

SABAH INLAND FISHERIES AND AQUACULTURE ENACTMENT 2003

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STATE OF SABAH

I assent,

TUN DATUK SERI PANGLIMA HAJI AHMADSHAH BIN ABDULLAH,
Yang di-Pertua Negeri.

30TH JUNE, 2003.

No. 2 of 2003

An Enactment to provide for the sustainable development and management of inland fisheries and aquaculture in the State of Sabah, and for other matters connected therewith and incidental thereto.

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

PART I PRELIMINARY

Short title and commencement.

1. This Enactment may be cited as the Sabah Inland Fisheries and Aquaculture Enactment 2003 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint. [01.04.2019 GN.89/2019]

Interpretation.

2. In this Enactment, unless the context otherwise requires –

“aquaculture” means the propagation of fish, turtle and frog seed or the raising of fish, turtle and frog through husbandry during the whole or part of its life cycle but does not include the temporary stocking of fish in any holding facility;

“aquaculture activity” means any activity which involves the propagation of fish, turtle and frog seed or the raising of fish, turtle and frog through husbandry during the whole or part of its life cycle;

“aquaculture development plan” means the plan for the development of aquaculture in the State of Sabah which has been approved by the Director;

“aquaculture premise” means any place used for the purpose of aquaculture;

“aquaculture facility” means any facility used in aquaculture for the purpose of containment, holding or rearing of fish, turtle and frog that is found in an aquaculture premise and includes raceways, rafts, tanks, cages, ponds, corrals and pens;

“aquatic life” means any living organism or fish found in inland waters and includes plants and other materials in such waters which are sources of food for such living organism or fish;

“authorised officer” means any officer authorised by the Director under section 6;

“controlled species” means any fish specified as controlled species in the First Schedule and includes any freshwater fish listed in the Convention of International Trade in Endangered Species of Wild Fauna and Flora;

“deleterious substance” means –

- (a) any substance that would degrade or alter or form part of a process of degradation or alteration of the quality of water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat;
- (b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat; or

- (c) any other substance as prescribed by the Minister by notification in the *Gazette*;

“discharge”, for the purpose of Part VIII, means any act of depositing, discharging, spraying, releasing, spilling, leaking, seeping, pouring, emitting, emptying, throwing, dumping or placing;

“Director” means the Director of Fisheries and includes any person to whom he delegates his powers;

“disease” means any condition that adversely affects the health of a fish or other animal and is a threat to public interest and includes any fish disease declared by the Minister;

“environment” means the external physical surroundings and conditions influencing development and growth of people and includes land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics;

“fish” means any aquatic animal or plant life, sedentary or not, and includes all species of finfish, crustacean, mollusc, aquatic mammals, or their eggs or spawn, fry, fingerling, spat or young;

“fish disease”, for the purpose of Part VII means any of the diseases listed as fish disease in the Second Schedule;

“fish sanctuary” means any area declared by the Yang di-Pertua Negeri under section 65;

“fishery” means any one or more stocks of fish which can be treated as a unit for the purposes of their conservation, management and development and includes fishing for any such stocks, and aquaculture;

“fishing” means –

- (a) the catching, taking or killing of fish by any method;
- (b) the attempted catching, taking or killing of fish;

- (c) engaging in any activity which can reasonably be expected to result in the catching, taking or killing of fish; or
- (d) any operation in support of, or in preparation for, any activity described in paragraph (a), (b) or (c) of this definition;

“fishing appliance” includes a fishing net, a fishing trap, and any gear, with or without floats, buoys or sinkers, designed for capturing fish whether set up as an immobile fishing gear or operated in a mobile fashion but does not include fishing appliances listed in the Sixth Schedule;

“fishing stakes” means any device used for fishing which is made up of poles or other supports fixed into the ground and enclosed by ramie, rattan, wire, net or other screening material and so designed as to lead fish into such device;

“fishing vessel” means any boat, craft, ship or other vessel which is used for, equipped to be used for, or of a type used for –

- (a) fishing; or
- (b) aiding or assisting any other boat, craft, ship or other vessel in the performance of any activity related to fishing, including any of the activities of preparation, processing, refrigeration, storage, supply or transportation of fish;

“fish habitat” means the ecosystems where fish are ordinarily found, spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes;

“freshwater fish” means –

- (a) any fish or species of fish that is ordinarily found in inland waters or during some part of its life is ordinarily found in inland waters; and
- (b) any fish or species of fish declared to be freshwater fish under section 38;

“inland fisheries” means fisheries in riverine waters;

“inland waters” means the waters of any river, waterway, lake, reservoir, watercourse, in the foreshore and includes subterranean water;

“immobile fishing gear” means a fishing appliance which is secured by anchor or poles or rested on or driven into submerged land or by other means or supports to render it immobile but does not include portable fish traps and pots;

“Malaysian fisheries waters” means the fisheries waters of Malaysia as determined in accordance with the Fisheries Act 1985 [Act 317];

“Minister” means the Minister who is for the time being charged with the responsibility for fisheries;

“natural poisonous substance” means any substance which is obtained, extracted or derived from natural sources which includes plants and minerals, and the use or application of which is poisonous to fish or aquatic life;

“non-indigenous fish” means any fish which are not indigenous to the State of Sabah and includes any fish which is the hybrid or crossbred of any artificial breeding of such fish;

“owner”, in relation to a fishing vessel, means any person or body of persons, whether corporate or un-incorporate, by whom the vessel is owned and includes any charterer, sub-charterer, lessee or sub-lessee of the vessel;

“poisonous chemical substance” means any substance which is formulated, synthesised or manufactured, and the use or application of which is poisonous to fish or aquatic life;

“pollutant” means any substance which, if introduced into any riverine waters, is liable to create hazards to human health or to harm aquatic living resources, or to damage amenities or interfere with other legitimate use of the riverine waters;

“prohibited gear” means a type or category of fishing appliance specified as prohibited gear listed in the Third Schedule;

“prohibited species” means any fish specified as prohibited species in the First Schedule;

“protected plants” means any plant specified as protected plants in the Fourth Schedule;

“protected species” means any fish specified as protected species in the First Schedule;

"riverine reserve" means the river reserve established under the Sabah Water Resources Enactment 1998 [En. No.6 of 1998];

“riverine waters” means the waters of any river, lake, stream, pond, and such other waters in the State of Sabah, whether natural or man-made, privately owned or otherwise other than Malaysian fisheries waters;

“sell or place on the market”, in relation to fish, means the holding, exposure, displaying for sale, offering for sale, selling, consigning, delivering or any other associated activities of marketing;

“statutory authority” means an authority, whether consisting of a single person or body of persons, established by Federal or State law and exercising powers, discharging duties or performing functions conferred upon that authority by any Federal or State law.

PART II ADMINISTRATION

Director of Fisheries and other officers.

3. (1) There shall be a Director of Fisheries who shall be appointed by the State Public Service Commission from amongst the members of the State Public Service.

(2) There shall be such number of officers as may be necessary or expedient for the due administration of this Enactment who shall be appointed by the State Public Service Commission from amongst the members of the State Public Service.

Responsibility of the Director.

4. The Director shall be generally responsible for carrying into effect the provisions of this Enactment.

Delegation by the Director of his powers.

5. (1) The Director may delegate the exercise of any of the powers vested in him to any officer of the State Fisheries Department.

(2) The Director may, by notification in the *Gazette*, delegate any of the powers vested in him to any of the members of the Community Fisheries Management Zone Committee established under section 36.

(3) No such delegation shall prevent the Director from exercising any of the powers so delegated.

Authorisation by the Director.

6. (1) The Director may authorise any officer of the State Fisheries Department or any public officer to carry out any of the functions and powers of the Director.

(2) The Director shall issue a letter of authority to every authorised officer.

(3) The Director may revoke the letter of authority issued to the authorised officer upon his employment being terminated or for any reason deemed proper by the Director.

PART III
FISHERIES PLANS AND AQUACULTURE
DEVELOPMENT PLANS

Fisheries plan.

7. (1) The Director shall prepare and keep under continual review fisheries plans based on –

- (a) the best scientific information available and designed to ensure optimum utilization of fishery resources, consistent with sound conservation and management principles and with avoidance of overfishing; and
 - (b) overall national and state policies, development plans and programmes.
- (2) Each fisheries plan and each modification or revision thereof shall be implemented after approval by the Minister.

Aquaculture development plan.

