local authority for the use of the public or for the protection and preservation of the greens therein under the Public Parks and Greens Ordinance, 1993 [*Cap. 3*].

Power temporarily to close public places

100. A local authority may temporarily close any public place vested in it or under its control.

Power to erect public buildings in open public places

101. A local authority may erect and maintain in any open public place buildings for public purposes and may set apart any such public place or any portion thereof for any purposes which the local authority may from time to time think fit.

Conditions and restrictions in regard to closure of public place

102. A local authority may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, permanently close any public place or alter the boundaries thereof.

Naming of public places, etc.

103.—(1) A local authority may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, determine the name by which any public place or public road or housing estate or housing scheme shall be known and may, with such approval, from time to time alter the name of any public place or public road or housing estate or housing scheme or of any part thereof whether or not such name was applied to such place, road, estate or scheme before the commencement of this Ordinance.

[Am. Cap. A94.]

(2) A local authority may from time to time cause the buildings or other structures fronting upon any road or other public place, to be allocated or assigned with such numbers as it may think fit, and may further at its discretion, change or vary any such number.

(3) Any person who destroys, pulls down, covers, conceals or defaces any such name or number or, without the written permission of the local authority, puts up any name or number different from the name or number put up, assigned or allocated by the local authority, shall be guilty of an offence: Penalty, a fine not exceeding one thousand ringgit.

[Ins. Cap. A94.]

FOOD, MARKETS, SANITATION AND NUISANCES

Powers

104. A local authority shall have power to do all or any of the following things:

(a) to establish, maintain and carry out such sanitary services for the removal and destruction of, or otherwise dealing with, night-soil, slops, rubbish, litter, dead animals and all kinds of refuse, waste and effluent;

(b) to establish, erect, maintain, let, control and license markets and market buildings, lodging houses, houses, rooms or buildings kept for public refreshment, shops, stalls and stands, and to control the occupation and use thereof;

(c) to license temporary buildings, stalls, tables, showboards, barrows, carts, tricycles or other receptacles, whether stationary or otherwise, set up or used for the sale or exposing for sale of—

(i) any food or drink in streets, public places or places of public resort or on private premises;

(ii) goods other than food or drink in streets, public places or places of public resort, and to seize, destroy or dispose of the same if they are not so licensed;

(d) to establish, erect and maintain public lavatories, closets and urinals, either above or below ground, in any public place and to impose such fees or charges for the use thereof;

(e) to establish, erect and maintain abattoirs, whether within or without the local authority area;

(f) to safeguard and promote the public health and to take all necessary and reasonably practicable measures—

(i) for preventing the occurrence of any infectious, communicable or preventable disease;

(ii) for maintaining its area in a clean and sanitary condition;

- (iii) for preventing the occurrence of, or for remedying or causing to be remedied, any nuisance or condition likely to be injurious or dangerous to health; and
- (iv) for ensuring that any food is sold or exposed or offered for sale is safe and fit for human consumption;
- (g) to establish, erect, equip, maintain, control and operate cold storage works and depots for the inspection of meat;
- (h) to establish, erect, equip, maintain, control and operate depots for the inspection, treatment, distribution, purchase and sale of milk or milk products;
- (i) to provide or designate places and facilities for the taking of baths and washing of clothes in areas which are not served or adequately served with water supply; and
- (j) to establish, erect, maintain, control and operate disinfecting stations.

Powers to make bylaws on sanitation and cleanliness

105. A local authority may from time to time make, amend or revoke bylaws for the better carrying out of the provisions of this Ordinance and in particular—

- (a) (i) to establish, maintain and compel the use of any service for the removal or destruction of, or dealing with, night-soil, slops, rubbish, litter, dead animals and all kinds of waste, refuse and effluent and to require the owners or occupiers of any premises to effect such removal, destruction or dealing and to regulate and control the manner thereof;

(ii) to keep public places clean and free from filth, rubbish, litter or refuse and to prohibit the throwing, dropping or depositing of any filth, rubbish, litter, glass, tins or other containers, papers, dead animals, waste or flushing water or other refuse, liquid or solid, on or in any stream, channel or other water course, and prevent any such liquid from flowing into any such place, and to regulate or prohibit the bathing or washing of persons, animals or things in any such place;

(iii) to prohibit, remove, abate and prevent the occurrence of nuisances:

Provided that in any case where it appears that a nuisance existing within the local authority area is wholly or partly caused by some act or default outside the local authority area, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidence and consequences as if the act or default were wholly within the local authority area;

(iv) to secure the proper construction and maintenance of stables, goat-pens, cattle sheds, pigstyes and poultry houses, and to prevent the keeping of birds or animals on premises which are not constructed in accordance with the bylaws or are so constructed or situated that birds or animals if kept therein are likely to cause a nuisance, or pollution to any stream, river or water catchment area, and to prohibit the keeping of birds or animals on any premises which the Health Officer certifies to be so situated as to be unfit for the purpose;

(v) to prohibit the feeding or grazing of any animals in any place other than those set apart for such purpose;

(b) (i) to preserve the public health;

(ii) to prevent the outbreak and spread of diseases, to declare what diseases are notifiable, and to provide for the compulsory removal of persons suffering from any such disease to suitable hospitals or places of isolation and their detention and treatment therein where, in the opinion of the Health Officer, such removal, detention and treatment are necessary either for the protection of the public health or by reason of the insufficiency or unsuitability of the patient's lodging or accommodation;

(iii) to regulate and enforce quarantine, the disinfection of persons, the disinfection of places and things, and to authorize the seizure and detention and to ensure the destruction, when in the opinion of the Health Officer such destruction is necessary, of articles which are infected or which have been exposed to infection, upon payment of compensation to the owner thereof, such amount to be settled by agreement or arbitration;

(iv) to provide for penalties for failing to give on demand by the Health Officer any information or to produce any documentary or other evidence required by the Health Office for the purpose of tracing the source and preventing the spread of infection;

(v) to require the closing of schools or trade premises which are suspected of being or are likely to become sources of infection, and to prohibit persons who are or are suspected of being or are likely to become infected from carrying on any trade or business or engaging in any occupation which may cause the spread of any disease;

(vi) to require persons arriving in the local authority area from places infected, or suspected of being infected, with any notifiable disease, or by any vessel, aircraft or other means of conveyance so infected or suspected of being infected, to report to the Health Officer and to communicate to him such information as may be prescribed;

(c) (i) to provide for the inspection and examination of any article of food or drink or of ice which is for sale or exposed for sale;

(ii) to regulate, control, inspect and supervise the manufacture, preparation, storage, handling, transmission and conveyance of any article of food or drink or of ice which is for sale or exposed for sale;

(iii) to prohibit the introduction into the local authority area, the possession, sale or offering for sale for the purpose of human consumption or the handling, other than for the purpose of destruction, of diseased animals, birds, meat or fish or of fruits, vegetables or other articles of food or drink which are unsound, unwholesome or otherwise unfit for human consumption;

(iv) to authorize the seizure, inspection and examination and to ensure the destruction, when in the opinion of the Health Officer such destruction is necessary, of any diseased animals, birds, meat or fish or of fruits, vegetables or other articles of food or drink which are unsound, unwholesome or otherwise unfit for human consumption;

(v) to provide for the detention pending examination or inquiry of animals, birds or other articles of food or drink or of ice;

(d) (i) for regulating the control and use of markets and the buildings, shops, sheds, stalls, pens and any other erections therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto;

(ii) for providing standard weights, scales and measures for use in markets and for preventing the use therein of false or defective weights, scales or measures.

(iii) for ensuring that markets are kept in a clean and proper state and that filth and refuse are removed therefrom;

(iv) for licensing or otherwise controlling persons selling or offering for sale any article whatsoever in markets;

(v) for prescribing the fees to be paid for licences for operating markets and for offering articles for sale therein;

(vi) for regulating the days upon and the hours during which markets may be held;

(vii) for prohibiting the establishment of any market within a local authority area without the permission of the local authority and for prescribing the conditions and restrictions subject to which such permission may be granted;

(e) to regulate the slaughtering of animals and to provide for the establishment, control, supervision and inspection of abattoirs within the local authority area and for—

(i) the inspection of animals before being slaughtered and of their carcasses;

(ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased;

(iii) the slaughtering of animals brought to be slaughtered which are diseased or by reason of emaciation or otherwise are in the opinion of the Health Officer unfit for human consumption;

(iv) the disposal of the carcasses of diseased animals;

(v) the marking of the carcasses of animals slaughtered in abattoirs to denote that such animals have been so slaughtered;

(vi) the prohibition of the slaughtering of animals within the limits of the local authority area otherwise than in an authorized abattoir or place;

(vii) the prohibition, except with a permit granted by the local authority, of the introduction into the local authority area for human consumption of the meat of any animal slaughtered outside the local authority area;

(viii) the entry by any authorized officer of the local authority by day or night into any premises in which he has reason to believe that any animal is likely to be, is being or has been slaughtered in contravention of any bylaws;

(f) to regulate, inspect, supervise and license temporary buildings, stalls, tables, showboards, barrows, carts, tricycles and other receptacles and to seize, destroy or dispose of the same when not so licensed;

(g) to regulate, supervise and license pedlars, hawkers and street traders and to prescribe streets or areas in which peddling, hawking or street trading shall be prohibited;

(h) to regulate and control the use of public baths, wash-houses, laundries and places for washing clothes, established by the local authority;

(i) to regulate, inspect and license swimming places and bathing establishments and to prohibit or regulate bathing in any open water in the local authority area;

(j) to regulate, inspect and license the use of public lavatories, closets, urinals and subways;

(k) to regulate the types and specifications of temporary sanitary conveniences to be used or installed on any site or premises where construction or building works are undertaken and in progress, and the type, condition or standard of accommodation for workers and employees staying, occupying or temporarily residing on such site or premises;

[Am. Cap. A69.]

