

STATE OF TRENGGANU.

ENACTMENT No. 4 OF 1951.

I ASSENT,



State
Seal.

ISMAIL,
Sultan of Trengganu.

[20th January, 1952.]

An Enactment to provide for the protection of turtles and for restricting and regulating the taking or destruction of their eggs.

IT IS HEREBY ENACTED by His Highness the Sultan with the advice and consent of the Council of State as follows :

1. This Enactment may be cited as the Turtles Enactment, 1951, and shall come into operation on the 12th day of December, 1951.

Short title
and date of
commence-
ment.

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

Interpreta-
tion.

“turtle” means any reptile of the species known in the Malay language as “Penyu”, “Kambau”, “Belimbing”, “Agar” and “Tuntong”;

“Licensing Officer” means any officer appointed under section 3 of this Enactment;

“State” means the State of Trengganu.

3. (i) His Highness the Ruler in Council may appoint so many Licensing Officers, either by name or by office, as he may consider necessary for the purpose of carrying into effect the provisions of this Enactment or of any Rules made thereunder and may, if he shall think fit, define the area or areas within which such Officers shall exercise the powers and perform the duties assigned to them by this Enactment or by any Rules made thereunder.

Appoint-
ment of
Licensing
Officers.

(ii) Such Officers shall be deemed to be public servants within the meaning of the Penal Code.

Powers of
Officers.

4. A Licensing Officer appointed under this Enactment and any Police Officer not below the rank of corporal may without a warrant—

- (a) stop and search any vessel which he has reason to suspect of carrying any turtles or turtles' eggs contrary to the provisions of this Enactment or any Rules made thereunder;
- (b) seize any turtles or their eggs, instruments or appliances in respect of which he has reason to believe that an offence under this Enactment or any Rules made thereunder has been committed;
- (c) arrest any person found committing or attempting to commit or abetting the commission of an offence under this Enactment or any Rules made thereunder;

and may exercise any power conferred upon him by Rules made under this Enactment.

Prohibition
of killing
or taking
turtles.

5. (i) No person shall at any time, without the express permission of His Highness the Ruler in Council, kill or take any turtle in any manner whatsoever.

(ii) Any person who contravenes the provisions of sub-section (i) shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment of either description for a term not exceeding three months.

Presump-
tion.

6. When any turtle or any portion of a turtle is found in the possession or control of any person in the State or on board any vessel within the territorial waters of the State it shall be presumed until the contrary is proved that such person or the master of the vessel, as the case may be, has taken or killed such turtle.

Prohibition
of the taking
or destruc-
tion of
turtles'
eggs.

7. The taking or destruction of turtles' eggs in notified areas or in areas licensed by the Licensing Officer or in areas where exclusive rights have been granted is forbidden: Provided that this prohibition shall not apply to the holder of the licence or exclusive right or to any of his servants or any person with his expressed or implied permission within his licensed areas.

8. (i) His Highness the Ruler in Council may from time to time by notification prohibit the taking of turtles' eggs within such area or areas as may be described in the notification (hereinafter called "notified areas").

Areas within which turtles' eggs may not be taken.

(ii) Such notification shall state the date on which it is to take effect, which shall be not less than 30 days after the publication of the notification, and such notification shall also be published in the Malay language at convenient places within the area or areas to which it relates.

(iii) Any notification under this section may be rescinded by His Highness the Ruler in Council by notification.

9. (i) Licences to take turtles' eggs may be granted by a Licensing Officer for the district within which such area is situated subject to such terms and conditions as he may impose. Such licences shall remain in force for such period not exceeding one year as may be stated therein and shall be payable therefor at such rates as His Highness the Ruler in Council may from time to time prescribe. The fees to be prescribed may vary for different areas.

Licences.

(ii) No licence shall be granted in respect of any area over which an exclusive right under section 10 is vested in any person.

(iii) The Licensing Officer shall have the power to refuse the grant of a licence without assigning any reasons therefor.

10. His Highness the Ruler in Council may from time to time by calling for tenders or in such other way as shall seem fit provide for the granting of the exclusive right to take turtles' eggs within any area or areas. Such exclusive right may be granted in consideration of such payments and shall be subject to such terms and conditions as His Highness the Ruler in Council may impose.

Exclusive rights.

11. (i) The authority granting any licence or exclusive right under this Enactment or any Rules made thereunder may suspend or cancel it—

Suspension or cancellation of licence or exclusive right.

(a) if any fee or other payment due by the holder thereof be not duly paid;

(b) in the event of any breach by the holder of the licence or exclusive right, or by his servants or by any one acting with his expressed or implied permission on his behalf, of any of the conditions of such licence or exclusive right.

(ii) No appeal shall lie against the suspension or cancellation of the exclusive right but an appeal lies to His Highness the Ruler in Council in the case of suspension or cancellation of the licence.

(iii) The holder of the licence or exclusive right shall not be entitled to any compensation in respect of such suspension or cancellation nor to the refund of any fee or other payments made in respect of his licence or exclusive right.

Transfer of
licence or
exclusive
right.

12. No licence or exclusive right granted under this Enactment shall be transferable except with the consent of the authority by which the same was granted.

Prosecu-
tions.

13. Prosecutions in respect of offences committed under this Enactment or Rules made thereunder may be conducted by any Licensing Officer or any person specially authorised thereto in writing by the Licensing Officer.

General
Penalty.

14. (i) Any omission or neglect to comply with and every act done contrary to this Enactment or any Rules made thereunder or in breach of the terms or conditions subject to which any licence has been issued or exclusive right granted under this Enactment shall be deemed to be an offence under this Enactment and any such offence for which no specific penalty is provided therefor shall be punishable by a fine not exceeding five hundred dollars or by imprisonment of either description for a term not exceeding one year.

(ii) Any turtle, turtles' eggs, instruments or appliances used in the commission of any offence may be forfeited.

Attempts
and
abetments

15. Any person who attempts to commit any offence punishable under this Enactment or abets within the meaning of the Penal Code the commission of such offence shall be punishable as if he had committed such offence.

16. His Highness the Ruler in Council may make Rules for the purposes of this Enactment. Such Rules may be made either generally or for any specified area or areas.

Passed by the Council of State this 12th day of December, 1951.

IBRAHIM MOHAMED SALLEH,
Clerk of Councils, Trengganu.