8. (1) The Director shall prepare every five years and keep under regular review an aquaculture development plan based on –
- (a) the best scientific knowledge available to ensure the sustainable development of aquaculture consistent with a high level of environmental protection and sound management principles; and
 - (b) overall national and state policies, development plans and programmes, including any applicable fisheries plans.
- (2) The aquaculture development plan shall include –
- (a) a statement of the objectives of the plan; and
 - (b) a strategy for achieving those objectives.
- (3) The aquaculture development plan may –
- (a) describe or identify any area which is suitable for aquaculture and the type of aquaculture for which the area is suitable;
 - (b) identify areas which have or may be designated as Aquaculture Industry Zones;
 - (c) describe performance indicators which can be used to monitor the extent to which the objectives of the aquaculture development plan are being attained;

- (d) contain an evaluation of the implementation of prior aquaculture development plan; and
- (e) include any other matters concerning aquaculture which the Director considers appropriate.

(4) Any draft aquaculture development plan or any amendment to an existing aquaculture development plan shall be submitted to the Minister for his approval and upon such approval, the Director shall issue a public notice for comments. The Director may take into consideration such comments for the purpose of implementation.

PART IV AQUACULTURE

Designation of an Aquaculture Industry Zone.

9. (1) The Minister may, by notification in the *Gazette*, designate or declare an area to be an Aquaculture Industry Zone.

(2) The Minister may, by notification in the *Gazette*, designate or declare one or more areas to be a zone of influence in relation to an Aquaculture Industry Zone and the Minister may impose restrictions on industrial and other developments and activities in the zone of influence in order to protect the Aquaculture Industry Zone from pollutants originating from the zone of influence.

Aquaculture permit.

10. (1) Any person who intends to set up an aquaculture premise shall apply to the Director for a permit in the prescribed form.

(2) Upon receipt of the application, the Director or any authorised officer may survey the site specified in the application and if the Director is satisfied, he shall issue a permit.

(3) The Director may require the applicant to provide any additional information and he may refuse to consider the application until the information is received.

(4) The Director in issuing a permit may impose such conditions as he may deems fit.

(5) The applicant shall be required to pay the prescribed deposit before a permit is issued.

Issuance of a licence before commencement of operations.

11. (1) A permit holder shall not commence any aquaculture activity at the aquaculture premise referred to in the permit unless he has obtained a licence issued under subsection (3).

(2) A permit holder shall apply to the Director for a licence in the prescribed form.

(3) The Director having satisfied himself that the conditions in the permit have been complied with, and the prescribed fees has been paid, the Director may issue a licence.

(4) No licence is required for any aquaculture activity referred to in the Fifth Schedule.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Use of deposit for rectification and mitigation.

12. (1) The Director shall issue a notice requesting the permit holder to mitigate or rectify any damage caused to the environment or any damage caused to property, or for rectifying any damage as a consequence of any breach of the conditions of the permit.

(2) If the permit holder fails to comply with subsection (1), the Director shall have access to the deposit referred to in section 10 (5) to give effect to subsection (1).

(3) The Director may ask the permit holder to replenish the deposit.

Variation of conditions of permit and licence.

13. (1) The Director may, by a written notice to a permit holder or licensee, vary the conditions of a permit or a licence if the Director considers that the variation is desirable in order to reduce the risk of disease spreading among aquatic life, or to prevent or reduce the risk of damage caused to the environment.

(2) A notice of such intended variation shall be given to the permit holder or the licensee.

Requirement to submit an environmental impact assessment report, licence, permit or authorisation.

14. (1) Before the Director issues a permit under section 10 –

- (a) where the applicant is required to undertake an environmental impact assessment as required under any written law in respect of the setting up of an aquaculture premise, the Director may require the applicant to submit a copy of such environmental impact assessment report; or
- (b) where the applicant is required to have a licence, permit or authorisation under any other written laws in respect of the setting up or operation of an aquaculture premise, the Director may require the applicant to submit a copy of such a licence, permit or authorisation.

(2) The Director may refuse to issue such permit if the applicant fails to comply with subsection (1).

Suspension of a licence.

15. (1) The Director may by a written notice to the licensee, suspend a licence if –

- (a) any of the conditions imposed in the licence has not been complied with;
or

(b) the Director has reason to believe that the suspension is desirable in order to reduce the risk of any disease spreading among aquatic life, or to prevent or to reduce the risk of damage caused to the environment.

(2) A suspension under subsection (1) shall be for a specified period.

(3) The Director may lift the suspension if the Director is satisfied that the condition in subsection (1) (a) has been complied with or the risk referred to in subsection (1) (b) has been abated.

Cancellation of permit or licence.

16. (1) The Director may, by a written notice to the permit holder or licensee cancel the permit or licence –

(a) if any of the conditions imposed in the permit or licence respectively has not been complied with; or

(b) if the permit or licence has been suspended, and the Director deems it unlikely for the suspension to be lifted in the foreseeable future.

(2) Any person aggrieved by the cancellation of the permit or licence by the Director may appeal to the Minister within a period of thirty days after the date of such cancellation.

(3) The appeal shall be submitted to the Director who shall forward the appeal to the Minister. The appeal to the Minister shall contain a submission of the reasons or grounds of dissatisfaction, and any document in support thereof.

(4) The Director may reply to the submission and a copy extended to the appellant.

(5) The Minister may decide the appeal based on the submission and the documents in support thereof without having to conduct an oral hearing.

(6) Any decision made by the Minister shall take into account the scheme for the limitation of aquaculture premises for which such provision is made in the aquaculture development plan.

(7) The Director may by a written notice require a licensee whose licence has been cancelled to remove all structures and facilities on the aquaculture premise and to restore the site of the aquaculture premise to the satisfaction of the Director within three months from the date of such notice.

(8) If the Director is satisfied that the licensee has complied with subsection (7), the Director shall cause the deposit paid by the licensee to be refunded.

(9) If a licensee fails to comply with subsection (7), the Director may cause the removal of any structure or facility on the aquaculture premise and for the site of the aquaculture premise to be restored, and any expenses incurred shall be deducted from the deposit paid by the licensee.

(10) If the expenses incurred by the Director under subsection (9) exceed the deposit paid by the licensee, any outstanding balance shall be recovered from the licensee as a debt due to the Government.

Licensee to supply information.

17. The Director may at any time require the licensee to provide him with any information concerning the aquaculture activities carried out under the responsibility or control of the licensee.

Cessation of operation of aquaculture premise.

18. (1) A licensee who ceases to operate an aquaculture premise shall immediately inform the Director in writing of the cessation.

(2) A licensee who ceases to operate an aquaculture premise shall remove all structures and facilities on the aquaculture premise and restore the site of the aquaculture premise to the satisfaction of the Director within three months from the date the licensee ceased to operate the aquaculture premise.

(3) If the Director is satisfied that the licensee has complied with subsection (2), the Director shall cause the deposit paid by the licensee to be refunded.

(4) If a licensee fails to comply with subsection (2), the Director may cause the removal of any structure or facility on the aquaculture premise and for the site of the aquaculture premise to be restored, and any expenses incurred shall be deducted from the deposit paid by the licensee.

(5) If the expenses incurred by the Director under subsection (4) exceed the deposit paid by the licensee, any outstanding balance shall be recovered from the licensee as a debt due to the Government.

Aquaculture premise illegally set up.

19. (1) The Director may by a written notice require any person who causes any aquaculture premise to be set up without a permit or operated without a licence to remove all structures and facilities on the aquaculture premise and to restore the site within three months from the date such notice.

(2) No compensation shall be paid in respect of the removal or destruction of any structure or facility on the aquaculture premise and any fish recovered shall be auctioned and the proceeds shall be paid into the State Consolidated Fund.

(3) Any expenses incurred by the Director in removing and destroying any structure or facility on the aquaculture premise or in restoring the site shall be recovered as a debt due to the Government.

Licence not to be issued where obstruction or impediment can occur.

20. No licence shall be issued in respect of any aquaculture premise or aquaculture facility that causes or is likely to cause any obstruction to navigation or any impediment to the natural flow of water in riverine waters.

PART V

RIVERINE FISHING AND FISHERIES

Licence in respect of fishing stakes, fish-aggregation device or fishing appliance.

21. (1) Subject to subsection (2), no person shall –

- (a) set up or operate, or permit or cause to be set up or operated any fishing stakes or fish-aggregation device; or
- (b) operate or permit to be operated any fishing appliance; or
- (c) have in his possession or on board a fishing vessel owned by him or under his command or control any fishing appliance or part thereof,

unless he is in possession of a licence issued by the Director.

(2) The fishing appliance listed in the Sixth Schedule are exempted from the requirements of a licence.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Prohibition on the use of fishing appliance pushed or towed, etc..

