



LAWS OF MALAYSIA

Act A337

**PROTECTION OF WILD LIFE (AMENDMENT)
ACT, 1976**

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

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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. This Act may be cited as the Protection of Wild Life (Amendment) Act, 1976. Short title.
2. Section 4 of the Protection of Wild Life Act, 1972 (hereinafter referred to as "the principal Act") is hereby amended by inserting immediately after section 4 (6) the following new subsection— Amendment of section 4. Act 76.

“(7) The Chief Game Warden shall have all the powers and discretions vested in the Game Warden by this Act.”.
3. Section 6 of the principal Act is hereby amended by inserting immediately after the word "building" appearing in the last line the words "and to seize any wild animal or wild bird or part thereof or any book or record required to be kept under this Act, trophy, poison or net capable of being used to take any wild animal or wild bird or other article which was the subject matter of or was used or suspected to be used in the commission of any offence under this Act". Amendment of section 6.
4. Section 7 of the principal Act is hereby amended— Amendment of section 7.
 - (a) by inserting the words “, Deputy Game Warden, Assistant Game Warden” immediately after the words “Game Warden” appearing in line 2 and in paragraphs (b) and (c);
 - (b) by substituting for the full-stop appearing at the end of paragraph (c) thereof a comma; and

(c) by inserting immediately below the last line of paragraph (c) the following—

“and may seize any wild animal or wild bird or part thereof or any book or record required to be kept under this Act, trophy, poison or net capable of being used to take any wild animal or wild bird or other article which was the subject matter of or was used or suspected to be used in the commission of any offence under this Act.”.

Amendment
to section 9.

5. Section 9 of the principal Act is hereby amended by substituting for the word “A Game Warden” the words “Any person appointed under section 4 (1)”.

Amendment
of section 21.

6. Section 21 of the principal Act is hereby amended—

(a) by inserting the words “or a Deputy Game Warden” immediately after the words “a Game Warden” in subsection (1);

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

“(2) The Chief Game Warden may when he deems it necessary delegate in writing the powers under subsection (1) other than in respect of a totally protected wild animal or a totally protected wild bird to any Assistant Game Warden either specifically or generally.”; and

(c) by renumbering the existing subsection (2) as subsection (3) and substituting for the words “the Chief Game Warden or a Game Warden compounds an offence pursuant to subsection (1)” appearing therein the words “an officer authorised under subsection (1) or (2) compounds an offence pursuant to this section”.

Amendment
of section 22.

7. Section 22 of the principal Act is hereby amended—

(a) by renumbering it as subsection (1);

(b) by inserting the words “or a Deputy Game Warden” immediately after the words “A Game Warden”; and

(c) by inserting the following new subsection (2)—

“(2) The Chief Game Warden may when he deems it necessary delegate in writing the powers under subsection (1) to any Assistant Game Warden either specifically or generally.”.

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8. The principal Act is hereby amended by inserting immediately after section 31 the following new section 31A— New section 31A.

“No licence to shoot, etc., during close season. 31A. Save as provided in Part V no licence or permit shall be granted to shoot, kill or take any protected wild animal or protected wild bird during a close season.”.

9. Section 32 of the principal Act is hereby amended by deleting the words “not exceeding five for each year or open season (as the case may require)”. Amendment of section 32.

10. The principal Act is hereby amended by inserting immediately after section 44 the following new section— New section 44A.

“Suspension, etc., of licences or permit. 44A. (1) Without prejudice to the provisions of sections 43 and 44, the Minister or the Game Warden may without assigning any reasons suspend, revoke or withdraw any licence or permit issued under this Act if he has reason to believe that any of the provisions of this Act or any regulations or rules made thereunder or conditions of such licence or permit has been contravened, or vary, add to or delete the conditions to which such licence or permit is subject :

Provided that where a permit is issued by the Minister it may only be revoked or withdrawn by the Minister.