(l) to prescribe conditions for the conveyance of animals, birds or fish, whether dead or alive, and of meat, vegetables or fruits in any street or public place;

[Am. Cap. A69.]

(m) to prohibit or regulate any method of cultivation, the use of any kind of manure or fertilizer or any method of irrigation which in the opinion of the local authority is offensive or injurious to health;

[Am. Cap. A69.]

(n) to prohibit, regulate, inspect, supervise and license the keeping of, and to seize, destroy and dispose of, animals, birds or fish within the local authority area; and

[Am. Cap. A69.]

(o) to provide for and to regulate the exercise of the powers, authority and functions of officers and employees of a local authority, to investigate or arrest any person suspected of committing any offence against any bylaws or regulations made under this Ordinance, and to seize, detain or arrest anything, equipment, tool, vehicle or vessel suspected to have been used in the commission of such offence, and to deal with sell or otherwise dispose of such thing, equipment tool, vehicle or vessel, upon the seizure or detention thereof.

[Am. Cap. A69.]

106. *[Repealed by Cap. 30.]*

Power to enter and cleanse houses or buildings

107.—(1) The Health Officer, or any officer authorized by the local authority in that behalf in writing, may at any time enter and inspect all houses and buildings and by an order in writing direct the owner or occupier to cause within a time to be specified in such order all or any part thereof to be internally and externally colour washed or distempered or otherwise cleansed for sanitary reasons and if necessary disinfected and all dirt or rubbish to be removed or collected.

(2) If such order is not complied with within the time specified, the owner or occupier shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such

fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day after conviction until the order is complied with.

(3) No entry shall be made into any dwelling house in actual occupation, not being a common lodging house, without six hours' previous notice to the occupier unless with his consent.

Destruction of rats and mice

108.—(1) Where the Health Officer is of the opinion that any premises are so infested with rats, mice, insects or other vermin as to be a danger to the health of the persons in the house or of the community, he may serve notice on the owner or occupier of such premises, calling upon him to take such measures as the local authority considers necessary for the destruction of such rats, mice, insects or other vermin and for the removal of their breeding places and for preventing their reappearance.

(2) Any owner or occupier who does not comply with such notice within seven days of the service thereof shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day after conviction during which the work is not carried out, and the local authority may enter upon the premises and take such measures as it considers necessary for carrying out the purposes of this section.

Closing and demolition, etc., of insanitary dwellings

109.—(1) Where the Health Officer has certified in writing that in his opinion any building or part of a building or anything attached to a building used or occupied as a dwelling is unfit for human habitation and cannot be rendered fit therefor without the removal, alteration or demolition in whole or in part of any partition, compartment, loft, gallery, pentroof, out house or other structure or erection or without the execution of such alterations or structural operations as he specifies, he may by notice in writing require the owner thereof to carry into effect all or any of the following things:

(a) the removal, alteration or demolition of the whole or part of the partitions or other erections or obstructions complained of; and

(b) the execution of such alterations or structural operations as are necessary to render the premises fit for human habitation and to guard against danger of disease.

(2) The notice shall specify the period, which shall not be less than seven days, within which the work is to be completed.

(3) If the notice has not been complied with, a Magistrate's Court may, on the application of the local authority, make a mandatory order requiring the owner to carry into effect all or any of the things specified in the said notice.

(4) Any person who without the express sanction in writing of the local authority replaces any partition, erection or obstruction removed under subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and to a further fine not exceeding one hundred ringgit for each day after conviction during which the work is not carried out, and the local authority may enter upon such premises and remove such partition, erection or obstruction.

(5) The local authority may for the purpose of carrying out the provisions of subsection (1), by notice to be posted in a conspicuous position upon the building, require the owner or occupier, as the case may be, to cease to inhabit the building and to remove all goods, furniture and effects from the building within forty-eight hours from the posting of the notice, or within such extended period as the local authority may allow.

(6) The owner and every occupying tenant shall thereupon comply with the requirements of the notice.

(7) Any owner or occupier in default shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit for each day during the period in which he has failed to comply with the requirements of the notice.

(8) Notwithstanding subsection (7), at the expiration of fortyeight hours from the posting of the notice or such extended period under subsection (5), the local authority may remove all goods, furniture and effects from the building.

Overcrowding of houses

110.—(1) Any person who permits a house to be so overcrowded as to be injurious or dangerous to the health of the inhabitants shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to a term of imprisonment not exceeding one year or to both such fine and imprisonment and to a further fine not exceeding two hundred ringgit for each day during which the offence is continued after conviction.

(2) For the purpose of this Ordinance, a house shall be deemed to be so overcrowded as to be injurious or dangerous to the health of the inhabitants thereof if it or any room therein is found to be inhabited in excess of the proportion of one adult to every ten cubic metres of clear internal space, and in such calculation every person over ten years of age shall be deemed an adult and two children not exceeding ten years of age shall be counted as an adult.

Nuisances to be abated

111. The local authority shall take steps to remove, put down and abate all nuisances of a public nature within the local authority area on public or private premises and may proceed at law against any person committing any such nuisances for the abatement thereof and for damages.

Nuisances liable to be dealt with summarily under this Ordinance

112. For the purpose of this Ordinance—

(a) any premises or part thereof of such a construction or in such a state as to be a nuisance;

(b) any animal kept in such place or manner or in such numbers as to be a nuisance;

(c) any accumulation or deposit which is a nuisance or is or is likely to become a breeding place for mosquitoes or flies or any vermin;

(d) any factory, workshop or work place which is so overcrowded while work is carried on as to be a nuisance;

(e) any huts or sheds, whether used as dwellings or as stables or for any other purpose, which are by reason of the manner in which the huts or sheds are crowded together or the want of drainage or the impracticability of scavenging or for any other reason a nuisance;

(f) any pool or ditch the water from which is used or likely to be used by man for drinking or domestic purpose or for manufacturing drink for the use of man and which is so polluted or is likely to become a nuisance;

(g) any tank, well, pool, watercourse, ditch or low marshy ground which is injurious to health or offensive to the neighbourhood or is likely to become a breeding place for mosquitoes;

(h) any fireplace or furnace and any chimney sending off smoke or other unconsumed combustible matter in such quantity as to be a nuisance;

(i) any brickfield, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or used for any purpose likely to become a nuisance;

(j) any dust or effluvia caused by any trade, business, manufacture or process which is prejudicial to health or offensive to the neighbourhood;

(k) any activity, including the playing of any musical instrument and equipment, that would generate or cause to generate noise to a level which disturbs or affects the peace and tranquillity of, or is likely to be offensive to, the neighbourhood; and

(l) any other matter declared by the Minister to be a nuisance,

shall be liable to be dealt with summarily under this Ordinance.

Notice requiring abatement of nuisance

113.—(1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Ordinance, the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arose or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance exists, requiring him to abate the same within the time specified in the notice and to execute such works and do such things as are necessary for that purpose and, if the local authority thinks it desirable, specifying any works to be executed.

(2) The local authority may also by the same or another notice serve on such occupier, owner or person requiring him to do what is necessary for preventing the recurrence of the nuisance and, if it thinks it desirable, specifying any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance had for the time being been abated if the local authority considers that it is likely to recur on the same premises.

(3) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner.

(4) Where the person causing the nuisance cannot be found the local authority may itself abate the same and may recover the expenses thereof from the owner.

(5) Where a notice has been served on a person and such person makes default in complying with any of the requirements of the notice within the time specified, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment and in addition the Magistrate's Court may issue a nuisance order.

(6) A nuisance order may be an abatement order or a closing order or a combination of both.

(7) An abatement order shall require a person to comply with all or any of the requirements of the notice, or to abate the nuisance within a time specified in the order.

(8) An abatement order shall specify the works to be executed by such person for the purpose of abating the nuisance.

(9) A closing order shall prohibit a dwelling house from being used for human habitation and shall be cancelled on the application of the local authority when it has been subsequently rendered fit for human habitation.

(10) Any person who fails to comply with the provisions of a nuisance order shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred and fifty ringgit for each day during the period of his default.

(11) Notwithstanding subsections (5) and (10), the local authority may itself abate the nuisance and recover all expenses thereof from the person in default.

(12) Where a closing order has been made with respect to any dwelling house, the local authority shall serve a copy of the order on every occupier of the dwelling house and if he fails to comply with such order the local authority may, with the assistance of the police, eject the occupier therefrom.

(13) A notice, an abatement order and a closing order under this section shall be in Forms H, I and J respectively of the Fourth Schedule.

Order for demolition of house unfit for habitation

114.—(1) Where a closing order has been made in respect of any dwelling house and the local authority is of the opinion that the continued existence of such dwelling house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling house it may make a complaint to a Magistrate's Court, and such Court after hearing the complaint may make on the owner a summary order for the demolition of such dwelling house within a time specified in such order.

(2) Any person who fails to comply with the summary order shall be guilty of an offence and shall on conviction be liable to a fine

not exceeding one hundred ringgit for each day during the period of his default.

(3) Where a person fails to comply with the provisions of a summary order the local authority may execute the order and may recover the cost of such work from the owner.

Power to proceed where cause of nuisance arises outside local authority area

115. Where a nuisance within, or affecting any part of, a local authority area appears to be wholly or partly caused by some act or default committed or being committed outside the local authority area, the local authority may take, or cause to be taken, against any person in respect of that act or default any proceedings in relation to nuisances by this Ordinance authorized in the like cases, and with like incidence and consequences, as if the act or default was committed or took place wholly within the local authority area.

Committing nuisance in streams, etc.

116. Any person who commits a nuisance or deposits any filth in or upon the bank of any stream, channel, public drain or other watercourse within the local authority area shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or to both such fine and imprisonment and to a further fine not exceeding five hundred ringgit for each day during which the offence is continued after conviction.

Pollution of streams with trade refuse, etc.