22. (1) No person shall fish in riverine waters by using –
- (a) fishing appliance that is pushed or towed by a motorised fishing vessel; or
 - (b) any natural poisonous substance; or
 - (c) any apparatus utilizing an electric current; or
 - (d) any prohibited gear,

except in man-made, privately owned reservoir or pond.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Prohibition on the use of explosive substance or explosive projectile.

23. (1) No person shall fish in riverine waters by using explosive substance or explosive projectile.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years.

Prohibition on the use of poisonous chemical substance.

24. (1) No person shall –

- (a) fish in riverine waters by using poisonous chemical substance; or
- (b) have in his possession fish caught by the use of poisonous chemical substance.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years.

Prohibition on possession of explosive substance, explosive projectile, poisonous chemical substance or prohibited gear.

25. (1) It shall be an offence for any person to be in possession of any explosive substance, explosive projectile, poisonous chemical substance or prohibited gear, unless the contrary is proved that it was for lawful purposes other than fishing.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Prohibition on the sale or placing on the market of fish caught by use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance.

26. (1) No person shall sell or place in any market any fish including marine fish caught by the use of –

- (a) explosive substance; or
- (b) explosive projectile; or
- (c) natural poisonous substance; or
- (d) poisonous chemical substance.

(2) Any person who is found to be in possession of fish caught by the use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance shall be presumed to have knowledge that such fish were caught by the use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance, unless the contrary is proved.

(3) Any person who sells or places on the market fish caught by the use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance shall be presumed to have such intention, unless the contrary is proved.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years.

Application for licence in respect of fishing stakes, fish-aggregation device or immobile fishing gear.

27. (1) Any person who intends to construct or set up a fishing stakes or fish-aggregation device or immobile fishing gear shall apply to the Director for a licence in the prescribed form.

(2) The Director may require the applicant to provide any additional information and the Director may refuse to consider the application until the information is received.

(3) Upon receipt of the application, the Director or his authorised officer may survey the location specified in the application and if the Director is satisfied, the Director shall issue a written approval.

(4) The applicant may proceed with the construction or setting up of the fishing stakes, fish-aggregation device or immobile fishing gear upon receiving the written approval subject to such conditions as may be specified in the approval.

(5) The Director may, upon payment of the prescribed fee and payment of any prescribed deposit, issue a licence subject to such conditions as he deems fit to impose.

(6) The Director may refuse to issue a licence in respect of any fishing stakes or fish-aggregation device or immobile fishing gear which was not constructed with approval or in accordance with the conditions specified in the written approval.

(7) No licence shall be issued in respect of any fishing stakes or fish-aggregation device or immobile fishing gear that causes or is likely to cause obstruction to navigation or any impediment to the natural flow of water in riverine waters.

Licence in respect of a fishing appliance other than a fishing stakes, fish-aggregation device or immobile fishing gear.

28. (1) Any person who intends to use fishing appliance other than a fishing stakes or fish-aggregation device or immobile fishing gear shall apply to the Director for a licence in the prescribed form.

(2) The Director may, upon payment of the prescribed fee and payment of any prescribed deposit, issue a licence subject to such conditions as he deems fit to impose.

Use of deposit for rectification and mitigation.

29. (1) The Director shall issue a notice requesting the licensee to mitigate or rectify any damage caused to the environment or any damage caused to property, or for rectifying any damage as a consequence of any breach of the conditions of the licence.

(2) If the licensee fails to comply with subsection (1), the Director shall have access to the deposit referred to in section 28 (2) to give effect to subsection (1).

(3) The Director may ask the licensee to replenish the deposit.

Variation of conditions of licence.

30. (1) The Director may, by a written notice to a licensee, vary the conditions of a licence if the Director is satisfied that it is necessary or expedient for the proper management of fisheries.

(2) A notice of such intended variation shall be given to the licensee.

Directions relating to management of fisheries.

31. The Director may from time to time by notification in the *Gazette* issue directions for the proper management of fisheries.

Non-commencement of fishing operations.

32. (1) The Director may cancel any licence issued under this Part, if after three months from the date of its issuance, fishing operations to which the licence relates have not commenced.

(2) Upon cancellation of the licence, the licensee shall immediately surrender his licence to the Director.

(3) Before the Director makes a decision to cancel such licence, the licensee concerned shall be given an opportunity to show cause why his licence should not be cancelled.

(4) The licensee concerned must present his show cause letter to the Director within a period of two weeks of the receipt of the notice, failing which the Director may proceed to cancel the licence.

Refusal to issue or renew licence.

33. (1) The Director may refuse to issue or renew a licence under this Part, or may cancel, or suspend for such a period as he deems fit, any licence issued under this Part if he is satisfied that –

- (a) it is necessary to do so for the proper management of any particular fishery in accordance with the fisheries plan, and or with any direction issued by the Director in the implementation of that plan; or
- (b) there has been a breach of any of the provisions of this Enactment or any of the conditions in the licence.

(2) Any person aggrieved by the refusal of the Director to issue, or renew any licence under this Part, or by the suspension or cancellation of any licence issued under this Part, may appeal to the Minister within a period of thirty days after the date of such refusal, suspension or cancellation.

(3) The appeal shall be submitted to the Director who shall forward the appeal to the Minister. The appeal to the Minister shall contain a submission of the reasons or grounds of dissatisfaction, and any document in support thereof.

(4) The Director may reply to the submission and a copy extended to the appellant.

(5) The Minister may decide the appeal based on the submission and the documents in support thereof without having to conduct an oral hearing.

(6) Any decision made by the Minister shall take into account any scheme for the limitation of fishing effort for which provision is made in any fisheries plan referred to in Part III.

Specificity of licence.

34. Any licence issued under this Part in respect of fishing stakes, fish-aggregation device or fishing appliance shall be valid only for that particular fishing stakes, fish-aggregation device or fishing appliance and shall not be used for any other fishing stakes, fish-aggregation device or fishing appliance.

Declaration of a Community Fisheries Management Zone.

35. (1) If the Director considers that it is expedient or necessary to involve members of a village or local community in the management and conservation of the fisheries resources or the fishery of an area or part of an area in riverine waters, he may place a proposal before the Minister recommending that such an area be declared a Community Fisheries Management Zone.

(2) The declaration of the Community Fisheries Management Zone shall be made by the Minister by notification in the *Gazette*, which shall state the date upon which the declaration shall come into effect.

Committee to administer a Community Fisheries Management Zone.

36. The Director may appoint authorised officers or members of the village or local community in the Community Fisheries Management Zone, to form a Community Fisheries Management Zone Committee to administer and undertake the management and conservation of the fisheries resources or the fisheries of the said Community Fisheries Management Zone.

Offences in the Community Fisheries Management Zone.

37. Any person who contravenes the regulations made under this Enactment for the purpose of the Community Fisheries Management Zone shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

PART VI
CONTROL OF FISH

Fish declared as freshwater fish.

38. The Minister may, by notification in the *Gazette*, declare any fish or species of fish to be freshwater fish.

Import and export of live freshwater fish.

39. (1) No person shall –
- (a) import into the State of Sabah from a foreign country;
 - (b) export out of the State of Sabah to a foreign country;
 - (c) transport from West Malaysia, the State of Sarawak or the Federal Territory of Labuan into the State of Sabah; or
 - (d) transport from the State of Sabah into West Malaysia, the Federal Territory of Labuan or the State of Sarawak,

live freshwater fish except with a permit issued by the Director.

(2) Any person who intends to import or export live freshwater fish shall submit his application to the Director in the prescribed form together with the prescribed fee.

(3) The Director may issue a permit with such conditions as he deems fit.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Prohibited species not to be cultured, etc..

40. (1) No person shall –
- (a) engage in the aquaculture of; or
 - (b) engage in the propagation, keeping or rearing in aquarium or fish containers; or
 - (c) release into riverine waters; or
 - (d) sell or place on the market,

any fish specified as prohibited species.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Protected species not to be fished, etc..

41. (1) No person shall –

- (a) fish; or
- (b) keep in his possession; or
- (c) sell or place on the market,

any fish specified as protected species.

(2) Any person who intends to breed protected species shall first obtain a permit issued by the Director.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Controlled species not to be cultured without a permit.

42. (1) No person shall engage in the aquaculture of any fish specified as controlled species without a permit issued by the Director.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Application for permit to culture protected or controlled species.

43. (1) Any person who intends to engage in the aquaculture of any fish specified as protected species or controlled species shall apply to the Director for a permit.

(2) Upon receipt of the application, the Director or his authorised officer may survey the premise as specified in the application where such aquaculture activity is located and if the Director is satisfied, he shall issue a permit.