(2) Where a licence or permit is suspended, revoked or withdrawn by the Game Warden the person thereby aggrieved may within a period of fourteen days from the date of the receipt of the notice of such suspension, revocation or withdrawal appeal in writing to the Minister whose decision shall be final.”.

11. Section 48 of the principal Act is hereby amended— Amendment of section 48.

(a) by substituting for the words “in respect of each year” appearing in subsection (3) the words “but may be renewed for periods of up to one month at a time”; and

(b) by substituting for the words “shall” appearing in subsection (4) the words “may be required to”.

Amendment of section 51. **12.** The principal Act is hereby amended by substituting for section 51 the following new section—

“Special permits to shoot, export, etc., protected wild life.

51. (1) Notwithstanding anything in this Act, the Minister may—

- (a) grant not more than one special permit to each applicant for each year to shoot, kill, take, keep, import, export, house, confine or breed any totally protected wild animal or totally protected wild bird;
- (b) grant special permits to take, keep, import, export, house, confine or breed any totally protected wild animal or totally protected wild bird to any zoo to which admission by public is obtained by payment or to which public have access; and
- (c) grant not more than one special permit to each applicant for each close-season to shoot, kill or take any protected wild animal or protected wild bird during the close-season,

if the person or zoo—

- (i) makes a written application for a special permit stating the grounds for making such application; and
- (ii) satisfies the conditions prescribed by order with respect to the payment of deposits fees and other conditions.

(2) A special permit shall specify the wild animal or the wild bird and the period for which it is issued.

(3) The Minister may impose any condition to the special permit not contrary to the provisions of this Act and any person who or zoo which contravenes any of the conditions imposed thereto or any conditions prescribed under paragraph (ii) of subsection (1) shall be deemed to have committed an offence under section 97 and shall be liable to have the permit revoked.”.

Amendment of section 53. **13.** Section 53 of the principal Act is hereby amended by substituting for the words “pursuant to” appearing in paragraph (c) the words “issued under”.

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14. Section 55 of the principal Act is hereby amended— Amendment
of section
55.
- (a) by substituting for the words “a Game Warden” appearing in subsection (1) the words “any person appointed under section 4 (1)”; and
- (b) by substituting for the words “the Game Warden” appearing in subsection (4) the words “any person appointed under section 4 (1)”.
15. Section 58 of the principal Act is hereby amended by inserting the words “or part thereof” after the words “protected wild bird” appearing in line 14 thereof. Amendment
of section 58.
16. Section 59 of the principal Act is hereby amended— Amendment
of section 59.
- (a) by inserting immediately after the words “or a wild bird” appearing in line 3 of paragraph (a) the words “or part thereof”; and
- (b) by inserting immediately after the words “or a wild bird” appearing in line 2 of paragraph (b) the words “or part thereof”.
17. Section 60 of the principal Act is hereby amended by inserting the words “or part thereof” after the words “wild bird” appearing in line 4 thereof. Amendment
of section 60.
18. Section 61 of the principal Act is hereby amended— Amendment
of section 61.
- (a) by deleting the word “(jerat)”; and
- (b) by substituting for the word “snare” appearing in lines 4 and 5 the word “jerat”.
19. Section 63 of the principal Act is hereby amended— Amendment
of section 63.
- (a) by substituting for the words “or a wild bird” appearing in line 1 the words “, a wild bird or a jerat”; and
- (b) by substituting for the words “or the wild bird” appearing in lines 4 and 6 the words “, the wild bird or the jerat”.
20. Section 64 (2) of the principal Act is hereby amended by inserting immediately after the word “bird” appearing in paragraph (a) the words “or a trophy thereof”. Amendment
of section 64.

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Amendment
of section 76.

21. Section 76 of the principal Act is hereby amended—

(a) by deleting the words “, spring gun” appearing in subsection (1); and

(b) by substituting for the words “metal wire jerat or drop spear” appearing in subsection (2) the word “jerat”.