117. Any person who, within or without the limits of a local authority area,—

(a) puts or causes to be put or to fall or to flow or knowingly permits to be put or to fall or to flow or to be carried into any stream, so as either singly or in combination with other acts of the same or any other person to interfere with its due flow or to pollute its waters, the solid or liquid refuse of any manufactory, manufacturing process or quarry or any rubbish or cinders or any other waste or any putrid matter;

(b) cause to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter; or

(c) uses, for the purpose of carrying on any laundry trade, any stream, channel, public drain or other watercourse or pool, pond or tank,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding two years or to both such fine and imprisonment and to a further fine not exceeding five hundred ringgit for each day during which the offence is continued after conviction.

Local authority may recover for work done

118.—(1) Where any expenses are incurred by the local authority in carrying out any work as a result of any offence committed by any person under this Ordinance, the local authority shall certify the cost thereof to the person in default and the certificate of the local authority shall be conclusive proof of the sum due.

(2) Such sum shall be deemed to be a debt due to the local authority and may be recovered by the same means and in manner provided by this Ordinance for the recovery of an arrear of rates.

PUBLIC ROADS AND CAR PARKS

Control over public roads

119. A local authority which has been declared as an appropriate authority by the Federal Minister charged with the responsibility for local government under section 67 of the Road Transport Act, 1987 [*Act 333*] shall have the following powers and exercise the following functions in respect of public roads, other than a Federal road, within its local authority area,:

(a) such functions and duties as are conferred by Part III of the Road Transport Act, 1987 [*Act 333*] on an appropriate authority;

(b) maintain, repair, upkeep, improve or upgrade such roads;

(c) subject to the State Roads Ordinance, 1994 [*Cap. 9*], to require any person responsible for causing damage to any public road under the control of a local authority, to pay for the costs and expenses required to remedy and repair such damage;

(d) such functions and duties as may be conferred on a local authority by the State Roads Ordinance, 1994 [*Cap. 9*];

(e) provide lighting for any public road, footpath, backlanes, bridge or pedestrian walks;

(f) maintain road shoulders or verges, pavements and public drains;

(g) provide landscaping for the beautification of public roads;

(h) install traffic lights, signals and other directional signs;

(i) designate places for parking of vehicles;

(j) control and regulate the siting, erection and maintenance of bus stops, shelters, stations, terminals and other related amenities set up for the convenience of commuters and to co-operate or work with other departments or agencies of Government to maintain an efficient and affordable public transportation system;

(k) order closure of any public roads temporarily for the due performance of its functions under paragraph (b) or for the holding of any public function or procession or event, or the celebration of any religious festivals or events;

(l) regulating or diverting any traffic along any public road;

(m) do any act or take any such action as may be necessary to ensure the safety and convenience of the public on any public road in a local authority area.

Powers with respect to private roads and premises

120.—(1) All private roads shall be laid, maintained and repaired by the owners or occupiers of the premises abutting thereon, and all dust, dirt, rubbish and filth of every sort shall be collected and removed therefrom by such owners or occupiers.

(2) If any private road be not laid, levelled, paved, maintained or cleansed to the satisfaction of the local authority, the local authority may, by notice in writing, order the owner or occupier of any premises abutting thereon to lay, level, pave, repair or cleanse, within a time to be stated in the notice, such part thereof as abuts on his premises.

(3) A local authority may, by notice in writing, order the owner or occupier of any premises, within a time to be stated in the notice and to such extent as may be prescribed in the notice,—

(a) to trim or prune the hedges thereof bordering any public road;

(b) to cut and trim all trees which overhang any public road or which are likely to cause damage to telephone or electric wires;

(c) to cut down any tree which stands so close to a public road or existing building that it constitutes, in the opinion of the local authority, a source of danger; and

(d) to clear any portion of the premises which in the opinion of the local authority is dangerous to traffic on account of obstructing the view of drivers of motor vehicles.

Public car parks

121.—(1) A local authority shall have overall control of any public car park situated within its area of jurisdiction.

(2) For the purpose of this Part, a public car park shall include any car park in a subdivided building under the Strata Titles Ordinance, 1995 [*Cap. 18*], or any car park in any property which the public has access or is entitled to park their vehicles upon payment of a fee, charge or any other consideration.

Control of public car parks

122.—(1) All public car parks shall be operated, managed and maintained in accordance with bylaws made by the local authority pursuant to section 91(v).

(2) No person shall operate or maintain a public car park which is not situated on a public road, without a licence issued by a local authority.

Power to impose fees for non mechanical vehicles

123.—(1) A local authority may, subject to any bylaw made under Part VIII, require the owner or user of any non mechanical vehicle on a public road to pay such fees or taxes as it may be empowered by bylaws, to impose.

(2) For the purpose of this section, nonmechanical vehicle shall include bicycle, tricycle, trishaw, rickshaw and hand cart, not owned or belonging to the State or Federal Government.

BURIAL GROUND, CREMATORIUM AND EXHUMATION

124. [Repealed by Cap. 30.]

125. [Repealed by Cap. 30.]

126. [Repealed by Cap. 30.]

127. [Repealed by Cap. 30.]

128. [Repealed by Cap. 30.]

129. [Repealed by Cap. 30.]

130. [Repealed by Cap. 30.]

FURTHER POWERS OF LOCAL AUTHORITY

Further powers of local authority

131. In addition to any other powers conferred upon it by this Ordinance or by any other written laws, a local authority shall have power to do all or any of the following things:

(a) to erect, maintain and keep in repair buildings as may be required for local authority purposes and for the accommodation of local authority staff;

(b) to plant, trim or remove trees;

(c) (i) to construct, maintain, supervise and control public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia, community centres and refreshment rooms;

(ii) to sublease, acquire, let, layout, plant, improve, equip and maintain land for the purpose of being used as public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia and community centres and to erect thereon any pavilion, recreation room or refreshment room or other buildings;

(iii) to support or contribute to the support of public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia, community centres and charitable, religious, educational, social or welfare organisations or institutions;

(iv) to maintain or contribute or provide assistance to the maintenance of historical buildings or sites and, with the approval of the Minister, acquire any land, with or without buildings, for the purpose of or in connection with the establishment of public parks, gardens, esplanades, recreation grounds, playing fields, children's playgrounds, open spaces, holiday sites, swimming pools, stadia, aquaria, gymnasia and community centres or for the purpose of or in connection with the maintenance of historical buildings or sites;

(d) to execute works of such general advantage to the inhabitants of the local authority area;

(e) to layout and construct any square or open space the property of the local authority by any architectural scheme or ornamentation including the erection of statues, fountains or other structures;

(f) to establish, erect and maintain public monuments and memorials and to make and receive grants of money towards the establishment or maintenance thereof;

(g) to establish, acquire, erect, construct, maintain, assist, promote, control and make or receive grants of money in respect of—

- (i) public libraries, art galleries and museums;
- (ii) botanical and zoological gardens and aquaria;
- and
- (iii) plant or flower nurseries and tree banks,

within or without the local authority area limits:

Provided that the local authority may decide that the general management, regulation and control of any such institution established or acquired by the local authority shall be vested in and exercised by such person whether or not members of the local authority as the local authority may from time to time appoint for that purpose;

(h) to sponsor, establish, maintain, control, hire and contribute to bands for musical and theatrical performances in public places and at local authority or public functions and generally to provide public entertainment in such places and at such functions;

(i) to establish, erect, maintain, supervise and control public baths, bathing-places, washing-places, and drinking-fountains;

(j) to arrange for the lighting of public places;

(k) to establish, erect and maintain animal infirmaries;

(l) subject to the provisions of any law relating to road traffic, to establish, acquire, maintain and carry on within or without the local authority area public transport services;

(m) (i) to erect and maintain shops and dwelling houses and flats and to sell, let or otherwise dispose of the same;

(ii) to convert the use of buildings and to alter, enlarge, repair and improve the same;

(iii) to make advances of money for the purpose of enabling residents in the local authority area and officers and employees of

the local authority to acquire or to erect dwelling houses or flats and to recover such advances with interest thereon by installments or otherwise as the local authority may in its discretion arrange, within or without the local authority area;

(n) to sell, sublease or otherwise dispose of any movable or immovable property of the local authority:

Provided that—

(i) no sale or other alienation of immovable property shall take place without the consent of the Majlis Mesyuarat Kerajaan Negeri; and

(ii) all moneys received by the local authority from the sale or other alienation of property shall be credited to the Local Authority Fund;

(o) with the approval of the Minister, to acquire, purchase or sublease any land, or any other property, right or interest within or without the local authority area which may be necessary for the purposes of this Ordinance;

(p) to provide and maintain either within or without the local authority area housing accommodation, including convalescence or holiday houses, clubs and playing fields for officers and employees of the local authority;

(q) to provide assistance financially or otherwise to Councillors, officers, employees and other persons for the pursuit of courses of study or practical training approved by the Minister upon such terms and conditions as the local authority may decide to impose;

(r) to do all things necessary for or conducive to the public safety, health and convenience;

(s) to pay any salaries, allowances and gratuities and to make any contributions to any Superannuation or Provident Fund;

(t) to grant loans to officers and employees for the purpose of purchasing motor vehicles, refrigerators, computers, other household appliances, boats or bicycles at such rates and upon such conditions as may be approved by the local authority;

(u) to pay to Councillors, officers and employees on duty or for attending meetings, conferences and seminars organized for local government administration such travelling, subsistence and other allowances at such rates as may from time to time be decided by the local authority with the approval of the Minister;

(v) to pay the medical expenses incurred by any Councillor, officer or employee at such rates and upon such conditions as may be approved by the local authority;

(w) to advertise and give publicity to the attractions, amenities and advantages of the local authority area and its environs and to contribute to and receive grants and donations for the purpose of the encouragement of tourism;

(x) to require the owner or occupier of any premises to do any of the following acts:

(i) to remove, lower or trim to the satisfaction of the local authority any tree, shrub or hedge overhanging or interfering in any way with the traffic on any road or street or with any wires or works of the local authority or which in the opinion of the local authority is likely to endanger the public safety or convenience and in the event of any tree situated in private premises falling across any public road or street the local authority may remove the fallen tree and the expenses incurred shall be charged on and recoverable from the owner or occupier thereof;