Possession of prohibited, protected or controlled species.

44. (1) A person who discovers that he is in possession of any fish specified as prohibited species or protected species or controlled species shall notify the Director as soon as he has knowledge of that fact.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Seizure of fish specified as prohibited, protected or controlled species.

45. (1) The Director or any authorised officer may seize and remove from any place any fish specified as prohibited species or protected species or controlled species.

(2) The Director may –

- (a) destroy any fish specified as prohibited species or controlled species if it is not practicable to seize or remove such fish; and
- (b) take any action necessary to prevent the spreading of such fish to any inland waters.

(3) An order to destroy any fish specified as prohibited species or controlled species may be carried out even though other fish may be destroyed.

(4) The Director may issue any direction to any person for the purpose of subsection (2) (b).

Unlawful release of non-indigenous species.

46. (1) No person shall release any non-indigenous fish into any inland waters without obtaining the prior written consent from the Director.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART VII
CONTROL OF FISH DISEASES

Designated control area and prohibition of movement.

47. (1) The Director may, by notification in the *Gazette*, declare an area where there is an outbreak of fish disease to be a designated control area and may prescribe the geographical limits thereof.

(2) Subject to subsection (3), where the Director has declared an area to be a designated control area, the Director may designate the fish or aquatic life or thing likely to be infected or contaminated by the fish disease and, from the time the Director makes the designation, no person shall move, remove or transport –

- (a) any designated fish or aquatic life or thing –
 - (i) into the designated control area;
 - (ii) out of the designated control area; or
 - (iii) from a place in the designated control area except to a contiguous place in the designated control area occupied by the same person; or
- (b) any flesh or other parts of fish designated –
 - (i) out of the designated control area; or
 - (ii) from a place in the designated control area except to a contiguous place in the designated control area occupied by the same person.

(3) Any person who intends to transport any fish into or out of the designated control area shall apply to the Director for a conveyance permit and if the Director is satisfied

that such fish is free from the disease or has been properly vaccinated against the disease, he shall issue such a permit.

Aquaculture premise suspected of being infected with a fish disease.

48. (1) Where an aquaculture premise contains fish suspected of being infected with a fish disease, the Director or any authorised officer may take appropriate measure to control the fish disease.

(2) The control measures referred to in subsection (1) shall continue to have effect until withdrawn by a notice served by the Director or any authorised officer on the owner or occupier of the aquaculture premise to which they relate.

(3) It shall be the duty of the owner or the occupier of any aquaculture premise which is subject to the control measures referred to in subsection (1) to take all reasonable steps to ensure that those measures are complied with.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Aquaculture premise infected with fish disease.

49. (1) If the fish in an aquaculture premise are infected with a fish disease, the Director may by a written notice served on the owner or occupier of the aquaculture premise to take appropriate measure to control the fish disease.

(2) The control measures referred to in subsection (1) shall continue to have effect until withdrawn by a notice served by the Director or any authorised officer on the owner or occupier of the aquaculture premise to which they relate.

(3) It shall be the duty of the owner or the occupier of any aquaculture premise which is subject to the control measures referred to in subsection (1) to take all reasonable steps to ensure that those measures are complied with.

(4) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Failure to comply with requirements.

50. (1) If any person fails to comply with the requirements of any control measures imposed by the Director, the Director or his authorised officer may enter any aquaculture premise to which such control measures relate and take or cause to be taken such steps as may appear to the Director or his authorised officer to be necessary either to ensure compliance with those control measures or to remedy the consequences of the failure to carry them out.

(2) All reasonable costs of taking such steps shall be recoverable by the Director from the person on whom the duty to comply, or to ensure compliance, with the control measures was imposed and it shall be a debt due to the Government.

Duty to inform any abnormal death or symptom amongst fish.

51. (1) Any person who –

- (a) knows of any abnormal death or other symptom amongst fish which might constitute grounds for suspecting the presence of a fish disease; or
- (b) has any reason for suspecting the presence amongst fish of a fish disease,

shall forthwith notify the Director.

(2) Where the Director or his authorised officer receives a notification pursuant to subsection (1), he may –

- (a) make an inspection; and
- (b) take all steps that he deems necessary for the suppression and control of an outbreak of the fish disease.

(3) Any person who has in his possession or under his charge an infected fish or aquatic life or thing which he suspects is an infected fish or aquatic life or thing, shall detain it until –

- (a) it has been examined; or
- (b) an authorised officer has instructed him to dispose of it.

(4) An authorised officer shall have powers to take such samples of or from fish as may be necessary to establish whether a fish disease is present amongst fish.

(5) Any person who contravenes subsections (1) and (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Director to give notice to exterminate, destroy and disinfect.

52. If a test proves the presence of a fish disease, the Director may by a written notice require the person in charge of any fish, facilities or equipment to –

- (a) exterminate all fish in the infected aquaculture premises;
- (b) destroy all infected or contaminated fish; and
- (c) disinfect all facilities and equipment.

Declaration of an area where the taking of fish or aquatic life is prohibited.

53. (1) The Director may declare, by notification in the *Gazette*, an area where the taking of fish or aquatic life is prohibited on the grounds that –

- (a) it would be a risk to human health if the fish or aquatic life is consumed;
or
- (b) there is a likely risk of an aquatic pest spreading to other areas.

(2) The prohibition referred to in subsection (1) shall continue to have effect until withdrawn by notification in the *Gazette*.

(3) No person shall take any fish or aquatic life from the area declared under subsection (1).

(4) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Prohibition on the sale of diseased fish.

54. (1) No person shall sell or place on the market any fish infected with a fish disease.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART VIII
FISH HABITAT PROTECTION

Activity resulting in harmful alteration, disruption or destruction of fish habitat.

55. (1) No person shall carry out any activity on land or near inland waters that may result in the harmful alteration, disruption or destruction of fish habitat.

(2) For the purpose of this section the activity shall include but not limited to –

(a) any alteration, erection, extension, placement, removal, use or demolition of any structure or part of any structure in, on, under or over land; or

(b) any excavation, drilling, tunnelling or other disturbance of land; or

(c) reclaim or drain any foreshore, lake bottom or riverbed; or

(d) alter, erect, demolish, place, reconstruct or remove any structure or part of any structure that is fixed in, on, under or over any foreshore, lake bottom or riverbed; or

- (e) damage, destroy or disturb any foreshore, lake bottom or riverbed by excavating, drilling or tunnelling other than for lawful purposes under any written law.

(3) The Director may authorise any of the activity mentioned in subsection (2) subject to such conditions as he deems fit.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Prohibition to throw overboard of ballast, garbage, sludge, etc..

56. (1) No person shall –

- (a) throw overboard ballast, garbage, sludge, quarry wastes or other deleterious substances in any river or lake, or in any water where fishing or aquaculture is carried on;
- (b) leave or place or cause to be thrown, left or placed, on the shore, beach or bank of any river or lake, remains or offal of fish or of animals; or
- (c) leave decayed or decaying fish in any net, pen or other fishing appliances or aquaculture facility or holding facility set in any river or lake.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction –

- (a) if a corporate body to a fine not exceeding one hundred thousand ringgit; and
- (b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Discharging or placing of deleterious substance in riverine waters.

57. (1) No person shall discharge or place or permit the discharge or placing of a deleterious substance of any type in riverine waters or in any place under any condition which may cause such deleterious substance to enter any such water.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction –

- (a) if a corporate body to a fine not exceeding one hundred thousand ringgit; and
- (b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Director to request plans.

58. (1) Where a person –

- (a) carries on or proposes to carry out activity on land or near inland waters that results or is likely to result in the alteration, disruption or destruction of fish habitat; or
- (b) discharges or places a deleterious substance in riverine waters or in any place that results or likely to results in the deleterious substance entering the riverine waters,

he shall, at the request of the Director, provide the Director with such plans, specifications, studies, procedures, schedules, analyses, samples or other information relating to the activity or discharging or placing of the deleterious substance.

(2) Upon receiving the plans, specifications, studies, procedures, schedules, analyses, samples or other information relating to the activity or discharging or placing of the deleterious substance, the Director shall direct the person –

- (a) to take preventive measures; or

(b) to mitigate the effects; or

(c) to stop from carrying out the activity.

(3) Any person who fails to comply with the requirements of subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if a corporate body to a fine not exceeding one hundred thousand ringgit; and

(b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Duty to report accidental or inadvertent discharge of deleterious substances.

