



LAWS OF MALAYSIA

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Act 226

NATIONAL PARKS ACT 1980

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NATIONAL PARKS ACT 1980

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ARRANGEMENT OF SECTIONS

Section

1. Short title and application
2. Interpretation
3. Establishment of National Park
4. Object of establishment of National Parks
5. National Parks Advisory Council
6. Functions of National Parks Advisory Council
7. Establishment of National Park committees
8. Director General and other persons to be responsible for proper carrying out of provisions of Act
9. Occupation of land within National Park
10. General prohibition of mining within National Park
11. Regulations

LAWS OF MALAYSIA

Act 226

NATIONAL PARKS ACT 1980

An Act to provide for the establishment and control of National Parks and for matters connected therewith.

[29 February 1980]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title and application

1. (1) This Act may be cited as the National Parks Act 1980 and shall, subject to subsection (2), apply throughout Malaysia*.

(2) This Act shall not apply to Sabah and Sarawak and the State Parks of Kelantan, Pahang and Terengganu which together constitute the Taman Negara as described in the Schedule to the Taman Negara (Kelantan) Enactment [*En. 14 of 1938*] and in the First Schedules to the Taman Negara (Pahang) Enactment 1939 [*En. 2 of 1938*] and the Taman Negara (Terengganu) Enactment [*En. 6 of 1958*].

Interpretation

2. In this Act—

“Director General” means the Director General of Wild Life and National Parks appointed under the Protection of Wild Life Act 1972 [*Act 76*];

“National Park” means a National Park established under section 3;

NOTE—Application to Federal Territory of Labuan with modification—*see* P.U. (A) 187/1984 with effect from 16 April 1984.

“officer” means the Director General or any other person referred to under subsection 8(1).

Establishment of National Park

3. (1) The State Authority may on the request of the Minister reserve any State land within the State (including any marine area) for the purpose of a National Park under a name to be assigned to it.

(2) The area so reserved shall be placed under the control of a National Park committee established under section 7.

(3) The reservation of an area or part thereof under this section shall not be revoked by the State Authority except after consultation with the Minister.

(4) Any reservation of land under this section shall be notified in the *Gazette* and such notification shall—

- (a) describe the reserved land;
- (b) designate the authority having the control of the land so reserved;
- (c) be conclusive evidence that the land so described is reserved for the purposes of this Act.

Object of establishment of National Parks

4. The object of the establishment of National Parks is the preservation and protection of wild life, plant life and objects of geological, archaeological, historical and ethnological and other scientific and scenic interest and through their conservation and utilization to promote the education, health, aesthetic values and recreation of the people.

National Parks Advisory Council

5. (1) There shall be a National Parks Advisory Council which shall consist of the following members—

- (a) a chairman to be appointed by the Minister;
- (aa) the State Secretary of each of the States in which there is a National Park or part thereof;

- (b) three representative nominated by the State Authority from each of the States in which there is a National Park or part thereof;
- (c) the Director General;
- (d) a representative of the Treasury;
- (e) a representative of the Economic Planning Unit of the Prime Minister's Department;
- (f) a representative of the Tourist Development Corporation;
- (g) a representative of the Department of Forestry; and
- (h) not more than six other persons to be appointed by the Minister.

(2) A member appointed under paragraph (1)(a) or (h) shall hold office for such period of time as the Minister may decide and the Minister may at any time remove him from office without assigning any reason therefor.

Functions of National Parks Advisory Council

6. (1) The National Parks Advisory Council shall advise the Minister on matters relating to the conservation, utilization, care, control, management and development of National Parks and such other matters as the Minister may from time to time refer to it.

(2) Subject to regulations made under section 11, the Council shall determine its procedure at its meetings.

Establishment of National Park committees

7. (1) A committee shall be constituted by the Minister for each National Park consisting of the following members—

- (a) the State Secretary of each State within which the National Park is situated;
- (aa) the Director of Lands and Mines of each of the states in which there is a National Park or part thereof;
- (b) a representative each of such departments of the Federal Government and, after consultation with the State Authority, of the State Governments as the Minister may consider necessary to be represented; and

- (c) such other persons not exceeding three in number as the Minister may, after consultation with the State Authority, appoint and subsection 5(2) shall *mutatis mutandis* apply in the case of an appointment under this paragraph.

(2) The State Secretary shall be the chairman of the committee, but where a National Park is situated within two States or more, the State Secretaries of the States concerned shall act as chairmen in rotation and, subject to regulations made undersection 11, the committee shall determine its procedure at its meetings.

(3) A committee constituted under this section shall be responsible for the conservation, utilization, care, control, management and development of the National Park for which it is constituted and, in discharging its responsibility under this Act, the committee shall act on such directives as the National Parks Advisory Council may issue from time to time.

Director General and other persons to be responsible for the proper carrying out of provisions of Act

8. (1) The Director General and such other persons appointed under subsection 4(1) of the Protection of Wild Life Act 1972 shall be responsible for the proper carrying out of the provisions of this Act and in so doing such persons shall be referred to by the designations given to them under that Act.

(2) The Director General shall have the general supervision and direction of all matters relating to National Parks.