(ii) to remove any fence or structure abutting upon any public place and if such owner or occupier fails to comply with any such request any authorized officer of the local authority may enter upon the said premises and carry out such work and section 170 shall apply to the expenses incurred thereby;

[Am. Cap. A191/2020]

(y) to enter into any contract with any other local authority or with any person to secure or further the carrying on without the local authority area of any work or undertaking which the local authority is authorized to carry on;

(z) to do all things necessary for carrying out all the provisions for and in regard to which the local authority is

empowered from time to time to make bylaws, standing orders, rules and regulations, and for carrying out all such bylaws, standing orders, rules and regulations into effect;

(A) to carry out any development, either by itself or with any other local authority or person, for residential, commercial, industrial or any other undertaking which the local authority may determine;

(B) to incur all expenditure necessary for civic receptions authorized by the local authority or for the carrying out of any purpose of this Ordinance or of any purpose not specifically provided for in this Ordinance which the local authority may determine to be a purpose calculated to facilitate or is conducive to or incidental to the exercise by the local authority of its powers and duties under this Ordinance; and

(C) with the prior approval of the Majlis Mesyuarat Kerajaan Negeri, to establish or incorporate a company or to acquire or subscribe to shares or stocks in any company, for the purpose of undertaking or performing or executing any functions or duties or providing any services which a local authority is empowered or authorized or bound to undertake or to provide under this Ordinance or any other written law.

[Ins. Cap. A69.]

SEWERAGE AND DRAINAGE WORKS

Power to undertake sewerage and drainage works

132.—(1) Unless otherwise directed by the Minister, a local authority may erect, construct, equip and carry on sewerage or drainage works within or without the local authority area:

Provided that the local authority shall not—

(a) commence to erect or construct or maintain sewerage works without the prior consent of the Permanent Secretary; and

(b) proceed with the implementation of any drainage works without prior consultation with the Director of Irrigation and Drainage.

(2) For the purpose of carrying out any sewerage or drainage works the local authority may—

(a) cause such sewers, drains and pipes to be made, laid, altered, deepened, covered over, and maintained as may be necessary for effectively disposing of the sewage or drainage of the local authority area, or any portion thereof, and from time to time cause to be made and maintained all such reservoirs, sluices, engines, ventilating shafts and other works as may be necessary for cleansing and ventilating such sewers, drains and pipes;

(b) carry such sewers, drains or pipes through, across or under any public road, street, square or open space, or any place laid out as or intended for a public road, street, square or open space, whether within or without the local authority area, without paying compensation, and, after giving reasonable notice in writing to the owner or occupier of its intention to do so, perform the same acts in respect of private land within or, subject to section 135(1), without the local authority area upon making compensation for any damage done, the amount whereof shall be determined, in default of agreement, by arbitration;

(c) from time to time alter, enlarge, divert, discontinue, close or destroy any sewers, drains or pipes under the control of the local authority;

(d) construct any works within or, subject to section 135 (1), without the local authority area for the purpose of receiving, storing, disinfecting, purifying, distributing or otherwise disposing of any sewage or drainage;

(e) in any case where, owing to the contour of the ground or for other reasons, it is difficult to connect, for sewerage purposes, any property within the local authority direct with a public sewer maintained by the local authority, the local authority may, subject to paragraph (b), make connections with and utilize any private drain on private ground so as to connect such property with any public sewer:

Provided that, upon such connection being made, the drain with which connection is so made shall, from the point of such connection to the point of junction with the public sewer, be considered and used as a combined or joint drain, and the cost of construction, repair and maintenance of such combined or joint drain shall, as far as the same shall not fall to be borne by the local authority, be paid and borne by the owners of properties respectively served thereby, in such proportion as the local authority shall from time to time determine.

Vesting of sewers in the local authority, and right to access thereto

133. All sewers, drains, pipes, ventilating shafts or other conveniences for the disposal of sewage or drainage constructed by, or which are under the control of, the local authority shall be vested in the local authority, and the local authority, its officers and servants, shall at all reasonable times, have a right of access to private property for the purpose of inspection, maintenance, alteration or repair of such sewers, drains, pipes, ventilating, shafts or other conveniences, and may do all things necessary to uncover and expose such sewers, drains, pipes, ventilating, shafts or other conveniences for the purpose of inspection, maintenance, alteration or repair:

Provided that the local authority shall repair all damage caused by the exercise of the powers conferred by this section.

Sewage farms

134. A local authority may establish, maintain and carry on any such sewage farms or sewage disposal works within its local authority area as may be necessary or advisable for the requirements of the area, and may farm the same and dispose of the produce thereof; and neither the local authority nor any person employed in the operation or construction of such farm shall be liable for any nuisance or damage which is caused by the proper and ordinary conduct of any sewage farm or sewage disposal works established, maintained or carried on under this section.

Notice before commencing sewerage works outside the local authority area

135.—(1) The local authority shall, at least thirty days before commencing outside its area of jurisdiction the construction or extension of any sewer or any work for sewerage purposes, give notice of the intended work by advertisement in the *Gazette* and in one or more newspapers circulating in the area within which the work is to be done or, if there is no such newspaper, then in one or more newspapers, if any, circulating in the State. Such notice shall describe the nature of the intended work, and shall state the intended termini thereof and particulars of the roads, streets, squares, open spaces and other land, if any, through, across, under or on which the work is to be done and shall name a place where a plan of the intended work is open for inspection at all reasonable times. A copy of such notice shall be served upon the owners, or reputed owners, sublessees, or reputed sublessees, and the occupiers of the land and on the local authority, if any, having the care of such roads, streets, squares or open spaces.

(2) If any owner, sublessee or occupier, or any such local authority, or any person who would be affected by the intended work, objects to such work and serves written notice of objection to the Chief Administrative Officer at any time within a period of thirty days after the date of service of the copy of the said notice, then the intended work shall not be commenced without the consent of the Minister, unless such objection is withdrawn.

(3) The Minister may appoint such person or persons as he shall think fit to make inquiry on the spot into the propriety of the intended work and the objections thereto, and to report to him on the matter. On receiving such report, the Minister may make an order disallowing the intended work or allowing it with such modifications, if any, as he may deem necessary, and such compensation shall be payable as may be agreed upon by the parties or, in default of agreement, as may be determined by arbitration.

Provision for protection of sewers and drains

136.—(1) Any person who, without the prior consent in writing of the local authority, shall—

(a) erect, or cause to be erected any building or other structure over any sewer, drain or pipe vested in or constructed under the authority of the local authority;

(b) excavate, open up or remove, or cause to be excavated, opened up or removed, the ground under or near to any such sewer, drain or pipe;

(c) make or cause to be made any opening into any such sewer, drain or pipe for the purpose of discharging sewerage or drainage into or from the same; or

(d) injure or destroy, or cause to be injured or destroyed, any such sewer, drain or pipe, or any works or things in connection therewith,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or both to such fine and imprisonment.

(2) A local authority may alter, demolish or otherwise deal with any building or structure so erected as it may think fit, or may make good any such damage, or may close any such opening, and the expense so incurred shall be recoverable from the offender.

Charges for use of sewers and drains

137. Any charges which the local authority may fix by bylaws for the use of the local authority's drains, sewers or sewerage works shall for all purposes be deemed to be charges for sanitary services, and shall be recoverable from the owner of any property, which is connected with such drains, sewers or sewerage works, in accordance with this Ordinance.

Power to execute drainage works on private property

138.—(1) A local authority may—

(a) carry out either by its own servants or by contractors any work in connection with the installation or improvement of a drainage or sewerage system on any property after giving reasonable notice to the owner and occupier thereof, and may connect any such system with the local authority's drains or sewers, and may recover from the owner of such property the expenses incurred in such work, including a reasonable charge for supervision, and, if the work is undertaken without the aid of a contractor, for the use of tools and plant; or

(b) advance to the owner of any property the amount of any expenses incurred or to be incurred by him in the execution of any such drainage or sewerage work on such property.

(2) The local authority may agree to accept payment of such expenses and repayment of such advances in such installments, at such times, upon such rate of interest, and upon such conditions as the local authority may determine.

(3) Such expenses and advances, together with the interest thereon, shall be a charge upon the property in respect of which the same are incurred made, and shall be paid to the local authority by the owner thereof for the time being, and the installments thereof as they fall due shall be recoverable from the present or future owner of the property in any court of competent jurisdiction.

(4) The local authority shall keep at its offices a register of all expenses incurred and advances made under this section, and shall show in such register the total amount thereof, the installments in which the same are payable, the property in respect of which the same have been incurred or made and the balances for the time being outstanding; and shall keep such register open at all reasonable times to the inspection of any person, free of charge. Such register and any extract therefrom, certified by the Secretary or by any other person authorized by the local authority, shall, in any proceedings for the recovery of such expenses, advances or interest thereon, or any installments thereof, be *prima facie* evidence of the matters contained therein.

(5) Nothing in this section shall limit or affect the power of the local authority to execute any work which the local authority is, by any enactment in force in the local authority area, empowered to execute or to recover the cost of executing such work from any person who is liable therefor.

ENVIRONMENT AND LANDSCAPING

Duty to maintain public parks and greens

139.—(1) Subject to any order or direction issued by the Natural Resources and Environment Board or any rules made under the Natural Resources and Environment Ordinance [*Cap. 84 (1958 Ed.)*], a local authority shall assist the said Board in maintaining the environment in its local authority area, and shall landscape and beautify all public places under its control.

(2) A local authority shall be responsible for the maintenance and preservation of greens in any open space within its area of jurisdiction established under the Public Parks and Greens Ordinance, 1993 [*Cap. 3*].

(3) In the discharge of the functions under subsections (1) and (2), a local authority may appoint wardens and other officers to prevent vandalism or destruction of plants, trees and other facilities grown or placed by a local authority in any public place for the beautification thereof or the convenience and enjoyment of the public.

