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Government of Trengganu.

WATERS.

NY 293/59

ENACTMENT No. 2 OF 1937.

I ASSENT

LS

SULAIMAN BIN ZAINAL ABIDIN,
Sultan of Trengganu.

13th March, 1938.

(123.1357) 19/6

An Enactment to provide for the control of Rivers and Streams.

It is hereby enacted by the Sultan in Council as follows:—

1. This Enactment may be cited as the Waters Enactment. Short Title.

2. "River" includes

Interpretation.

(a) a tributary of a river and any other stream or natural water-course, and

(b) any canal declared by notification in the Gazette to be subject to the provisions of this Enactment.

"State land" and "alienated land" have the meanings borne by those expressions, respectively in the Land Enactment.

3. Subject to the terms of any express grant made by or on behalf of the Sultan, the entire property in and control of all rivers in the State is and shall be vested in the Sultan. Property in rivers.

4. Any person who shall in the State interfere with the bank of any river may by written order under the hand of the Commissioner of Lands and Mines be required to restore the same to the condition in which it was immediately prior to such interference or to remove the same in such manner as may be specified in such order. Restoration of river banks.

5. (a) No person shall, except under and in accordance with the terms of a licence issued under this Enactment: Prohibition of acts affecting rivers, except under licence.

(i) fell any tree so that it obstructs or interferes with any river;

(ii) in any manner obstruct or interfere with any river;

(iA) in any manner dam up any river;

Sec 7A
and
subterranean
waters
(Tr. En. 6/84)

Tr. En. 6/84

- (iii) build any bridge, jetty or landing stage (other than a bath house, latrines or steps) over or beside any river at a point where the width of such river exceeds 20 feet;
- (iv) attempt to divert any channel or current in any river or to form islands or to cause change in the banks of any river;
- (v) build any retaining wall or construct any revetment along the banks of any river;

(iv)

Tr. En. 6/84

(vi) -----
 (b) Licences to do any of the acts specified above may be issued by the District Officer or Collector of Land Revenue with the previous approval of the State Secretary. *Ruler in Council.*

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(c) Any such licence may be subject to such conditions as may be approved by the State Secretary. *Ruler in Council.* All such conditions shall be set out on the licence.

(d) Every such licence shall be subject to such annual fee as the Sultan in Council imposes. The amount of fee and due date for payment shall be stated in the licence. Where such fee remains unpaid for 2 months the licence may be cancelled without payment of compensation. *whether or not the licence is cancelled, any fee that remains unpaid may be recovered by suit.*

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(e)
Presumptions.

6. Where the bank of a river is interfered with, or where any felling, obstruction, interference, or building takes place in contravention of Section 5, the owner and the occupier of the land wherein the bank so interfered with or any part thereof is included and the owner and occupier of the land whereon such tree was felled or which is nearest to such obstruction, interference or building shall in any proceedings under this Enactment be presumed, in the absence of proof to the contrary, to have interfered with the bank, or effected the felling, obstruction, interference, or building, as the case may be.

Prohibition of diversion of water from rivers except under licence.

7. (a) No person shall, except under and in accordance with the terms of a licence issued under this Enactment, by means of any pipe, drain, or channel divert water from any river from its natural course.

(b) Licences to divert water from a river:—

- (i) for a private or domestic purposes;
- (ii) for industrial and other purposes;

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may be granted by the District Officer or Collector of Land Revenue with the previous approval of the State Secretary. Such licences may be subject to such conditions and restrictions as the State Secretary may in each case impose. All such conditions and restrictions together with the purpose for which the water is to be used shall be set forth in the licence.

(c) Every such licence shall be subject to such annual fee as the Sultan in Council imposes. The amount of fee and due date for payment shall be stated in the licence. Where such fee remains unpaid for 2 months the licence may be cancelled without payment of compensation.

whether or not the licence is cancelled, any fee that remains unpaid may be recovered by suit. Tr. Br. C/84

(d) Nothing in this section shall be deemed to apply to any work done for the sole purpose of using water in the cultivation of rice provided that the written permission of the District Officer or Collector of Land Revenue shall have been previously obtained.

RA... Act Enact. 10/71

8. (i) A licence issued under this Enactment to divert water from a river may extend to authorising the licensee to erect, cut or construct and maintain upon or through any State lands specified in that behalf in the licence any pump likely to divert a river, line of pipes, flume, drain, dam or reservoir and, subject to such conditions and restrictions as may be specified in the licence, to take and use the water therefrom in such quantities and in such manner as in the opinion of the Sultan in Council may be necessary for carrying out the purpose of the licence.

