

PROTECTION OF WILD LIFE (AMENDMENT) ACT 1988

ACT A697

PREAMBLE

An Act to amend the Protection of Wild Life Act 1972.

BE IT ENACTED by the Duli Yang Maha Mulia 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:

1. Short title.

This Act May be cited as the Protection of Wild Life (Amendment) Act 1988.

2. Amendment of titles of office.

The Protection of Wild Life Act 1972 [Act 76.], which in this Act is referred to as "the principal Act", is amended-

(a) by substituting -

(i) for the words "Chief Game Warden" wherever they appear the words "Director General for Wild Life and National Parks";

(ii) for the words "Game Warden" wherever they appear the words "Director for Wild Life and National Parks";

(iii) for the words "Deputy Game Warden" wherever they appear the words "Deputy Director for Wild Life and National Parks";

(iv) for the words "Assistant Game Warden" wherever they appear the words "Assistant Director for Wild Life and National Parks";

(v) for the words "Game Rangers" wherever they appear the words "Rangers for Wild Life and National Parks"; and

(vi) for the words "Games Department" wherever they appear the words "Wild Life and National Parks Department"; and

(b) by deleting the words "or authorized officer", "or an authorized officer" and "or the authorized officer" wherever they appear.

3. Amendment of section 3.

Section 3 of the principal Act is amended -

(a) by deleting the definition of "authorized officer" therein;

(b) by inserting before the definition of "close season" the following new definition of "bait":

' "bait" includes any sound or audio-visual device or lamp or salt or sulphur used for the purpose of trapping any wild animal or wild bird;';

(c) by inserting after the words "wild bird" appearing in the definition of "jerat" the words "by using ropes including those made from wire or plastic or rattan or root or a pit which has been dug for snaring";

(d) by substituting for the words "which have been prepared or preserved;" appearing in paragraph (a) of the definition of "trophy" the words "whether or not such skin or feathers have been prepared or preserved;";

(e) by substituting for the words "or part thereof which has been stuffed or mounted;" appearing in paragraph (b) of the definition of "trophy" the words "whether or not such wild animal or wild bird or part thereof has been stuffed or mounted;"; and

(f) by substituting for paragraph (c) of the definition of "trophy" the following new paragraph (c):

"(c) any horn, tusk, tooth, nail or scale whether or not such horn, tusk, tooth, nail or scale has been prepared or preserved;".

4. Amendment of section 4.

Section 4 of the principal Act is amended -

(a) by substituting for subsection (1) the following new subsection (1):

"(1) There shall be appointed a Director General for Wild Life and National Parks, a Deputy Director General for Wild Life and National Parks, such number of Directors, Deputy Directors, Assistant Directors and Rangers for Wild Life and National Parks as May be considered necessary for the proper carrying out of the provisions of this Act.";

(b) by deleting subsection (2);

(c) by deleting the words "or authorized" in subsections (3), (4) and (6);

(d) by deleting the words "and authorization" in subsection (5); and

(e) by substituting for the words "Chief Game Warden" in subsection (7) the words "Director General and Deputy Director General for Wild Life and National Parks".

5. Amendment of section 5.

Section 5 of the principal Act is amended by deleting the words "or authority" wherever they appear in subsection (1).

6. Amendment of section 6.

Section 6 of the principal Act is amended by inserting after the word "trophy" appearing in paragraph (c) the words ", firearm, ammunition, snare, jerat, bait, poisoned bait,".

7. Amendment of section 7.

Section 7 of the principal Act is amended by substituting for the words "enter and search any vehicle or dwelling house" the words "stop and search any vehicle or enter and search any dwelling house".

8. Amendment of section 10.

Section 10 of the principal Act is amended by inserting after the word "poison" appearing in paragraph (a) of subsection (2) the word "bait".

9. Amendment of section 17.

Section 17 of the principal Act is amended by inserting after the words "without a warrant of arrest" in subsection (1) the words "a May, if necessary, use handcuffs to prevent the person arrested from escaping arrest."

10. New section 17A.

The principal Act is amended by inserting after section 17, the following new section 17A:

17A. Set up, place etc an obstruction on road, highway, etc.

(1) Notwithstanding any law to the contrary, the Director for Wild Life and National Parks May, if he suspects that an offence under this Act has been committed, give directions to any officer to get the assistance of the police to set up or place or cause to be set up or placed an obstruction or road-block on any public road or highway or any public place, for the purpose of stopping any vehicle for examination.

(2) The person in charge or in control of any vehicle shall if required to do so by the officer or police officer, stop the vehicle and allow the officer or police officer to examine the same.