*PART X

HEADMEN

Appointment of Headmen

140. The Yang di-Petua Negeri may appoint for any local authority area any number of Headmen holding the rank of Tuai Rumah, Tua Kampung, Penghulu, Pemanca or Temenggong for such period and upon such terms and conditions as he may deem fit.

*This Part will be repealed when the Community Chiefs and Headmen Ordinance, 2004, [*Cap. 60*] is brought into force.

Duties of Headmen

141. In addition to the duties which may be imposed on him by any other laws for the time being in force, a Headman shall assist a local authority in the exercise of its powers and the performance of its duties, including the provision of services and amenities to or for the benefit of the inhabitants of the local authority area.

Power of Headman to give orders

142. A Headman may give such written or verbal orders as are reasonably necessary for the execution of his duties under this Ordinance, and which are not inconsistent with any bylaw or regulation made by a local authority or other person, to any person belonging to the race or races in respect of which he is appointed or recognized as a Headman and who is for the time being within the area of such Headman's jurisdiction.

Power to require pledge

143.—(1) A Resident may require any person to whom any order has been given by—

(a) a local authority; or

(b) a person lawfully exercising the powers of a local authority or Headman under this Ordinance,

to deposit, at such place as the Resident may direct, such pledge or cash, or of such other movable property as may be specified by the Resident, as a guarantee that the order will be obeyed within the time prescribed thereby, or, if no such time is prescribed, within a time to be prescribed by the Resident, and, if such order is not obeyed within the prescribed time, the pledge shall be forfeited to the Government:

Provided that the Resident may at his discretion reduce the amount of such pledge, or extend the time prescribed, or may return the whole or part of such pledge to the depositor thereof, whether or not the order has been obeyed.

(2) Any person aggrieved by an order made by a Resident under this section may appeal to the Minister whose decision shall be final:

Provided that the Minister may refuse to entertain such appeal until any pledge which has been required by the Resident has been duly deposited.

(3) The fact that a person has deposited a pledge in accordance with a requirement under this section shall be no bar to his being prosecuted for disobedience to the order in respect of which the deposit was made.

Duty of persons to obey and assist local authorities and Headmen

144.—(1) Every person on whom an order is made under this Ordinance shall be legally bound to obey such order.

(2) It shall be the duty of every person, subject to the jurisdiction of a local authority or Headman, when so required by such local authority or Headman, to—

(a) assist such local authority or Headman in carrying out its or his duties; and

(b) attend before such local authority or Headman or any officer of the Federal or State Government.

(3) Any person who fails to attend before a local authority, a Headman or an officer of the Federal or State Government in contravention of subsection (2) may be arrested by order of the local authority or Headman concerned and taken before the local authority or person before whom his attendance is required.

PART XI
LICENCES, CHARGES AND FEES

Grant, renewal or revocation of licence

145.—(1) A local authority may grant or renew a licence under this Ordinance or any bylaw made hereunder, subject to such conditions and restrictions as the local authority thinks fit.

[Am. Cap. A69.]

(2) A licence granted under this Ordinance or any bylaw made hereunder may be issued jointly with any other licence.

(3) The revocation of any particular licence issued jointly with any other licence under subsection (2) shall not affect the validity of any other licence with which it had been jointly issued.

(4) Every person to whom a licence has been granted shall exhibit his licence at all times in some prominent place on the licensed premises and shall produce such licence if required to do so by any officer of the local authority.

(5) Any person who fails to exhibit or to produce such licence as required under subsection (4) shall be guilty of an offence.

(6) A local authority may suspend or revoke any licence upon being satisfied that the licensee has breached—

(a) any provision of this Ordinance or any bylaws made hereunder; or

(b) any condition or restriction imposed on the licence.

[Ins. Cap. A69.]

Charges and fees

146. A local authority may by bylaw impose charges or fees in respect of any trade, occupation or premises which it is empowered under this Ordinance to inspect or supervise and license.

Charges for specific services

147. A local authority may by bylaw impose charges in respect of services rendered by the local authority in the exercise of its powers under Part VIII:

Provided that no such bylaw shall impose upon the owner or occupier of any holding any liability to pay such a charge for a service, if a rate is payable for such service in respect of such holding.

Fee when payment demanded

148. If any sum payable under this Ordinance or any bylaw or regulation made hereunder (other than a sum payable in respect of rates) remains unpaid after the expiration of the period prescribed for payment, a surcharge of not exceeding such amount as may be fixed by regulations made under section 172, shall be payable by the person liable to pay the said sum, and shall be recoverable in the same manner as the said sum.

PART XII**LEGAL PROCEEDINGS, OFFENCES, ETC.****Arbitration**

149. Where any matter is by this Ordinance directed to be determined by arbitration such matter shall, except as may be otherwise expressly provided, be determined by the law relating to arbitration for the time being in force in Sarawak.

General penalties

150. Every person who is guilty of an offence against this Ordinance shall for every such offence be liable to the penalty expressly prescribed by this Ordinance and, if no such penalty is prescribed, then to a fine of not exceeding ten thousand ringgit.

[Sub. Cap. A160/2013.]

Conduct of prosecutions and appearance in civil proceedings

151.—(1) Prosecutions in respect of offences committed under this Ordinance or any bylaws or regulations in force within a local authority area 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]*.

(2) (a) In respect of any civil proceedings by or against a local authority—

(i) the State Attorney General or any legal officer authorized in writing by him; or

(ii) an Advocate appointed by the local authority; or

(iii) any officer of the local authority authorized in writing by its Chief Administrative Officer,

may appear and represent the local authority in any Court before which such proceedings are instituted or filed.

(b) For the purposes of this section, “civil proceedings” includes an arbitration conducted under the Arbitration Act 2005 *[Act 646]* or any other written law relating to arbitration applicable in Malaysia.

[Sub. Cap. A69.]

Powers of arrest

152. Any police officer may arrest without warrant any person who commits any offence against this Ordinance or any bylaw or regulation in force within the local authority area and any officer of the local authority in uniform, or wearing a visible badge of office and authorized thereto in writing by the local authority, may arrest without warrant any person who in his presence commits any such offence and may detain such person until he can be delivered into the custody of a police officer to be dealt with according to law:

Provided that no person shall be arrested or detained without warrant unless reasonable grounds exist for believing that, except by the arrest of the person offending, he could not be found or made answerable to justice without undue delay, trouble or expense.

Contraventions of orders and notices

153. When any matter or thing is by this Ordinance, or by any order or notice made and published under authority thereof, directed or prohibited to be done, or where any authority is given by this Ordinance to any person to direct or prohibit any matter or thing to be done, and such act so directed to be done remains undone or such act so prohibited to be done is done, then, in every such case, every person offending against such direction or prohibition shall be deemed to be guilty of an offence.

Evidence may be given in writing

154.—(1) The books and registers of the local authority and any extracts therefrom purporting to be certified by the Secretary or other officer authorized thereto by the local authority shall, in any proceedings under this Ordinance or any bylaw or regulation made hereunder, be *prima facie* evidence of the things and matters contained in such books and registers.

(2) Any document purporting to be a report under the hand of the Health Officer or engineer of the local authority upon any matter or thing he has examined or analyzed shall, until the contrary is proved, be evidence of the state or condition of such matter or thing at the time of such examination or analysis.

Liability for acts and omissions

155. For the purposes of any prosecution for an offence under this Ordinance or under any bylaw or regulation—

(a) whenever any agent or employee in the course of his employment does or omits to do an act the doing or omission to do which by his principal or employer would be an offence, such agent or employee shall be guilty of that offence, and his principal or employer and any person who at the time of the act or omission was in charge of the business in respect of which the act or omission occurred shall also be guilty of that offence

unless such principal or employer or other person, as the case may be, proves to the satisfaction of the Court that having regard to all the circumstances he took all reasonable means and precautions to prevent such act or omission;

(b) where any offence has been committed by any body corporate, any person who at the time of the commission of such offence was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that having regard to the nature of his functions in that capacity and to all the circumstances he took all reasonable means and precautions to prevent the commission of the offence.

Powers to compound

156.—(1) Any police officer not below the rank of Inspector or any officer of the local authority specially authorized in writing in that behalf by the local authority may compound any offence, which is prescribed to be a compoundable offence, 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.

[Sub. Cap. A160/2013.]

(2) No licence shall be endorsed, suspended or cancelled by reason of any offence compounded under this section.

(3) The local authority may, in accordance with Part VIII, make bylaws to prescribe the offences which may be compounded and the method and procedure thereof.

Validity of acts of the local authority and officers

157. All acts of a local authority or of any person acting as Chairman, Councillor, Secretary or any other official, as the case may be, shall, notwithstanding that it be discovered that there was some defect in the appointment of any such person or that he was disqualified, as the case may be, be as valid and effectual as if such person had been duly appointed and qualified.

Liability of Councillors, *etc.*, for negligence or dereliction of duty

158.—(1) Every Councillor and every officer or servant of the local authority, shall, on a resolution of the local authority or on the direction of the Permanent Secretary to that effect, be liable to refund to the revenues of the local authority all or any part of any loss or deficiency of cash, valuable consideration, goods or property, attributable in whole or in part to the negligence of, or dereliction of duty by, such Councillor, officer or servant.

(2) Whenever any Councillor, officer or servant of the local authority is made liable to refund to the revenues of the local authority all or any part of any loss or deficiency under subsection (1), he may appeal to the Minister, who may affirm, rescind or vary the resolution or direction, as the case may be, and whose decision shall be final.

Protection of Councillors, *etc.*, from liability in certain circumstances

159. No matter or thing done or omitted, and no contract entered into, in good faith and for the purposes of this Ordinance, or of any bylaw or regulation in force within the local authority area, by any Councillor, officer or servant of the local authority or other person, acting under the direction of the local authority, shall subject any such person personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such person as aforesaid shall be paid by the local authority out of its revenues:

Provided that nothing in this section shall exempt any Councillor, officer or servant of the local authority from liability under section 158.