59. (1) Any person who accidentally or inadvertently discharges or places, or causes or contributes to the discharge of deleterious substance in riverine waters which is likely to endanger fish or fish habitat, shall immediately report to the Director or any authorised officer of such incident.

(2) Upon receipt of the report, the Director or authorised officer, may give the necessary directions to counteract, mitigate or remedy any adverse effects on fish or fish habitat from the discharging or placing of the deleterious substance.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if a corporate body to a fine not exceeding one hundred thousand ringgit;
and

(b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Duty to take appropriate measures to safeguard and conserve fish.

60. (1) It shall be the duty of the owner, or the person in charge or who manages or in control of the deleterious substance that is accidentally or inadvertently discharged or placed

in riverine waters, to immediately take all appropriate measures to safeguard and conserve fish and fish habitat and to prevent further occurrence or to counteract, mitigate or remedy any adverse effect that will result or may reasonably be expected to result therefrom.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction –

- (a) if a corporate body to a fine not exceeding one hundred thousand ringgit; and
- (b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Power of Director to take or direct remedial measures.

61. The Director or any authorised officer may –

- (a) take any such measures to counteract, mitigate or remedy any adverse effects on fish or fish habitat from the discharging or placing of the deleterious substance in riverine waters; or
- (b) direct the owner, or the person in charge or who manages or in control, of the deleterious substance to take such measures to counteract, mitigate or remedy any adverse effect on fish or fish habitat from the discharging or placing of the deleterious substance in riverine waters.

Cost incurred by the Government.

62. Any cost incurred by the Government to mitigate or remedy riverine waters as a result of the discharge or placing of deleterious substance in riverine waters shall be recovered from the owner, or person in charge or who manages or in control of the deleterious substance and it shall be a debt due to the Government.

Protection of fruit-bearing plants.

63. (1) No person shall fell any protected plant in any riverine reserve.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Protection of fish habitats - river stones.

64. (1) No person shall remove any stone from any river.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART IX
FISH SANCTUARY

Fish sanctuary.

65. (1) If the Minister, after consultation with the Director, considers that it is necessary to –

- (a) afford special protection to the aquatic life of such area or part thereof and to protect, preserve and manage the natural breeding grounds and habitat of fish populations and aquatic life, with particular regard to species of rare or endangered aquatic life;
- (b) preserve and enhance the pristine state and productivity of such area or part thereof;
- (c) ensure the maintenance of biodiversity values;
- (d) ensure the conditions necessary to protect significant species of aquatic life or plants, biotic communities or genetic resources;
- (e) allow for the natural regeneration of aquatic life in such area or part thereof where such aquatic life has been depleted;

- (f) promote scientific study and research in respect of such area or part thereof; and
- (g) regulate recreational and other activities in such area or part thereof to avoid irreversible damage to its environment,

the Minister shall place a proposal before the Cabinet recommending that an area or part of an area in riverine waters be declared as a fish sanctuary.

- (2) The proposal provided for under subsection (1) shall include –
 - (a) as accurate as possible the description of the area and the boundaries of the proposed fish sanctuary;
 - (b) an assessment of the fauna and flora and other biodiversity values of the proposed fish sanctuary;
 - (c) particulars of the customary rights that will continue to be exercisable after the coming into effect of the declaration of the proposed fish sanctuary; and
 - (d) a summary of the consultations held with relevant Government agencies and a summary of the representations made by persons and communities likely to be affected by the declaration of the proposed fish sanctuary.

(3) For the purpose of subsection (1), the Director shall, by notification in the *Gazette*, publish a notice of intention to declare an area or part of an area to be a fish sanctuary.

(4) Upon the approval and recommendation of the Cabinet, the Yang di-Pertua Negeri may, by notification in the *Gazette*, declare an area or part of an area in riverine waters to be declared as a fish sanctuary.

(5) Any person affected by the proposed fish sanctuary may make claims within a period of ninety days from the date of publication of the notification in the *Gazette*.

(6) Any such claims and the amount of compensation payable shall be determined in accordance with the procedure specified in the Land Acquisition Ordinance [*Cap. 69*].

(7) No fish sanctuary shall be revoked, reduced in size or have its boundaries altered except by resolution of the Legislative Assembly.

No alienation of land, cultivation or construction upon publication in the *Gazette* for a fish sanctuary.

66. (1) From the date of the publication in the *Gazette* of the notice of intention referred to in section 65 (3) –

- (a) no land shall be alienated under the Land Ordinance [Cap. 68];
- (b) no construction of any building shall be commenced;
- (c) no preparation for cultivation or aquaculture shall be commenced;
- (d) no trees shall be felled; and
- (e) no fishing shall be undertaken,

in the area of the proposed fish sanctuary.

(2) Any land title, right or concession granted contrary to subsection (1) shall be void.

Compulsory acquisition of land.

67. The establishment or extension of a fish sanctuary shall be deemed to be a public purpose within the meaning of the Land Acquisition Ordinance [Cap. 69] and the procedure specified in that Ordinance shall be followed for the acquisition of land in connection with such establishment or extension.

Management plans.

68. (1) The Director shall within three years after the declaration of a fish sanctuary prepare and submit to the Minister a management plan which shall include –

- (a) a map clearly defining the boundaries of the fish sanctuary and a written description of such boundaries;
 - (b) an analysis of the major resources of the fish sanctuary;
 - (c) details of management objectives;
 - (d) details of the zones in which the fish sanctuary is divided for fisheries conservation and management purposes which may include zones or parts of zones to which members of the public may be admitted;
 - (e) a detailed programme of management action for conservation and protection of the fisheries resources and its habitats including details of requirements of staff, staff facilities and equipment and estimates of expenditure;
 - (f) details of research proposals; and
 - (g) such other matters as may be deemed necessary.
- (2) The management plans referred to in subsection (1) shall cover a period of five years.
- (3) Further management plans or revision of parts thereof shall be submitted to the Minister at such intervals and in such manner as may be determined by the Minister.
- (4) The Minister shall cause the management plans and any revision thereof to be made available for inspection at the State Fisheries Department by members of the public.
- (5) A copy of the management plans or any revision thereof may be made available at the payment of a fee.

Demarcation of boundaries of a fish sanctuary.

69. (1) The Director shall within five years of the declaration of a fish sanctuary demarcate the boundaries of that fish sanctuary.

(2) Where there is any conflict between a demarcation carried out under subsection (1) and a map or description prepared pursuant to section 68 (1) (a), the demarcation prepared under subsection (1) shall prevail for the purposes of this Enactment.

(3) Any person who moves, destroys or interferes with any notice, fence, gate, boundary marker, erected or put in place in accordance with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Restriction of residence and entry into a fish sanctuary.

70. (1) No person, except an authorised officer in the course of his duties or a person employed in the fish sanctuary, shall reside in or enter a fish sanctuary, except as provided in subsections (2) and (3).

(2) Any person may, under the authority of a valid permit, enter such part of a fish sanctuary as may be designated as open to the public.

(3) The Director may permit any person to enter any part of a fish sanctuary that is not open to the public for the purpose of scientific research for a period and in accordance with the conditions contained in the permit.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Illegal fishing or harvesting of plants in a fish sanctuary.

71. Any person, not being an authorised officer, who fishes or harvests any plant in a fish sanctuary shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Other prohibited acts within a fish sanctuary.

72. (1) No person shall in any fish sanctuary –

- (a) fish or attempt to fish;

- (b) take, remove or is in possession of any aquatic life or aquatic plant or part thereof, whether dead or alive;
- (c) construct or erect any building or other structure on or over any land or riverine waters;
- (d) operate any vessel as commercial transport;
- (e) destroy, deface or remove any object, whether animate or inanimate;
- (f) interfere with any animal, fish, plant or other living organism or do any act which, in the opinion of the Director, is likely to disturb, alter the character or have a deleterious effect on, or alter the nature of any animal, fish, plant or other living organism;
- (g) fell or cut any tree or cut, injure or set fire or allow fire lighted by himself or his servants outside a fish sanctuary to spread to any vegetation;
- (h) wilfully damage any object of geological, prehistoric or other scientific interest or remove such object or a portion thereof;
- (i) occupy, clear, cultivate or break up for cultivation any land;
- (j) carry out any quarrying or dredging activities;
- (k) place on or in, or introduce in a fish sanctuary or within 100 meters of the edge of the fish sanctuary any animal, fish, plant or other living organism which, in the opinion of the Director, is likely to disturb, alter the character or have a deleterious effect on, or alter the nature of any animal, fish, plant or other living organism; or
- (l) do any other thing that is prohibited under the regulations.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(3) No person shall bring into a fish sanctuary, or use, have or be in possession in a fish sanctuary any equipment which may be used for carrying out any of the activities referred to in subsection (1) including but not limited to any skidder, bulldozer or tractor.