(3) An officer in exercising his duty under subsection (1) shall not be responsible for any loss or injury incurred by any person or any damage to property by reason of such action taken by him."

11. Amendment of section 19.

The principal Act is amended by substituting for section 19 the following new section 19:

" 19. Disposal of property by Magistrate.

(1) Where an officer in exercising the powers under this Chapter seizes any perishable goods, any wild animal or wild bird, live or dead or part thereof, or any trophy he shall forthwith produce the property before a Magistrate who shall order that the property be destroyed or sold or otherwise disposed of.

(2) Notwithstanding anything to the contrary in subsection (1) when no Magistrate is immediately available, a Director for Wild Life and National Parks May order that the property be destroyed or sold or otherwise disposed of."

12. Amendment of section 20.

Section 20 of the principal Act is amended by substituting for the words "Game Warden" in subsection (1) the words "Director for Wild Life and National Parks, a Deputy Director for Wild Life and National Parks or an Assistant Director for Wild Life and National Parks".

13. Amendment of section 25.

Section 25 of the principal Act is amended -

(a) by substituting for the words "Game Warden" the words "Director for Wild Life and National Parks, a Deputy Director for Wild Life and National Parks or an Assistant Director for Wild Life and National Parks";

(b) by inserting after the word "poison" in paragraph (b) the word ", bait"; and

(c) by substituting for the words "a totally protected wild animal or a totally protected wild bird" in paragraph (b) (i) the words "wild animal or wild bird".

14. Amendment of section 29.

Section 29 of the principal Act is amended -

(a) by inserting after the words "protected wild bird" in paragraph (e) the words "or part thereof";

(b) by inserting a full stop after the words "granted under this Act"; and

(c) by deleting the words "but no licence, permit or special permit shall be required to shoot kill or take the following wild animal:

(i) Malayan Flying Fox (*Pteropus Vampyrus*) (Kluang); or

(ii) Island Flying Fox (*Pteropus Hypomelanus*) (Kluang kecil)".

15. Amendment of section 30.

Section 30 of the principal Act is amended -

(a) by substituting for the words "Game Warden" in subsection (1) the words "Director for Wild Life and National Parks, a Deputy Director for Wild Life and National Parks or an Assistant Director for Wild Life and National Parks"; and

(b) by inserting after subsection (3) the following new subsection (4):

"(4) Where a dealer or taxidermist (as the case May be) has more than one place of business, a separate licence shall be required for each place of business."

16. Amendment of section 31.

Section 31 of the principal Act is amended -

(a) by inserting after the words "the granting of licences" the words ", permits and special permits";

(b) by inserting after the words "categories of licences" appearing in paragraph (f) the words ", permits and special permits";

(c) by deleting the word "and" appearing at the end of paragraph (g);

(d) by substituting for the full stop appearing at the end of paragraph (h) the words ", permits and special permits; and"; and

(e) by inserting after paragraph (h) the following new paragraph (i):

"(i) so that the standard of maturity of a protected wild animal which May be shot, killed, caught, bred, taken, or confined or the standard of maturity of a protected wild bird which May be caught, bred, taken or confined be specified in a licence, permit or special permit."

17. Amendment of section 34.

Section 34 of the principal Act is amended -

(a) by inserting after the words "totally protected wild animal" in paragraphs (a) and (b) the words "or part thereof", and

(b) by inserting after the words "totally protected wild bird" in paragraphs (a) and (b) the words "or part thereof".

18. Amendment of section 37.

Section 37 of the principal Act is amended -

(a) by renumbering the existing provision as subsection (1); and

(b) by inserting after subsection (1) the following new subsection (2):

"(2) A dealer or a taxidermist (as the case May be) shall issue a valid receipt of sale to the purchaser immediately after the sale and purchase has been made."

19. Amendment of section 44A.

Section 44A of the principal Act is amended by substituting for the words "Game Warden" in subsections (1) and (2) the words "Director for Wild Life and National Parks or a Deputy Director for Wild Life and National Parks".

20. Amendment of section 46.

Section 46 of the principal Act is amended by substituting for the words "a Game Warden or an authorized officer" the words "an officer".

21. Amendment of section 48.

Section 48 of the principal Act is amended by inserting after subsection (4) the following new subsection (5):

"(5) No person shall disturb or cut or remove any timber or vegetation in a wild life reserve."

22. Amendment of section 51.

Subsection (1) of section 51 of the principal Act is

(a) by inserting after the word "keep," in paragraph (a) the words "buy, sell,";

(b) by deleting the word "and" at the end of paragraph (b);

(c) by substituting for the comma at the end of paragraph (c) the word "; and"; and

(d) by inserting after paragraph (c) the following new paragraph (d):

"(d) grant not more than one special permit to each applicant to catch, confine, breed, keep, import or export any game animal or any game bird or part thereof,".