Service of notices, *etc.*

160.—(1) Every notice, order, demand or document required or authorized by this Ordinance, or by any regulation or bylaw made hereunder, to be served on any person may be served—

(a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or servant of his family;

(b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person;

(c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of residence or business; or

(d) by transmitting the same by facsimile transmission to the last known telefax number of that person and posting a copy thereof to the person's last known place of residence or business.

(2) If the document is served by post, it shall be deemed to have been served at the time when the letter containing the document would be delivered in the ordinary course of post and, in proving such service, it shall be sufficient to prove that the letter containing the document was properly addressed and put in the post.

(3) A notice, order, demand or document required or authorized by this Ordinance, or by any regulation or bylaw made hereunder, to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of such premises, without further name or description.

(4) A notice, order, demand, summons or document required or authorized by this Ordinance, or by any regulation or bylaw made hereunder, to be served on the owner or occupier of any premises may be served by delivering the same, or a true copy thereof, to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises.

Powers of entry and investigation

161.—(1) Any officer of a local authority authorized by its Chief Administrative Officer may without warrant enter any premises for the purpose of ascertaining whether the provisions of this Ordinance or any bylaws or regulations in force in the local authority area or the conditions of any licence issued thereunder are being complied with, and may make such investigation and inspection of the

premises and call any person to produce such articles, books, accounts or other documents or things and to furnish any information as that officer may consider necessary for the purpose:

Provided that any officer not in uniform purporting to exercise any powers under this section shall on demand produce his written authority to the owner or occupier of the premises demanding the same.

(2) Any person entering any premises in exercise of the powers conferred by this section may be accompanied by a police officer.

[Sub. Cap. A69.]

Powers of seizure

161A.—(1) Any officer authorized to exercise the powers of entry or investigation under section 161 may seize, remove or detain any vehicle, goods, tool, equipment, document, material or any other thing which he reasonably believes to be or has been used in the commission of an offence under this Ordinance or any bylaws or regulations in force in the local authority area or to contain evidence relating to such an offence.

[Am. Cap. A94, Cap. A191/2020.]

(2) No claim or action shall lie against any officer authorized by the Chief Administrative Officer of a local authority in respect of the seizure, removal or detention of any such vehicle, goods, tool, equipment, document, material or other thing under subsection (1).

[Am. Cap. A94.]

(3) Any vehicle, goods, tool, equipment, document, material or other thing seized, removed or detained under subsection (1) may be—

(a) dealt with, disposed of or sold in accordance with any bylaws made under section 91 or 105; or

(b) sold by the local authority by public auction or tender;
or

(c) disposed of or dealt with in such manner as the court may order,

and the proceeds thereof shall, after being applied to cover the costs of such seizure, removal or detention and sale, as the case may be, be returned to the rightful owner or dealt with in such manner as the Court may order.

[Ins. Cap. A69; Am. Cap. A94.]

Powers of closure

161B.—(1) Any officer authorized to exercise the powers of entry or investigation under section 161 may, without prejudice to the exercise of the powers conferred on him by that section or section 161A, forthwith take such steps as he may consider necessary to close or seal off any premises which he is satisfied is being used for any trade or business or activity in contravention of this Ordinance or any bylaws or regulations in force in the local authority area or of any of the conditions of a licence issued thereunder.

(2) Any person who fails to comply with any closing order or notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred thousand ringgit or to a term of imprisonment not exceeding five years or to both.

[Ins. Cap. A69; Ins. Cap. A160/2013.]

Obstruction of officers

162. The following persons shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment:

[Sub. Cap. A160/2013.]

(a) any person who wilfully obstructs any Councillor, or any officer or servant of a local authority, in the execution of his duty as such;

(b) any occupier of property who prevents the owner of such property from complying with any of the requirements of this Ordinance, or of any regulation or bylaw made hereunder;

(c) any person who refuses to answer to the best of his ability, or knowingly makes false answers to, inquiries made by the Health Officer or any health inspector specifically authorized by him in writing for the purpose of discovering cases of any infectious disease or possible sources of infection of any such diseases;

(d) any occupier of property who, on demand, by any officer or servant of the local authority, in the execution of his duty as such, refuses, wilfully omits to disclose or wilfully misstate or wilfully provides wrong information on the name and address of the owner of such property.

Public Authorities Protection Act 1948

163. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any suit, action, or prosecution or other proceedings against any local authority or against any Councillor, officer, servant, employee or agent of a local authority in respect of any act, neglect, default done or committed.

Public servants

164. All Councillors, officers and servants of a local authority while discharging their duties as such shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Minister may delegate powers

165. The Minister, with the approval of the Majlis Mesyuarat Kerajaan Negeri, may delegate all or any of the powers conferred upon him by this Ordinance to any person, subject to such conditions or restrictions, if any, he may see fit to impose, and may revoke such delegation:

Provided that no such delegation of powers shall in any way prejudice the right of the Minister to exercise such powers himself.

[Am. Cap. A191/2020]

Officer may demand names and addresses

166.—(1) The occupier of any premises within the local authority area shall, if required by any officer of a local authority, give his name and identity card number and the name and address of the owner of the premises, if known.

(2) Any person who refuses to give or wilfully mis-states his name and identity card number or the name and address of the owner of the premises shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Recovery of expenses

167. Whenever default is made by the owner of any premises in the execution of any work required to be executed by him, the occupier of such premises may, with the approval of the local authority, cause such work to be executed and the expense thereof shall be paid to him by the owner and the amount may be deducted out of the rent from time to time becoming due from him to such owner and such occupier may, in the absence of any special agreement to the contrary, retain possession until such expense has been fully reimbursed to him.

Expenses and costs payable by owners

168.—(1) Any sums payable by or recoverable from the owner in respect of expenses or costs incurred by the local authority in the execution of any work shall, subject and without prejudice to the rights of the State, be a first charge on the premises in respect of which such expenses or costs have been incurred.

(2) In addition to any other remedies conferred by this Ordinance, any such sum may be recovered by the same means and in like manner as an arrear of rates.

(3) The charge shall attach and the powers and remedies shall become exercisable as from the date of completion of the work and thereafter such powers and remedies may be exercised against the premises or against any movable property or crops for the time being

found thereon, notwithstanding any change in the ownership or occupation of the premises subsequent to the said date.

Recovery of expenses or costs from persons in default

169. Where the local authority has incurred expenses or costs in the execution of any work, it may recover such expenses or costs from the person in default and if such person is not the owner of the premises from the owner thereof in the manner provided under section 168.

Recovery of moneys due to a local authority

170.—(1) All moneys due to a local authority for local authority services or under any bylaws or regulations made hereunder shall be recoverable by the local authority jointly and severally from the owner and occupier of the premises concerned:

Provided that—

(a) the owner shall, in the absence of any agreement to the contrary, be entitled to recover from the occupier of the said premises any such charges paid by him in respect of the occupation by such occupier; and

(b) the occupier shall be entitled to deduct from any rent or other amount payable by him to the owner of the premises any portion of such charges paid by or recovered from him which the owner could not lawfully have required him to pay.

[Am. Cap. A69.]

(2) A local authority may charge and recover interest on unpaid charges for services at a rate not exceeding one per centum per month or part of a month.

Recovery by instalments

171.—(1) Where any sum is payable by any person to the local authority for any purpose under this Ordinance or any bylaws or regulations made hereunder, the local authority may permit such person to pay the said sum in instalments with interest thereon at such rate as the Minister may determine.

[Am. Cap. A69.]

(2) Upon default in payment of any instalment or interest upon the date appointed for payment thereof, the whole of the balance then outstanding of such amount, together with any interest in arrear, shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises, may be recovered by the same means and in like manner as an arrear of rates.

Local authority may delegate powers

171A. A local authority may, with the approval of the Minister, delegate any of the powers conferred by this Ordinance or any by-laws made under it, other than the power to raise money by rates or loans or the power to make by-laws, to the Chairman or any officer of the local authority concerned, subject to such conditions or restrictions as may be imposed.

[Ins. Cap. A160/2013.]

Regulations

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

(a) to regulate and control the conduct and administration of local authorities finances, and for all matters connected therewith;

(b) to provide for the auditing of the accounts of local authorities;

(c) to provide for the preparation and publication by local authorities of estimates of revenue and expenditure;

(d) to regulate and control the keeping of accounts by local authorities;

(e) to regulate and control the collection of revenue and the expenditure of money by local authorities;

(f) to regulate and control the acquisition, holding, charging and disposal of property by local authorities;

(g) to regulate and control the administration of any property in the ownership, possession or control of a local authority;

(h) to regulate and control the making of contracts of all descriptions by local authorities;

(i) to provide for the payment of allowances to members of a local authority;

(j) to prescribe the conditions subject to which, and the terms on which, a person may be required to perform work or render services under this Ordinance or any bylaw or order made hereunder;

(k) to provide for the privatisation of any of the services which a local authority is obliged to provide under this Ordinance within its area of jurisdiction;

(l) *[Deleted by Cap. A114.]*

(m) to provide for the assessment of holdings for rates, the basis of assessment, the preparation and publication of provision and revised valuation lists, the prescribing of powers to obtain information for the purposes of valuation (including powers of entry and inspection), appeals against and revision of assessments, the payment and recovery of rates (including interest), the remission of rates and any other matters concerning the levying, collection and remission of rates;

(n) to provide for appeals to the Minister in cases where no appeal is provided by this Ordinance, against orders and decisions of local authorities, or any specified local authority, made under any provision of this Ordinance, or under any bylaw made hereunder, specified in the regulations; and

(o) to establish, regulate and control a provident fund for the benefit of persons employed by local authorities, and to provide for and prescribe all matters incidental thereto, including the prohibition of any assignment, attachment or sequestration of, or levy upon, any sum in the Fund.