(4) Any of the equipment referred to in subsection (3), shall be confiscated.

(5) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Illegal use of any spring gun, spear gun in a fish sanctuary.

73. (1) No person shall carry, use or be in possession within a fish sanctuary –

(a) any spring gun, spear gun, spear fishing equipment, harpoon or suction gun; or

(b) any other kind of weapon potentially harmful to any plant or animal life.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Environmental offences in a fish sanctuary.

74. (1) No person shall –

(a) spread chemicals or other toxic matters either from within or outside a fish sanctuary that causes harm to fauna or flora in that fish sanctuary;

(b) discharge or allow the discharge of oil, chemicals or other toxic or waste matters capable of harming fauna and flora in or adjacent to any river, lake and water in or flowing into a fish sanctuary; or

(c) obstruct or divert any river, pool, lake or other bodies of water in or flowing into a fish sanctuary.

(2) Any person who contravene subsection (1) shall be guilty of an offence and shall be liable on conviction –

- (a) if a corporate body to a fine not exceeding one hundred thousand ringgit;
and
- (b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

(3) Any person convicted of an offence under subsection (1) may be ordered to pay to the Government such contribution towards the cost to be estimated by the Government of remedying the damage caused by the spread, discharge, obstruction or diversion as the Court shall consider appropriate.

Exception to restrictions and prohibitions relating to a fish sanctuary.

75. (1) The customary rights specified in the proposal referred to in section 65 may continue to be exercised in the fish sanctuary, except where under an agreement between the Director and the persons entitled to exercise those rights, cease to be exercisable in return for compensation.

(2) No person shall, except with the written approval of the Director or officer in charge of a fish sanctuary –

- (a) make within the fish sanctuary any commercial film or video recording or take still photographs for commercial purposes; or
- (b) enter any area of the fish sanctuary that has been declared by the Director or officer in charge of the fish sanctuary to be closed to the public.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

(4) The Director may authorise the construction of any building for the proper management or development of a fish sanctuary and the provision of public facilities.

(5) For the purpose of this section, the Director may permit any person to pass through or enter the fish sanctuary through a designated road.

Period of grace.

76. The Minister may, after consultation with the Director, published in the *Gazette*, allow a grace period not exceeding twelve months from the date of the declaration of a fish sanctuary, any person lawfully living in that area to be exempted from –

- (a) the restriction on residence therein; or
- (b) the restriction from entry for the purpose of tending and harvesting aquaculture produce stocked before the coming into force of the relevant declaration.

PART X
ENFORCEMENT

Powers to inspect.

77. If the Director or any authorised officer has reason to believe that a person has committed an offence under this Enactment, the Director or any authorised officer may without a warrant –

- (a) stop, board and search any vessel within riverine waters and make any enquiry, examination and inspection concerning the vessel, its crew, equipment or fishing appliance, or fish carried on board that vessel;
- (b) stop, board and search, and inspect any vessel or vehicle transporting fish, whether within riverine waters or on land;
- (c) require to be produced and examine any fishing appliance whether within riverine waters or on land;
- (d) examine any fishing stakes, fish-aggregation device, fishing appliance or aquaculture facility within riverine waters; or
- (e) inspect any licence, permit, record, certificate or any other document required under this Enactment or under any written law, and make copies of the same.

Powers of entry, seizure and arrest.

78. (1) If the Director or any authorised officer has reason to believe that a person has committed an offence under this Enactment, the Director or any authorised officer may without a warrant –

- (a) arrest any person who he has reason to believe has committed an offence under this Enactment;
- (b) enter and search any land, farm, facility, premises or place in which he has reason to believe that an offence under this Enactment has been committed;
- (c) take samples of any fish found in any aquaculture premise or aquaculture facility, vessel or vehicle;
- (d) take photographs, video, audio recordings or make sketches of the premises or any thing on the premises;
- (e) secure the land, farm, facility, premises or place, or any thing on such places;
- (f) seize any vessel, including its equipment, gear, furniture, appurtenances, stores and cargo, or any vehicle which he has reason to believe has been used in the commission of any offence or in relation to which any offence has been committed under this Enactment;
- (g) seize any fish which he has reason to believe has been caught in the commission of an offence under this Enactment;
- (h) seize any explosive substance, explosive projectile, natural poisonous substance, poisonous chemical substance, pollutant or prohibited gear; or
- (i) seize any unlicensed fishing stakes, fishing appliance, fish-aggregation device or aquaculture facility or part thereof.

(2) In effecting any seizure under subsection (1), the Director or any authorised officer may use such force as may be reasonably necessary.

(3) A person arrested under subsection (1) shall be brought to the police station within twenty-four hours and a police report made.

(4) The Director or any authorised officer shall produce anything seized under this Enactment before a Magistrate Court within twenty-four hours from the time of the seizure.

Search list.

79. (1) The Director or any authorised officer who seizes any thing or document under this Enactment shall prepare a search list of the things or documents seized and forthwith sign the search list.

(2) The Director or any authorised officer shall request the person from whom the things or documents were seized to acknowledge the search list. If any person refuses to acknowledge the search list, the Director or the authorised officer shall make comments on the search list of such refusal.

Power to investigate.

80. The Director or any authorised officer may apply the provisions of the Criminal Procedure Code [Act 593] for the purpose of investigation.

Power to require attendance of witnesses.

81. (1) The Director or any authorised officer making an investigation for any offence under this Enactment, may by order in writing require any person to appear before the Director or authorised officer for the purpose of investigation.

(2) Any person who refuses to comply with the provision of subsection (1) shall be guilty of an offence.

Examination of witnesses.

82. (1) The Director or any authorised officer making an investigation under this Enactment, may examine orally any person supposed to be acquainted with the facts and

circumstances of the case and shall reduce into writing any statement made by the person so examined.

(2) Before an oral examination is made under subsection (1), if the person examined is a witness, he shall be cautioned in the following manner –

- (a) that he shall be bound to answer all questions relating to such case put to him by such officer and that he shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to such questions; and
- (b) that he may refuse to answer any question which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) Any statement made under subsection (1) shall be reduced in writing. That statement shall be read over to him in the language in which the statement was recorded after he has been given an opportunity to make any correction as he wish. Thereafter the person shall sign the statement or affixed his thumb print as the case maybe. The recording officer shall also affix his signature on the statement.

Admission of statements in evidence.

83. Where any person is charged with any offence under this Enactment, his statement shall be recorded in accordance with the caution administered under section 113 of the Criminal Procedure Code [Act 593].

Disposal of perishable things seized.

84. (1) The Director may dispose in a manner he deems proper anything seized if such thing is subject to speedy and rapid natural decay or deterioration.

(2) The Director shall keep any proceed of sale under subsection (1) in any bank until the Court disposes of the case.

(3) The Government shall not be liable to any person for any deterioration, howsoever caused, in the quality of any fish or other article seized under this Enactment.

Seizure and forfeiture of vessels, vehicles, articles or things.

85. (1) Where any vessel, vehicle, article or thing is seized under this Enactment and there is no prosecution in respect thereof, such vessel, vehicle, article or thing shall be held for a period of one month from the date of the seizure and at the end of which period, it shall be deemed to be forfeited, unless a written claim thereto is received within the said period.

(2) Notwithstanding that there is no prosecution under subsection (1), if any written claim is made within a period of one month, the Director shall refer the case to the Court for disposal. The Court may order the seizure of such vessel, vehicle, article or thing seized if it is found to be use in a commission of an offence. This provision will not apply if the vessel, vehicle, article or thing was stolen and the owner has made a police report within twenty-four hours of it being stolen.

Temporary return of vessels, vehicles, articles or things seized.

86. (1) Where any vessel, vehicle, article or thing is seized under this Enactment, pending the completion of the investigation or prosecution, the Director may temporarily return the vessel, vehicle, article or thing to the owner thereof or to the person from whose possession, custody or control it was seized, subject to such terms and conditions (including the suspension of a permit or licence issued under this Enactment) as the Director may impose, and to provide sufficient security.

(2) Notwithstanding subsection (1), the security to be furnished thereunder shall not be less than the aggregate value of the vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article or thing.

(3) Any person who –

(a) fails to surrender on demand to the Director the vessel, vehicle, article or thing temporarily returned to him under subsection (1); or

(b) fails to comply with or contravenes any of the terms or conditions imposed under subsection (1),

shall be guilty of an offence and shall be liable on conviction –

- (i) if a corporate body to fine not exceeding one hundred thousand ringgit;
and
- (ii) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Costs of holding vessels, vehicles, articles or things in custody.

