

SABAH, MALAYSIA

Warta Kerajaan

Tambahan Pertama

Diterbitkan dengan Kuasa

Jil. XLIX]

KOTA KINABALU, KHAMIS, 25 JULAI 1996

[No. 2

Kenyataan-kenyataan berikut adalah diterbitkan atas perintah Tuan Yang Terutama Yang di-Pertua Negeri untuk Makluman Umum.

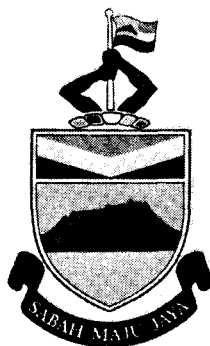
DATUK (DATU) KHALIL BIN DATU HAJI JAMALUL J.P.,
Setiausaha Kerajaan Negeri.

No. 2

Enakmen-Enakmen berikut telah dikemukakan dan diluluskan dalam Majlis Mesyuarat Dewan Undangan Negeri yang diadakan pada 18 Jun 1996 dan telah diperkenankan oleh Tuan Yang Terutama Yang di-Pertua Negeri pada 24 Julai 1996. Enakmen-Enakmen itu adalah dengan ini diterbitkan untuk makluman umum:—

ENAKMEN-ENAKMEN

- No. 6 Tahun 1996 – Enakmen Kumpulan Wang Amanah Warisan Negeri 1996.
The State Heritage Trust Fund Enactment 1996.
- No. 7 Tahun 1996 – Enakmen Taman-Taman (Pindaan) 1996.
The Parks (Amendment) Enactment 1996.
- No. 8 Tahun 1996 – Enakmen Lembaga Sukan dan Kebudayaan Sabah (Pindaan) 1996.
The Sabah Sports and Cultural Board (Amendment) Enactment 1996.



STATE OF SABAH

I assent,



TUN DATUK SERI PANGLIMA HAJI SAKARAN BIN DANDAI,
Yang di-Pertua Negeri.

24TH JULY, 1996.

No. 7 of 1996

An Enactment to amend the Parks Enactment 1984.

ENACTED by the Legislature of the State of Sabah as follows:

1. This Enactment may be cited as the Parks (Amendment) Enactment 1996 and shall come into force on the date of its publication in the *Gazette*.

**Short title
and
commence
ment.**

Amendment
of section 2.
Enactment
No. 6 of
1984.

2. Section 2 of the Parks Enactment 1984, which in this Enactment is referred to as "the principal Enactment", is amended—

(a) by substituting for the definition of "animal" the following:

"animal" means any mammal, reptile, insect, bird, fish, crustacean, coral (whether living or dead), any vertebrate or invertebrate animal, any living organism or any product of the above;"

(b) by inserting, immediately after the definition of "Park Officer", the following new definition:

"protected plant" means any plant specified in the Schedule;" and

(c) by substituting for the definition of "vegetation" the following:

"vegetation" means any vegetable matter living or dead including, but not restricted to, trees, creepers, logs, rattans, bamboos, stems, roots, wood, leaves, flowers, saps, latex, fruits, seeds, mushrooms, nuts or any product of the above."

Amendment
of section 3.

3. Section 3 of the principal Enactment is amended by deleting the word "State" in line 3.

Amendment
of section
13(5).

4. Section 13(5) of the Bahasa Malaysia text of the principal Enactment is amended by inserting, immediately before the words "sembilan puluh sembilan tahun", the words "sembilan ratus".

Amendment
of section
17(1).

5. Section 17(1) of the principal Enactment is amended by substituting for the words "Taman Negara" in item (f) the words "Taman Banjaran Crocker".

Amendment
of section
25(1).

6. Section 25(1) of the principal Enactment is amended in paragraph (c) by substituting for the words "Ministry of Financial Planning and Development" in lines 5 and 6 the words "Ministry of Finance".

Amendment
of section
41(1).

7. Section 41(1) of the principal Enactment is amended in paragraph (b) by substituting for the words "Park Officers" in line 1 the words "officers and servants".

8. Section 45(2) of the English text of the principal Enactment is amended in paragraph (c) by substituting for the words "vegetable life" in lines 2 and 4 respectively the word "vegetation".

Amendment
of section
45(2)(c).

9. Section 46 of the principal Enactment is amended—

Amendment
of section
46.

- (a) in subsection (1) of the English text, by substituting for the words "of requests" in line 3 the words "or bequests" and for the word "of" in line 4 the word "or";
- (b) in subsections (4) and (5), by substituting for the words "Minister for Financial Planning and Development" appearing therein the words "Minister of Finance"; and
- (c) in subsection (7), by substituting for the words "vegetable life" in line 2 of the English text, the word "vegetation" and for the words "Minister for Financial Planning and Development" in lines 3 and 4 the words "Minister of Finance".

10. Section 47 of the principal Enactment is amended—

Amendment
of section
47.

- (a) in subsections (1), (2), (4), (6) and (7), by substituting for the words "Minister for Financial Planning and Development" wherever appearing therein the words "Minister of Finance"; and
- (b) in the English text, by substituting for subsection (3) the following:

"(3) The Board shall cause to be kept accurate accounts of all monies received into and disbursed from the Fund."