[Am. Cap. A191/2020]

(p) *[Deleted by Cap. A191/2020.]*

(2) Regulations made under subsection (1)(a) to (i) inclusive shall be sufficiently published if made available to local authorities and kept in some place at the offices of the local authorities where they are available for inspection by members of the public.

Amendment to the Schedules

172A. The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, amend the Schedules.

[Add. Cap. A191/2020, Am. Cap. A221]

Repeal

173.—(1) The Kuching Municipal Ordinance [*Cap. 116 (1958 Ed.)*], and the Local Authority Ordinance [*Cap. 117 (1958 Ed.)*] are repealed.

(2) Section 4 of the City of Kuching Ordinance, 1988 [*Cap. 48*], is repealed.

[Am. Cap. A69.]

Savings

174.—(1) Nothing in this Ordinance shall affect the past operation of, or anything done under, any of the laws repealed pursuant to section 173 provided that any right, privilege, licence, proceeding or liability existing at the date of commencement of this Ordinance by virtue of the repealed laws, shall be subject to this Ordinance.

(2) Any bylaw, regulation, rule, order, direction, notice or notification made, issued or given before the commencement of this Ordinance, under any of the repealed Ordinances 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.

(3) Any person who, immediately before the commencement of this Ordinance, was appointed Chairman, Councillor or was holding any office in any local authority shall continue in that office

and be deemed for the purpose of this Ordinance to have been so appointed.

(4) Any proceeding, action, claim or liability made, instituted, filed, commenced or incurred under any of the laws repealed pursuant to section 173 prior to the date of commencement of this Ordinance, shall be deemed to be continued or have been incurred as if this Ordinance has not been enacted.

(5) In the application of this Ordinance to the Bintulu Development Authority or to the Commission of the City of Kuching North, where any conflict arises between any of the provisions of this Ordinance and any of the provisions of the Lembaga Kemajuan Bintulu (Bintulu Development Authority) Ordinance, 1978 [*Ord. No. 1/78*], or the City of Kuching North Ordinance, 1988 [*Cap. 49*], the relevant provisions of either of the latter Ordinances shall prevail.

Removal of difficulties

175. The Majlis Mesyuarat Kerajaan Negeri may, by Order published in the *Gazette*, make such provisions as it considers necessary or expedient for the purpose of removing any difficulties occasioned by the coming into force of this Ordinance, and such Order may be made so as to have effect as from the date of commencement of this Ordinance.

FIRST SCHEDULE
STATUS OF LOCAL AUTHORITIES
(Sections 3(2) and (3))

PART I
CITY ADMINISTRATION

- (1) Commission of the City of Kuching North
- (2) Council of the City of Kuching South
- (3) Miri City Council

[Am. Swk. L.G. 24/2005; Am. Cap. A130.]

PART II
MUNICIPAL COUNCILS

- (1) Sibul Municipal Council
- (2) *[Deleted by Swk. L.G. 24/2005]*
- (3) Bintulu Development Authority
- (4) Padawan Municipal Council

[Am. Swk. L.G. 76/1997; Am. Swk. L.G. 24/2005.]

PART III
DISTRICT COUNCILS

- (1) *[Deleted by Swk. L.G. 76/1997]*
- (2) Bau District Council
- (3) Lundu District Council
- (4) Sri Aman District Council
- (5) Lubok Antu District Council
- (6) Betong District Council
- (7) Saratok District Council
- (8) Sibul Rural District Council
- (9) Kanowit District Council
- (10) Dalat and Mukah District Council

- (11) Marudi District Council
- (12) Subis District Council
- (13) Limbang District Council
- (14) Lawas District Council
- (15) Sarikei District Council
- (16) Maradong and Julau District Council
- (17) Matu and Daro District Council
- (18) Kapit District Council
- (19) Serian District Council
- (20) Simunjan District Council
- (21) Samarahan District Council

SECOND SCHEDULE

LIMITS OF THE COUNCIL OF THE CITY OF KUCHING SOUTH

(Section 10(2) (b))

All that area in the Kuching District containing an area approximately 61.53 square kilometres and bounded by lines commencing from a point north-east of survey mark No. 89, on the true right bank of Sungai Kuap, the boundary runs upstream along the true right bank of Sungai Kuap to a point approximately 700 metres north of Sungai Langir; thence with bearing approximately 288° 00' and crossing Sungai Kuap to a point approximately 20 metres east of survey mark No. 35; thence upstream along the true left bank of Sungai Stampin and crossing one of its tributaries to a point south-east of survey mark No. 17; thence in westward direction and joining successively survey mark Nos. 17, 64, 63, 62, 61, 60, 59, 58, 57, 7, 5, 101, 6, 5, 32, 4, 8, 120, 3, 2, 1, 1/3286, 20, 18, 1/3212, 1/3211, 33, 34, 1/3100, 1/3099, 35, 1, 19, 20, 3, 4, 505, 5, 1, 177, 160, 161, 162, 163, 1/5039, 1, 2, 3, 4, 153, 154, 1, 155, 139, 140, 66, 67, 8, 14, 10, 4, 9, 63, 62, 1/5034, 61, 2, 83, 701, 82, 1, 2, 81, 80, 102, 16, 101, 34, 99, 18, 1/5029, 8, 17, 16, 1, 2 nail, 15, 20, 14, 13, 12, 11, 6, 10, 8, 14, 9, 10, 11, 12, 5, 103, 102, 1, 50, 11, 3, 51, 4, 30, 4, 1, 106, 105, 21, 22, 23, 2, 1, 80, 86, 81, 78, 30, 55, 11, 50, 13, 207, 15, 18, 93, 1, 1/3490, 6, 3, 72, 505, 70, 68, 66, 65, 67, 66, 60, 58, 56, 54, 8, 513, 52, 50, 210, 72, 26, 1, 60, 101, 102, 300, 301, 6, 93, 27, 80, 82, 52, 2, 81, 84, 83, 124, 123, 125, 121, 120, 1/3531, 11, 116, 117, 331, 330, 118, 201, 113, 15, 6, 1, 105, 2, 104, 19, 235, 107, 18, 15, 14, 13, 103, 23, 166, 169, 31, 100, 111, 110, 109, 104, 124, 119, 115, 116, 114, 113, 316, 3, 315, 314, 381, 384, 311, 310, 309, 308, 301, 123, 124, 125, 7, 5, 201, 202, 6, 100, 16, 17, 102, 62, 61, 63, 18, 429, 1, 2, 13, 50, 51 and 52; thence in northerly direction following the right hand side of the Jalan Kereta Api Road Reserve to survey mark No. 15; thence in easterly direction joining successively survey mark Nos. 15 to 2, 84, 22, 8, 15, 2, 3, 82, 80, 81, 210, 1/3756, 211 and 401,

crossing Jalan Rock to peg 43; thence along Jalan Batu Lintang joining successively survey mark Nos. 43, 7, 6, 5, 7, 69, 14, 13, 4, 105, 11, 113, 105, 106, 55, 56, 100, 115, 7, 10, 8, 5, 61, 63, 1, 3, 37, 35, 175, 1001, 86, 27, 28, 29, 22, 30, 15, 31, 53, 286, 287, 288, 289, 290, 291, 293, 294, 13, 33, 6, 87, 33, 32, 50, 51, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 66, 67, 16, 15, 14, 96, 94, 93, 92 and 91; thence crossing Jalan Batu Lintang/Jalan Simpang Tiga/Jalan Mendu/Jalan Tabuan roundabout to survey mark No. 54; thence joining successively survey mark Nos. 54, 52, 91, 90, 89, 103, 132, 134, 133, 107, 47, 46, 43, 28, 31, 30, 21, 12, 11, 27, 26, 87, 28, 2, 70, 68, 5, 8, 4, 1, 44, 40, 42, 35, 43, 45, 44, 22, 21, 20, 30, 31, 320, 33, 50, 49, 48, 3, 26, 204, 203, 202, 195, 194, 20, 19, 25, 27, 28, 52, 31, 32, 33, 2, 42, 43, 25, 16, 3, 4, 17, 15, 18, 7, 102, 8, 43, 38, 37, 36, 35, 34, 33, 32, 14, 30, 103, 110, 109, 108, 107, 106, 105 and 122; thence along Jalan Tabuan joining successively survey mark Nos. 122, 121, 113, 123, 125, 6, 7, 307, 306, 51, 27, 125, 112, 19, 113, 105, 109, 5 and 106; thence swinging to Jalan Mathie's joining successively survey mark Nos. 106, 80, 6, 10, 111, 102, 103, 101, 2, 24, 25 and 107 nail; thence crossing Jalan Padungan to survey mark Nos. 132 screw, 133, 134 and 135 screw; thence crossing Jalan Abell to survey mark No. 54; thence joining successively survey mark Nos. 54, 45, 47, 52, 51 and IR 111; thence in easterly direction along the true right bank of Sungai Sarawak to the point of commencement.

Provided that in any case in which the boundary of the Council of the City of Kuching South passes through any lot then, if—

(a) one half or more of the lot lies within the limits of the Council of the City of Kuching South, the whole of such lot shall be deemed to lie within the Council of the City of Kuching South; or

(b) less than one half of the lot lies within the Council of the City of Kuching South, the whole of such lot shall be deemed to lie outside the Council of the City of Kuching South.

(The boundaries of the land described above are particularly delineated on the Land and Survey Department Miscellaneous Plan No. 60371/1, deposited in the office of the Director of Lands and Surveys, Sarawak.)

THIRD SCHEDULE

**DECLARATION OF ACCEPTANCE OF OFFICE
BY A COUNCILLOR**

(Section 16(1))

I, of
.....
having been appointed a Councillor of the
..... declare that I accept the said office and
undertake to serve well and truly as a Councillor and duly and faithfully to fulfil the
duties thereof.

Declared in the presence of the
....., this day of20.....