23. New section 51A.

The principal Act is amended by inserting after section 51 the following new section 51A:

" 51A. Written permission to do a research or study.

Any person or an agent of any association who intends to do a research or a study of a wild animal or wild bird or any part thereof shall first obtain a written permission from the Director General for Wild Life and National Parks permitting him to do so."

24. Amendment of section 56.

Section 56 of the principal Act is amended by substituting for the words "the Game Warden or an authorized officer" in subsection (4) the words "an officer".

25. Amendment of sections 58, 59, and 61.

The principal Act is amended by substituting for the word "deemed" in sections 58, 59 and 60 the word "presumed".

26. Amendment of section 61.

The principal Act is amended by substituting for section 61, the following new section 61:

" 61. Presumptive evidence.

Where the Director General for Wild Life and National Parks or any person certified in writing by him to have special knowledge or skill in wild life testifies in court under oath that any thing or object, as the case May be, is a wild animal or part thereof, wild bird or part thereof, wild animal's flesh, wild bird's flesh, trophy, spring gun, sharpened stake, pit, drop spear, jerat, bait, poisoned bait or metal wire snare it shall be presumed until the contrary is proved that the thing or object, as the case May be, is a wild animal or part thereof, wild bird or part thereof, wild animal's flesh,

wild bird's flesh, trophy, spring gun, sharpened stake, pit, drop spear, jerat, bait, poisoned bait or metal wire snare."

27. Amendment of section 62.

Section 62 of the principal Act is amended by substituting for the word "and" in paragraph (a) the word "or".

28. Amendment of section 63.

Section 63 of the principal Act is amended-

(a) by inserting after the words "wild bird" the words "or part thereof (either wild animal or wild bird)"; and

(b) by substituting for the word "deemed" the word "presumed".

29. Amendment of section 64.

Section 64 of the principal Act is amended -

(a) by substituting for the words "three thousand dollars" and "two years" in subsection (1) the words "five thousand ringgit" and "three years" respectively; and

(b) by substituting for the words "one thousand dollars" and "six months" in subsection (2) the words "three thousand ringgit" and "two years" respectively.

30. New section 64A.

The principal Act is amended by inserting after section 64 the following new section 64A:

" 64A. Unlawfully shooting, killing or taking sumatran rhinoceros, tiger and clouded leopard.

Notwithstanding anything in this Act, every person who unlawfully shoots, kills or takes a sumatran rhinoceros, a tiger or a clouded leopard or part thereof is guilty of an offence and shall on conviction be liable to a fine not exceeding fifteen thousand ringgit or to a term of imprisonment not exceeding five years."

31. Amendment of section 65.

Section 65 of the principal Act is amended by substituting for the words "three thousand five hundred dollars" and "two and a half years" the words "six thousand ringgit" and "six years" respectively.

32. Amendment of section 66.

Section 66 of the principal Act is amended by substituting for the words "four thousand dollars" and "three years" the words "ten thousand ringgit" and "ten years" respectively.

33. Amendment of section 67.

Section 67 of the principal Act is amended by substituting for the words "two thousand five hundred dollars" and "one and a half years" the words "five thousand ringgit" and "five years" respectively.

34. Amendment of section 68.

The principal Act is amended by substituting for section 68 the following new section 68:

" 68. Unlawfully shooting, etc., protected wild life.

Every person who unlawfully shoots, kills or takes a protected wild animal or a protected wild bird or has in his unlawful possession a protected wild animal or part thereof or its trophy or a protected wild bird or part thereof or its trophy (other than an immature protected wild animal or part thereof or an immature protected wild bird or part thereof or the female of a protected wild animal or part thereof or the female of a protected wild bird or part thereof) is 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 three years or to both."

35. Amendment of section 69.

The principal Act is amended by substituting for section 69 the following new section 69:

"69. Unlawfully shooting, etc., female of protected wild life.

Every person who unlawfully shoots, kills or takes the female of a protected wild animal or the female of a protected wild bird or has in his unlawful possession the female of a protected wild animal or part thereof or the female of a protected wild bird or part thereof is guilty of an offence and shall on conviction be liable to a fine not exceeding six thousand ringgit or to a term of imprisonment not exceeding three years and six months or to both."

36. Amendment of section 70.

The principal Act is amended by substituting for section 70 the following new section 70:

"70. Unlawfully shooting, etc., immature protected wild life.