11. The principal Enactment is amended by substituting for section 48 the following:

Substitution
of section
48.

"Prohibition
of certain
acts except
with
permission
of Board
etc.

48. (1) Without prejudice to any right or privilege lawfully acquired before the commencement of this Enactment and to the provisions of any law relating to mining or prospecting for minerals in any Park, no person, other than a person acting for or in accordance with the written permission of the Board, or the

Director, or any Park Officer authorised by the Director in that behalf, shall—

- (a) cut, fell, damage, remove, injure, destroy or set fire to any tree or protected plant in a Park; or
- (b) cut, damage, remove, injure, destroy or bomb any coral (whether living or dead) in a Park; or
- (c) convey into a Park or, being within the confines thereof, be in possession of any weapon, explosive, trap, poison or noxious substance; or
- (d) within a Park, hunt, kill, injure, capture or disturb any animal other than coral (whether living or dead) or take or destroy any egg or nest; or
- (e) cut, damage, injure or destroy or set fire to any vegetation (other than trees and protected plants) or any object of geological, prehistorical, archaeological, historical or other scientific interest in a Park; or
- (f) introduce any animal, or permit any domestic animal to enter or stray into a Park or introduce any vegetation into a Park; or
- (g) remove from a Park any animal or vegetation whether alive or dead; or
- (h) remove from a Park any mineral or object of geological, prehistorical, archaeological, historical or other scientific interest; or
- (i) destroy or deface any object, whether animate or inanimate, in a Park; or
- (j) erect any building in a Park; or
- (k) clear or break up any land in a Park.

(2) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and shall be liable, on conviction, in the case of an offence under paragraph (a) or (b) of subsection (1), to imprisonment for three years and to a fine of one hundred thousand ringgit, and in the case of an offence under paragraph (c), (d), (e), (f), (g), (h), (i), (j) or (k) of subsection (1), to imprisonment for one year and to a fine of twenty-five thousand ringgit."

12. Section 51(1) of the principal Enactment is amended—

Amendment
of section
51(1)(c).

- (a) in the English text of paragraph (c), by substituting for the words "vegetable matter" in line 2 the word "vegetation"; and
- (b) in the Bahasa Malaysia text of paragraph (c), by deleting the word "bahan" in line 2.

13. The principal Enactment is amended by substituting for section 54 the following:

Substitution
of section
54.

^{"Power to prosecute.} 54. Prosecution in respect of any offence committed under this Enactment may be conducted—

- (a) by the State Attorney-General or a legally qualified member of the State Legal Service; or
- (b) by the Director or a Park Officer duly authorised by the Director in that behalf."

14. Section 56 of the principal Enactment is amended—

Amendment
of section
56.

- (a) in subsection (1)—
 - (i) by inserting, immediately after the word "Director" in line 1, the words "or any Park Officer duly authorised by him in writing in that behalf";
 - (ii) by inserting, immediately after the words "this Enactment" in line 2, the words "except an of-

fence for contravening section 48(1)(a) or 48(1)(b);
and

(iii) by inserting, immediately after the word "Director" in the last line, the words "or the Park Officer";

(d) in the English text of subsection (2), by substituting for the words "Park Warden" the words "Park Officer duly authorised by the Director in writing"; and

(c) in the Bahasa Malaysia text of subsection (2), by inserting, immediately after the word "Pengarah" in line 1, the words "atau mana-mana Pegawai Taman yang diberi kuasa secara bertulis oleh Pengarah".

Amendment
of section
58.

15. Section 58 of the principal Enactment is amended by substituting for subsection (1) the following:

"(1) Any person guilty of an offence under this Enactment for which no other penalty is provided shall be liable, on conviction, in the case of a first offence, to imprisonment for six months and to a fine of five thousand ringgit, and, in the case of a second or subsequent offence, to imprisonment for twelve months and to a fine of ten thousand ringgit."

Amendment
of section
59.

16. Section 59(1) of the principal Enactment is amended—

(a) in the English text of subparagraph (ii) of paragraph (a), by deleting the word "State" in line 2;

(b) in the English text of subparagraph (iv) of paragraph (a), by substituting for the word "vegetable" in line 1 the word "vegetation"; and

(c) in the English text of paragraph (e), by substituting for the words "vegetable life" in line 2 the word "vegetation".

New section
60A.

17. The principal Enactment is amended by inserting, immediately after section 60, the following new section 60A:

"Amendment of Schedule. 60A. The Minister may, by order published in the *Gazette*, amend, add to or revoke the Schedule."

18. The principal Enactment is amended by inserting, immediately after section 61, the following new Schedule: New Schedule.

" Schedule
(Section 2)

1. All species of *Rafflesia* spp.
2. *Nepenthes rajah*.
3. *Nepenthes villosa*.
4. *Nepenthes burbidgeae*.
5. *Nepenthes edwardsiana*.
6. *Nepenthes lowii*.
7. All species of *Paphiopedilum* spp. "

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Tuesday, the 18th June, 1996.

DATUK FRANCIS T.N. YAP,
Deputy Speaker,
State Legislative Assembly.