87. (1) Where any vessel, vehicle, article or thing is held in the custody of the Government pending completion of the investigation or prosecution, the costs of holding the vessel, vehicle, article or thing in custody shall be borne by the permit holder or licensee or the owner or the master of the vessel or jointly.

(2) If the permit holder or licensee, the owner, or the master of the vessel refuses to bear the costs referred to in subsection (1), such costs shall be recovered as a debt due to the Government.

Forfeiture and disposal of vessels, vehicles, articles or things.

88. (1) Where any person is found guilty of an offence under this Enactment or in contravention of the conditions in the licence, the Court shall, in addition to any other penalty that may be imposed –

- (a) order that the vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article or thing used in the commission of such offence or in relation to which such offence has been committed to be forfeited; and
- (b) order that any fish caught in the commission of such offence or the proceeds of the sale of any fish or other article of a perishable nature referred to in section 84, and any explosive substance, explosive projectile, natural poisonous substance, poisonous chemical substance, pollutant, fishing appliance or prohibited gear used or intended to be used in the commission of such offence to be forfeited.

(2) Any vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article, thing, explosive substance, explosive projectile, natural poisonous substance, poisonous chemical substance, pollutant, fishing appliance, prohibited gear or fish ordered to be forfeited under subsection (1) or deemed or ordered to be forfeited under section 85 shall be disposed of in such manner as the Director deems fit.

Obstruction of Director or authorised officer.

89. Any person who resists or wilfully obstructs the Director or any authorised officer or fails to comply with any requirement made by the Director or any authorised officer in the exercise of his powers and duties under this Enactment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Authorised officer to show letter of authority.

90. Any authorised officer when discharging his functions or duties, or exercising his powers under this Enactment shall on demand produce his letter of authority issued by the Director.

Bar to suit or claim.

91. (1) No suit or claim shall be brought against the Director or any authorised officer in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his functions, powers and duties under this Enactment.

(2) No suit or claim shall lie against the Government or the Director or any authorised officer for any damage caused to any vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article or thing seized under this Enactment whilst exercising his functions, powers and duties under this Enactment.

Presumption of evidence with regards to prohibited or protected or controlled species.

92. Any person found in possession of fish specified as prohibited species or protected species or controlled species shall be presumed to be in possession without the written approval of the Director, unless the contrary is proved.

Power to prosecute.

93. Any person authorised in writing by the Public Prosecutor pursuant to section 377 of the Criminal Procedure Code [Act 593] may conduct prosecution for any offence under this Enactment or any regulation made thereunder.

Power to compound.

94. (1) The Director may compound any offence committed against this Enactment or any regulation made thereunder. Such compound shall not exceed fifty per centum of the maximum fine with which the offence is punishable.

(2) The offences under sections 23, 24 and 26 are not compoundable.

(3) Any payment of the compound shall be made to the Director within seven days of the receipt of the compound notice. Upon receipt of the payment under subsection (1), no further proceeding shall be taken against such person in respect of such offence and any thing seized in connection with the offence shall be deemed to be forfeited.

(4) Any monies paid to the Director pursuant to the provisions of this section shall be paid into the State Consolidated Fund.

PART XI
OFFENCES AND PENALTIES

Duty to give assistance.

95. (1) The owner or person in charge of any place, premises, vehicle or vessel is under a duty to give to the Director or authorised officer all reasonable assistance to enable the Director or authorised officer to carry out his duties and functions under this Enactment and shall furnish the Director or any authorised officer with such information as he may reasonably require.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if a corporate body to a fine not exceeding one hundred thousand ringgit;
and

(b) if not a corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Offence to purchase fish caught by using explosive substance, explosive projectile, natural poisonous substance or poisonous chemical substance.

96. (1) No person, fish factory, fishmonger, fertilizer factory, fish meal factory, fish wholesaler or restaurant owner, shall purchase fish caught by the use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance.

(2) Any person, fish factory, fishmonger, fertilizer factory, fish meal factory, fish wholesaler or restaurant owner, who purchase fish caught by the use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance shall be presumed to have knowledge that such fish were caught by the use of explosive substance or explosive projectile or natural poisonous substance or poisonous chemical substance, unless the contrary is proved.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years.

Duty to report offences.

97. Any person, fish factory, fishmonger, fertilizer factory, fish meal factory, fish wholesaler or restaurant owner shall report to the Director of any person who contravenes section 96 (1).

Giving false information.

98. (1) No person shall give false information to the Director or his authorised officer.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

Wilful damage to licensed fishing stakes, fish-aggregation device, fishing appliance or aquaculture facility.

99. (1) No person shall wilfully damage or destroy any fishing stakes, fish-aggregation device, fishing appliance or aquaculture premise that has been properly licensed under this Enactment.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Offence for catching fish smaller than the prescribed size.

100. (1) No person shall catch any fish in riverine waters where the size of the fish is smaller than the size prescribed by the Minister by notification in the *Gazette*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Reward and protection of informers.

101. (1) The Director may give such reward as he may deem fit to an informer for any information which may lead to the arrest and prosecution of any person charge under this Enactment.

(2) The name of the informer or any information about him shall not be disclosed in Court which may lead to the discovery of the identity of the informer.

An offence to destroy evidence.

102. (1) No person shall, while in the course of investigation, destroy or abandon any fish, aquatic life, turtle, fishing appliance, explosives substance, explosive projectile, natural poisonous substance, poisonous chemical substance, pollutant, prohibited gear or any other thing, so as to avoid its seizure or the detection of any offence under this Enactment.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction –

- (a) if a corporate body to a fine not exceeding one hundred thousand ringgit;
and
- (b) if not corporate body to a fine not exceeding fifty thousand ringgit,

or to imprisonment for a term not exceeding two years or to both.

Presumption against master and owner of fishing vessel.

103. Where an offence under this Enactment has been committed by any person on board a fishing vessel, the master and owner of such vessel shall each be presumed to have knowledge of the offence, unless the contrary is proved.

Disqualification from holding a permit or licence.

104. The Director may disqualify any person, company or firm who has been convicted of an offence under this Enactment from holding a permit or licence for a period of one year.

Illegal use of permit or licence.

105. (1) No person shall use any permit or licence issued in the name of another person.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

General penalty.

106. Any person who contravenes or fails to comply with any provision of this Enactment where no specific penalty is expressly provided for, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

PART XII
GENERAL LICENSING PROVISIONS

Registry of permits and licences.

107. (1) Registers showing particulars of the permits and licences issued under this Enactment shall be maintained and kept at such place or places as the Director shall specify.

(2) The register shall contain details of each permit and licence, particulars of any suspension or cancellation of the permit or licence and any other matters relevant to the administration of the provisions of this Enactment.

Validity period of licence.

108. All licences issued under this Enactment shall be valid for one year unless suspended or cancelled or specified otherwise. No fees shall be refunded if the licence is suspended or cancelled by the Director or withdrawn by the licensee.

Renewal of licence.

109. After the expiry of one year, the licence may be renewed for a period not exceeding three years. No fees shall be refunded if the licence is suspended or cancelled by the Director or withdrawn by the licensee.

Change of particulars of permit holder or of licensee.

110. The Director shall be informed of any change of particulars in a company or permit holder or licensee within a period of one month of such change. The changes may include the change of address, director, shareholder or any detail indicated in the permit or licence.

Transfer of a permit or licence.

111. (1) No permit or licence issued under this Enactment shall be transferable.

(2) Notwithstanding subsection (1), the Director may entertain a written application. Such application shall contain the reason or grounds for the transfer of the permit or licence.

PART XIII
GENERAL PROVISIONS

Presumption as to the accuracy of maps, plans and charts.

112. For the purposes of this Enactment, the Court shall presume that any map, plan or chart made by the Government or the Federal Government is accurate and true.

Service of documents.

113. Where any document is to be served under this Enactment, that document may be served –

- (a) by way of personal service; or
- (b) on the master of a vessel or on any person who appears to be in command or in charge of the vessel; or
- (c) by affixing a copy of the document at any conspicuous part of his premises or vessel or vehicle if the person cannot be found; or
- (d) by registered letter addressed to his last known address; or
- (e) any combination thereof.

Special exemptions.

114. The Director may, subject to such conditions as he may impose, exempt any person from all or any of the provisions of this Enactment for the purpose of –

- (a) scientific research or training; or
- (b) survey or economic feasibility study of any fishing activity; or
- (c) the promotion of sport fishing in the Community Fisheries Management Zone;
or
- (d) the proper conservation and management of fisheries; or

- (e) the development of fishing technology; or
- (f) educational and community awareness programs; or
- (g) stock depletion or enhancement; or
- (h) any other approved purposes.