Every person who unlawfully shoots, kills or takes an immature protected wild animal or an immature protected wild bird or has in his unlawful possession an immature protected wild animal or part thereof or an immature protected wild bird or part thereof is guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand five hundred ringgit or to a term of imprisonment not exceeding two years or both."

37. Amendment of section 71.

Section 71 of the principal Act is amended by substituting for the words "twelve hundred dollars" and "nine months" the words "three thousand ringgit" and "three years" respectively.

38. Amendment of section 72.

Section 72 of the principal Act is amended -

(a) by substituting for the comma appearing at the end of paragraph (b) the word "; or";

(b) by inserting after paragraph (b) the following new paragraph (c):

"(c) unlawfully disturb or remove any timber or vegetation in a wild life sanctuary,"; and

(c) by substituting for the words "one thousand dollars" and "six months" the words "three thousand ringgit" and "one year" respectively.

39. Amendment of section 73.

Section 73 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" in subsection (1) the words "two thousand ringgit" and "one year" respectively.

41. Amendment of section 76.

Section 76 of the principal Act is amended by substituting for the words "three thousand dollars" and "two years" in subsection (1) the words "five thousand ringgit" and "five years" respectively.

42. New section 76A.

The principal Act is amended by inserting after section 76 the following new section 76A:

"76A. Possession of twenty-five jerat or more.

(1) Every person who has in his unlawful possession twenty-five or more jerat is guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding ten years.

(2) In subsection (1) "jerat" means a wire snare."

43. Amendment of section 77.

Section 77 of the principal Act is amended -

(a) by inserting after the words "poisoned bait" in subsection (1) the word "bait"; and

(b) by substituting for the words "five hundred dollars" and "three months" in subsection (1) the words "two thousand ringgit" and "one year" respectively.

44. Amendment of section 78.

Section 78 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

45. Amendment of section 79.

Section 79 of the principal Act is amended by substituting for the words "one thousand dollars" and "six months" the words "three thousand ringgit" and "two years" respectively.

46. Amendment of section 80.

Section 80 of the principal Act is amended by substituting for the words "three hundred dollars" and "one month" the words "two thousand ringgit" and "one year" respectively.

47. Amendment of section 81.

Section 81 of the principal Act is amended by substituting for the words "one thousand dollars" and "six months" the words "three thousand ringgit" and "two years" respectively.

48. Amendment of section 82.

Section 82 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

49. Amendment of section 83.

Section 83 of the principal Act is amended -

(a) by substituting for the words "one thousand dollars" and "six months" in subsection (1) the words "five thousand ringgit" and "two years" respectively; and

(b) by substituting for the words "one thousand dollars" and "six months" in subsection (2) the words "five thousand ringgit" and "two years" respectively.

50. Amendment of section 84.

Section 84 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

51. Amendment of section 85.

Section 85 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "three thousand ringgit" and "two years" respectively.

52. Amendment of section 86.

Section 86 of the principal Act is amended by substituting for the words "three hundred dollars" and "one month" the words "two thousand ringgit" and "one year" respectively.

53. Amendment of section 87.

Section 87 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

54. Amendment of section 88.

Section 88 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

55. Amendment of section 89.

Section 89 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

56. Amendment of section 90.

Section 90 of the principal Act is amended -

(a) by inserting after the word "licence" the words "or special permit"; and

(b) by substituting for the words "five hundred dollars" and "three months" the words "two thousand ringgit" and "one year" respectively.

57. Amendment of section 91.

Section 91 of the principal Act is amended by substituting for the words "one thousand dollars" and "six months" in subsection (1) the words "five thousand ringgit" and "two years" respectively.

58. Amendment of section 92.

Section 92 of the principal Act is amended by substituting for the words "one thousand dollars" and "six months" in subsection (1) the words "five thousand ringgit" and "three years" respectively.

59. Amendment of section 94.

Section 94 of the principal Act is amended by substituting for the words "one thousand dollars" and "six months" the words "three thousand ringgit" and "one year" respectively.

60. Amendment of section 95.

Section 95 of the principal Act is amended by substituting for the words "one thousand dollars" and "six months" the words "five thousand ringgit" and "two years" respectively.

61. Amendment of section 96.

Section 96 of the principal Act is amended by substituting for the words "five hundred dollars" and "three months" the words "three thousand ringgit" and "one year" respectively.

62. Amendment of section 97.

Section 97 of the principal Act is amended -

(a) by inserting after the word "licence" in paragraph (e) the words "or special permit"; and

(b) by substituting for the words "three hundred dollars" and "one month" the words "one thousand ringgit" and "one year" respectively.