.....
Signature of Councillor

FOURTH SCHEDULE

FORM A

FORM OF NOTICE OF OBJECTION TO THE VALUATION LIST
(Section 70)

To the Rating Appeals Tribunal at

I, *.....

of

HEREBY OBJECT to the following entry in the Valuation List:

*[Insert name and address of objector]

No.	Owner of Holding	Situation of Holding		Occupier	Rateable Value	Amount Payable	Copy Extract From Valuation List
		Land District					
		Section/ Block	Lot				

on the following grounds: †

.....
.....
.....

and I request that the following amount be substituted for the rateable value shown therein—

† [Insert nature and grounds of objection, and particulars thereof]

Rateable value

2. I enclose herewith the fee of fifty ringgit.

Dated this day of 20.....

.....
Signature of Objector

-
FOR OFFICE USE ONLY
DECISION OF THE RATING APPEALS TRIBUNAL
(Section 89)

.....
.....
.....
Dated this day of 20

.....
Signature of Chairman

FORM A(1)

WARRANT OF ATTACHMENT OF RATEABLE HOLDING

(Section 73(1)(b))

To:

The Registrar,
Land Registry Office
at

Whereas the *owner/occupier of the rateable holding on
Lot:.....Section/Block:.....Land District:
.....

..... has failed to pay the *rates/fees/charges/other moneys in
the sum ofwhich had become due and payable to the
.....(name of local authority) on..... and until the said sum
is paid it shall be a first charge on the above mentioned rateable holding.

Accordingly, I apply for a Warrant of Attachment to be registered against the
above mentioned holding in accordance with section 73(1)(c) of the Local
Authorities Ordinance, 1996 **[Cap. 20]**.

Dated this day of

Chief Administrative Officer,
.....(name of local authority)

*Delete where inapplicable.
.....

Registered at the Land Registry
Office this day ofato'clock.....

.....
Registrar/Assistant Registrar,
Land and Survey Department

[Add. Cap. A114.]

FORM B
WARRANT OF ATTACHMENT
 (Section 75(1))

To:

.....

Whereas by a Notice bearing No.
 posted/delivered on the day of, 20
 the owner/occupier was required to pay at the office of
 the sum of RM
 being arrears of rates and whereas the said sum of RM
 has not been paid:

This is to command you to attach the movable property of the said
 owner/occupier found on the holding (here
 describe holding) and wherever the same may be found within the said
 (local authority area)
 and unless the said sum of RM together with
 RM, the cost of this attachment, be paid to hold the
 same until further order.

You are further commanded to return this Warrant on or before the
 day of, 20..... with an endorsement
 certifying the date and manner in which it has been executed or why it has not be
 executed.

Given under my hand this..... day of,
 20.....

.....
Name and Signature

PARTICULARS OF ARREARS AND FEES

	RM	sen
Current rates for..... half year ending..... ..20...		
Arrears for years, viz. 20..... to 20 ...		
Fees under section 74		
Attachment Fee		
Total ...		

FORM C**NOTICE TO PAY ARREARS OF RATES**

(Section 75(1))

No.

To:

.....

Take notice that you are required to pay the arrears of rates due for the period ending
 amounting to RM together with the fee of RM payable under section 74(1) of the Local Authorities Ordinance, 1996 [*Cap. 20*], at the office of.....
 within 15 days of the posting/delivery of this notice; in default of payment within the period specified, the amount of arrears due together with the costs of process will be recovered under the powers contained in Part VII of the Local Authorities Ordinance, 1996 [*Cap. 20*].

Dated this..... day of.....20

RM sen

Assessment on

Arrears of rates...

Fee

Total arrears... ..

Lot:

Section / Block:

Land District:

.....

Name and Signature

FORM D**INVENTORY AND NOTICE**

(Section 75(2))

To:

..... of

Lot Section / Block Land District.....
(or other identifiable description).

Take notice that I have this day attached the property specified in the undermentioned inventory for the sum of RM being arrears and costs recoverable under Part VII of the Local Authorities Ordinance, 1996 [*Cap. 20*], as detailed below and that unless you pay into the office of the amount due together with the costs of this attachment within 7 days of the date of this notice the property will be sold.

Dated this..... day of.....20

.....
*Name and Signature***INVENTORY**-----
No. of Articles

Description of Property

DETAILS OF ARREARS AND COSTS

RM sen

Current rates for half year ending....., 20.....

Arrears for years, viz. 19..... to 20.....

Fee under section 74

Attachment Fee

Total

FORM E

[Deleted Cap. A114.]

FORM F

NOTICE OF SALE OR TRANSFER

(Section 87(1))

.....

I/We,
 of
 hereby give notice as required under section 87(1) of the Local Authorities
 Ordinance, 1996 *[Cap. 20]*, of the following:

1. Title of rateable holding
2. Description and
 situation of
 rateable holding Lot..... Section/Block
 Land District
 Address
3. Name of seller/transferor
 Name of purchaser/transferee
4. Number of Symbol
 of Instrument Ref. Transfer Vol. Folio
 Date of Registration
 of Instrument
5. Remarks:
 Purchase price..... Date of purchase.....

Dated this day of 20

.....
Signature

FORM G

NOTICE OF TRANSMISSION

(Section 87(2))

.....

I/We,
 of.....
 hereby give notice as required under section 87(2) of the Local Authorities
 Ordinance, 1996 [Cap. 20], of the following:

1. Title of rateable holding
2. Description and
situation of
rateable holding Lot Section/Block
 Land District
 Address
3. Name of owner
prior to
transmission

 Name of present owner
 Address

4. Number of Symbol
of Instrument Ref. Transfer Vol..... Folio
 Date of Registration
 of Instrument
5. Remarks:

Dated this day of 20

.....
Signature

FORM G(1)
CERTIFICATE OF CLEARANCE OF INDEBTEDNESS
 (Section 87A)

I certify that—

(a) all amounts (if any) due to the (name of local authority), being the local authority having *current jurisdiction/ jurisdiction prior to the delineation of administrative boundaries over the holding described as Lot:Section/Block:..... Land District: and situated at..... by the *owner/occupier of the said holding preceding the date of this Certificate in respect of *rates/fees/charges/other moneys for services rendered in relation to such holding; and

(b) all amounts (if any) due by the *owner/occupier of the above-mentioned holding on account of expenses incurred by the.....(name of local authority) in relation to such holding preceding the date of this Certificate,

under the provisions of the Local Authorities Ordinance, 1996 [*Cap. 20*] and bylaws made thereunder had been paid.

2. This Certificate is not valid after thirty days from the date of its issue.

Dated this day of

.....
Chief Administrative Officer,
(name of local authority)

**Delete where inapplicable.*

[Ins. Cap. A114.]

FORM H

NOTICE REQUIRING ABATEMENT OF NUISANCE

(Section 113(13))

To:.....
 of.....

Take notice that under section 113 of the Local Authorities Ordinance, 1996 [Cap. 20], the being satisfied of the existence at of a nuisance being (describe the nuisance) hereby requires you within (specify the time) from the service of this notice to abate the same and to execute such works and do such things as may be necessary for that purpose, i.e.
 (specify any works to be executed).

Take notice that if you make default in complying with any of the requirements of this notice within the time specified, you shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding six months or to both such fine and imprisonment under section 113(5) of the Local Authorities Ordinance, 1996 [Cap. 20].

Dated this.....day of 20.....

.....
Name and Signature

FORM I**ABATEMENT ORDER**

(Section 113(13))

To:

of

Whereas you have on the day of 20 appeared before me for failing to comply with the requirements of the Notice in Form H of the Fourth Schedule to the Local Authorities Ordinance, 1996 [*Cap. 20*], dated the day of, 20 and whereas you have been convicted of the offence under section 113(5) of the said Ordinance the Court hereby requires you to comply with all the requirements of the said Notice or to abate the nuisance within (specify the time).

Given under my hand and the seal of the Court, this day of 20

.....
Magistrate

FORM J

CLOSING ORDER

(Section 113(13))

To:

of

Whereas you have on the day of

19..... appeared before me for failing to comply with the requirements of the Notice in Form H of the Fourth Schedule to the Local Authorities Ordinance, 1996, dated the day of, 20 and whereas you have been convicted of the offence under section 113(5) of the said Ordinance the Court hereby prohibits you from using the..... (describe the dwellinghouse) for human habitation.

Given under my hand and the seal of the Court, this

..... day of 20.....

.....
Magistrate

LAWS OF SARAWAK**Chapter 20****LOCAL AUTHORITIES ORDINANCE, 1996**

LIST OF AMENDMENTS

Amending Law		Short Title	In force from
Swk. L.G. 76/97	...	The Local Authorities (Amendment of First Schedule) (Padawan Municipal Council) Order, 1997	1.1.1998
Cap. A69/99	...	Local Authorities (Amendment) Ordinance, 1999	1.7.1998
Cap. 30/99	...	Protection of Public Health Ordinance, 1999	1.11.2000
Cap. 33/2000	...	Entertainment Ordinance, 2000	1.1.2001
Cap. A85/2001	...	City of Kuching North (Amendment) Ordinance, 2001	1.1.2002
Cap. A94/2002	...	Local Authorities (Amendment) Ordinance, 2002	1.1.2005
Cap. 60/2004	...	Community Chief and Headmen Ordinance, 2004	Not yet in force
Cap. A114/2004	...	Local Authorities (Amendment) Ordinance, 2004	20.5.2005/ 1.1.2005– (Swk. L.G. 23/2005; 9/2006)
Swk. L.G. 24/2004	...	Local Authorities (Miri City Council) Order, 2005	20.5.2005
Cap. A130		City of Kuching North (Amendment) Ordinance, 2007	30.5.2007
Cap. A160	...	Local Authorities (Amendment) Ordinance, 2013	1.1.2014
Cap. A191	...	Local Authorities (Amendment) Ordinance, 2020	1.3.2022
Cap. A221	...	Local Authorities (Amendment) Ordinance, 2025	1.7.2025 (Swk. L.N. 105/2025)

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