(3) The Minister may from time to time give the Director General directions of a general character and not inconsistent with the provisions of this Act as to the exercise of the powers conferred on, and the duties to be discharged by, the Director General under this Act and the Director General shall give effect to all such directions.

Occupation of land within National Park

9. (1) The State Authority may after consultation with the Minister lease or permit the use or occupation of any land within a National Park subject to such conditions and restrictions as it thinks fit to impose and for any of the following purposes only —

- (a) the construction and maintenance of roads;
- (b) the construction and maintenance of airstrips;

- (c) the construction and maintenance of dams and reservoirs;
- (d) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility, where the State Authority considers any of these purposes to be necessary and in the interests of the development of the National Park in accordance with the object referred to in section 4; and
- (e) mining or prospecting in accordance with section 10.

(2) Any land leased by the State Authority or in respect of which any use or occupation has been permitted by the State Authority under subsection (1) shall continue to form part of the National Park and be subject to the provisions of this Act and of any regulations made thereunder save in so far as may be set out in any condition or restriction imposed by the State Authority under subsection (1).

(3) Subject to this Act, any lease or permit to use or occupy land under this section shall be issued in accordance with the National Land Code [*Act 56 of 1965*].

(4) Save by virtue of any right conferred by or acquired under or in respect of any lease or permit under subsection (1) or as otherwise in this Act provided, no person other than an officer may reside on, enter, use or occupy any land within and forming part of a National Park without the permission of the Director General.

General prohibition of mining within National Park

10. (1) Except as provided in subsection (2), no mining or prospecting operations shall be carried on within a National Park.

(2) If at any time the State Authority has reason to believe that in a particular portion of a National Park a mineral deposit exists of such richness that it would be contrary to the interests of the State that it should not be mined, the State Authority may after consultation with the Minister issue, under the law relating to mining, licences to prospect that portion of the National Park and if necessary issue thereafter mining certificates or mining leases in respect of that portion of the National Park or of any part of that portion.

(3) Where any mining certificate or mining lease is issued in respect of any land within a National Park, the holder of the certificate or the lease shall have such rights of passage, licences or other facilities as may be necessary for the practical exercise of the rights granted by such certificate or lease.

(4) Notwithstanding anything in the law relating to mining, there shall be an implied condition in a mining certificate or mining lease issued pursuant to this section that any officer shall have such rights of entry into the land in respect of which a licence to prospect, a mining certificate or a mining lease has been issued as may be necessary in order that he may carry out the object of this Act in respect of such land and of the National Park generally.

Regulations

11. (1) The Minister may, after consultation with the State Authority, make regulations not inconsistent with this Act as to any or all of the following matters, namely—

- (a) the exclusion of members of the public from certain areas within a National Park;
- (b) the prohibition of the killing, maiming, trapping, capturing or impounding of any wild life within a National Park and the disposal of such wild life killed, maimed, trapped, captured or impounded;
- (c) the prohibition of such animals as may be specified from being taken into or remaining within a National Park;
- (d) the burning and cutting of vegetation within a National Park;
- (e) the disposal of wild life, vegetation or other things found within a National Park;
- (f) the search of any person suspected of contravening any regulation made under this section;
- (g) the periods and times within which the public may have access to a National Park or any part thereof;
- (h) the regulation of the conduct, obligations and duties of persons visiting or travelling, exploring or camping in a National Park and (without affecting the generality of the foregoing) the safety of persons visiting such Park and their liability for all reasonable expenses incurred in

connection with searches to find persons who have become lost or (after failure to comply with the regulations) are reasonably believed to have become lost therein;

- (i) the fees for the issue of permits to enter into or camp within a National Park, for the admission of vehicles into and the taking of photographs within a National Park or for the services connected with the use or enjoyment of a National Park;
- (j) the protection, preservation and care of a National Park and of permanent works and works of maintenance and of facilities and amenities and of wild life and vegetation and features of scenic, scientific or historical interest therein;
- (k) the regulation of traffic and carriage of passengers within a National Park;
- (l) the seizure and disposal of any vehicle, vessel, animal or other article or thing in respect of which there is a contravention of any regulation made under this section;
- (m) penalties in respect of the contravention of any regulation made under this section;
- (n) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility;
- (o) the powers and duties of officers in relation to the carrying out of the provisions of this Act and regulations made under this section;
- (p) the procedure to be adopted by the National Parks Advisory Council and National Parks committees at their meetings and the remunerations or allowances to be paid to members thereof;
- (q) such other matters as the Minister may consider necessary for the efficient control and management of a National Park or for the attainment of the object of its establishment.

(2) The Minister may make different regulations under subsection (1) in respect of different National Parks.

LAWS OF MALAYSIA

Act 226

NATIONAL PARKS ACT 1980

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A571	National Parks (Amendment) Act 1983	16-12-1983

LAWS OF MALAYSIA
Act 226
NATIONAL PARKS ACT 1980

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
3	Act A571	16-12-1983
5	Act A571	16-12-1983
7	Act A571	16-12-1983
9	Act A571	16-12-1983
10	Act A571	16-12-1983
11	Act A571	16-12-1983