Information for the purpose of statistics.

115. The Director may, for the purpose of statistics, require any person engaged in fishing, aquaculture, marketing or processing to supply such information as may be required.

PART XIV
POWERS OF THE MINISTER

Directions by the Minister.

116. The Minister may give any specific or general direction to the Director not in consistent with this Enactment.

Amendment of Schedules.

117. The Minister may, from time to time after consultation with the Director, by order published in the *Gazette*, amend the Schedules to this Enactment.

Power to make regulations.

118. The Minister may, after consultation with the Director, by order published in the *Gazette*, make regulations specifically or generally for the proper conservation, development, management and regulation of inland fisheries and aquaculture and may, in particular, make regulations for all or any of the following purposes –

- (a) to provide for the licensing, regulation and management of any particular inland and riverine fishery;
- (b) to provide for the licensing of fishing appliances use in riverine waters;

- (c) to regulate or prohibit any method of fishing in riverine waters or the use or possession of certain types of fishing appliances, and to prescribe minimum mesh sizes for fishing nets;
- (d) to regulate or prohibit the erection, maintenance, marking and operation of immobile fishing gears and fishing stakes in riverine waters;
- (e) to prescribe the minimum weights and sizes of fish which may be caught in riverine waters for the purpose of sale, processing, consumption or sport, or to prohibit fishing for any prescribed species of fish;
- (f) to prescribe closed seasons for fishing in any designated area, fishing for certain species of fish or fishing using certain methods of fishing in riverine waters;
- (g) to designate prohibited areas for fishing for all or certain species of fish;
- (h) to promote and regulate aquaculture in riverine waters and, in particular, provide for the leasing and licensing of land, and water bodies such as lakes, swamps, mining pools and other areas for the cultivation of fish;
- (i) to prescribe standards for the specification, construction and operation of aquaculture facilities;
- (j) to provide measures for the prevention and control of fish diseases;
- (k) to provide control and regulation over particular species of fish which may be produced by cultivation;
- (l) to provide the management and development, and the promotion of aquaculture activities in Aquaculture Industry Zone;
- (m) to designate, prescribe, promote, provide or regulate any other matter for the proper conservation, management and regulation of fish habitats;
- (n) to regulate and control the construction of any slide, dam or other obstruction for the purpose of conservation of fish in riverine waters;

- (o) to prescribe any fish or kind of fish as prohibited, protected or controlled species, and for the control of such fish;
- (p) to prohibit or control the importation and exportation of freshwater fish;
- (q) to prohibit or control the sale, cultivation or keeping of live freshwater fish or any particular species of live freshwater fish which is not indigenous to any part of the State of Sabah;
- (r) to prescribe the control, movement and conveyance of live freshwater fish within the State of Sabah;
- (s) to manage, develop, control and regulate fish sanctuaries;
- (t) to designate, prescribe, promote, provide or regulate any other matter for the proper administration, management and regulation of Community Fisheries Management Zones;
- (u) to promote, regulate and carry out scientific research;
- (v) to prescribe conditions for any permit, licence, certificate, authorisation or other documents required under this Enactment;
- (w) to prescribe the forms and the amount of fees and deposits payable; and
- (x) to prescribe for all matters or things which by this Enactment are required or permitted to be prescribed or which are necessary or expedient to give effect to this Enactment.

PART XV
SAVING PROVISIONS

Existing aquaculture premises to be licensed from commencement of this Enactment.

119. (1) Any owner of an existing aquaculture premise shall apply for a licence within three months from the date of commencement of this Enactment.

(2) Upon receipt of the application, the Director or his authorised officer may survey the site specified in the application and may require the applicant to make modifications to the existing aquaculture premise.

(3) The Director having satisfied himself that the requirement in subsection (2) has been complied with and that the existing aquaculture premise has not contravened any of the provisions of this Enactment, and upon payment of the prescribed fees, the Director shall issue a licence.

FIRST SCHEDULE

[Section 2]

A.

PROHIBITED SPECIES

Local / English Names

Scientific Names

Piranha

Serrasalmus / Serrasalmo

Pygocentrus / Catoprian

B

PROTECTED SPECIES

Local Names

Scientific Names

Temoleh

Probarbus jullieni

C

CONTROLLED SPECIES

Local Names

Scientific Names

1. Ikan Arowana/Kelisa

Scleropages spp.

2. Ikan Bawal Merah

Colosomma/Piaractus

3. Ikan Silver Dollar

Genus mylossoma

4. Golden Dargon

Arapaima gigas

SECOND SCHEDULE

[Section 2]

LIST OF FISH DISEASES

Diseases of fish

1. Epizootic haematopietis necrosis (EHN)
2. Infectious haematopietis necrosis (IHN)
3. *Oncorhynchus masou* virus disease
4. Spring viraemia of carp
5. Viral haemorrhagic septicaemia
6. Viral encephalopathy and retinopathy
7. Infectious pancreatic necrosis
8. Epizootic ulcerative syndrome
9. Bacterial kidney disease
10. Enteric septicaemia in catfish
11. Piscirickettsiosis
12. Gyrodactylosis (*Gyrodactylus salaricus*)
13. Red sea bream iridoviral disease

Diseases of molluscs

1. Bonamiosis
2. Haplosporidiosis
3. Marteiosis
4. Microcytosis
5. Perkinsosis

Diseases of crustaceans

1. Taura syndrome
2. White spot disease
3. Yellow head disease
4. Baculoviral midgut gland necrosis

5. Nuclear polyhedrosis baculoviroses (*Baculovirus panaei*) and *Penaeus monodon*-type baculovirus
6. Infectious hypodermal and haemotopoietic necrosis
7. Spawner-isolated mortality virus diseases

THIRD SCHEDULE

[Section 2]

PROHIBITED GEAR

	<i>Local Names</i>	<i>English Names</i>
1.	Pukat Tiga Lapis	Trammel Net
2.	Pukat Tunda	Trawl Net
3.	Pukat Ambitan	Ambitan

FOURTH SCHEDULE

[Section 2]

PROTECTED PLANT

	<i>Local Names</i>	<i>Scientific Names</i>
1.	Simpoh	<i>Dillenia excelsa</i>
2.	Mali-Mali	<i>Leea aculata</i>
3.	Bangkal Merah	<i>Nauclea subdita</i>
4.	Kungkurad	<i>Elaeocarpus pedunculatus</i>
5.	Keruing Kasugui	<i>Dipterocarpus validus</i>
6.	Torukan/Sarukang	<i>Flacourtia rukam</i>
7.	Marang Parang	<i>Saraca declinata</i>

8.	Nunuk	<i>Ficus sp.</i>
9.	Tapou-apou	<i>Commersonia bartramia</i>
10.	Kutang	<i>Bredilia stipularis</i>
11.	Gaagabang	<i>Melastoma malabatricum</i>
12.	Babaduk	<i>Decaspermum fruticosum</i>
13.	Tondorupis	<i>Antidesma ghaesambila</i>

FIFTH SCHEDULE

[Section 11 (4)]

AQUACULTURE ACTIVITIES EXEMPTED FROM THE REQUIREMENTS OF A LICENCE

1. Crocodile farming.
2. Keeping fish prior to consumption in restaurants and other premises in containers and tanks, in an area not exceeding twenty (20) square metres.
3. Breeding or keeping fish in earthen or concrete ponds not exceeding two hundred (200) square metres within a residential home compound.
4. Breeding or keeping fish in containers or tanks in an area not exceeding ten (10) square metres.
5. Breeding or keeping fish at an educational or research institution for the purpose of research approved by the Director.
6. Fish on display or exhibition in public places.
7. Farming fish in rice paddy fields.
8. Fish culture in oxidation ponds undertaken as a bio-ameliorative measure approved by the Director.
9. Aquaculture premise maintained by the State Fisheries Department.

SIXTH SCHEDULE

[Section 21 (2)]

FISHING APPLIANCES EXEMPTED FROM
THE REQUIREMENTS OF A LICENCE

1. Hand-operated portable scoop nets.
2. Fish traps or fish pots which longest dimension is not more than 1 metre.
3. Hook and line gear with not more than 2 hooks.
4. Any fishing appliance operated or used in privately owned, man-made reservoir or pond.

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Monday, the 26th May, 2003.

DATUK JUHAR MAHIRUDDIN,
Speaker,
State Legislative Assembly.