Licence to divert water may authorise interference with State land or alienated land.

artificial channel

(ii) A licensee so authorised as aforesaid may enter upon the State lands or alienated lands so specified as aforesaid for the purposes expressed in such licence and carry out all or any of the works thereby sanctioned and exercise all or any of the rights thereby granted; provided that he shall be liable to make compensation to the owner or lawful occupier of any alienated land upon which such work shall be carried out or such rights exercised.

The amount of any compensation payable under either of the two last preceding sections shall, if not settled by agreement between the parties concerned, be assessed in the manner provided by "Land Acquisition Enactment."

9. Where alienated land is affected by any authority under Section 8 contained in a licence to divert water from a river, the Collector or the Commissioner of Lands and Mines, as the case may be, having custody of the Register wherein the title to such land is recorded shall, on production to him of such licence, make in the said Register an entry of the grant of the licence and the period thereof and shall certify on the licence that such entry has been made and shall on proof to his satisfaction of the revocation of any licence whereof an entry has been made as aforesaid make in the said Register an entry of such revocation.

Record of licence on titles affected.

10. No licence under this Enactment shall exempt any person from liability in respect of any damage occasioned by such person to the property of the State or of any person.

Liability for damage.

Revocation and alteration of licences.

11. There shall be power at any time

(a) without cause assigned to revoke or alter, or to vary the period, terms or conditions of, any licence granted under this Enactment upon payment to the licensee of compensation for any damage which he may sustain in respect of such revocation, alteration or variation;

(b) to revoke without compensation any licence on breach by the licensee of any condition or restriction to which the licence is subject or on conviction of the licensee of offence punishable under this Enactment.

Penalties.

12. Any person who shall contravene the provisions of this Enactment shall be guilty of an offence and liable on conviction to a fine not exceeding \$1,000 or in default of any payment to imprisonment of either kind which may extend to 6 months.

Liability of employer.

13. For the purposes of this Enactment every person shall be liable for every act and omission of any agent or servant employed by him acting within the scope of such employment in the same manner and to the same extent as if such act or omission were done or committed by such first mentioned person; but so that nothing in this section shall affect the liability of such agent or servant.

Duties and powers of Penghulus.

14. It shall be the duty of any Penghulu who discovers any breach of the provisions of this Enactment to report such breach to the District Officer or Collector of Land Revenue and such Penghulu is empowered to order the immediate clearing of any tree from a river or to stop any work being done without the issue of a licence.

Rules

15. (i) The Sultan in Council may make Rules, not inconsistent with this Enactment,

(a) to prescribe fees payable in respect of licences granted under this Enactment;

(b) to restrict to particular areas or rivers the issue by District Officers of licences, or specified kinds of licences under Section 5, and Section 7, and section 7(1);

(ii) All such Rules shall be published in the Gazette and shall thereupon have the force of law.

Repealing.

16. Upon the coming into force of this Enactment the provisions of law contained hereunder shall be repealed.

Enactment 3 of 1354.

T.P. 16/84

Tr. En. 6/84

247/1357

Enact. 10/71

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Peraturan P.U. 2/1969 dated 7.8.1969.

ENACTMENT SUNGAI
(Bil. 2 Tahun 1357)

PERATORAN ENACTMENT SUNGAI (BAYARAN LISEN) 1969.

PADA menjalankan kuasa yang di-beri oleh Seksyen 15(1) Enactment Sungai Bil. 2 tahun 1357 maka Majlis Mesuarat Kerajaan dengan ini membuat peratoran yang berikut :

1. Peratoran ini boleh-lah di-namakan Peratoran Enactment Sungai (Bayaran Lesen) 1969 dan hendak-lah di-sifatkan berjalan kuat-kuasa pada 18haribulan Jun, 1969.
2. Bayaran yang di-konkan bagi lesen yang di-keluarkan di-bawah ~~Seksyen 5 dan 7~~ Enactment Sungai Bil. 2 tahun 1357 ada-lah seperti berikut. *Tr. pu. 7/73*

- (a) Lesen di-bawah Seksyen 5(a)(i) dan Seksyen 5(a)(ii) - Perchuma
- (b) Lesen di-bawah Seksyen 5(a)(iii)
 - (i) Bagi sebuah jabatan - \$200.00 setahun
 - (ii) Bagi sebuah Tambatan - \$100.00 setahun
 - (iii) Bagi Pengkalan - Perchuma
- (c) Lesen di-bawah Seksyen 5(a)(iv) - \$75.00 setahun
- (d) Lesen di-bawah Seksyen 5(a)(v) - Perchuma
- (e) Lesen di-bawah Seksyen 7(b)(i) - \$70.00 setahun
- (f) Lesen di-bawah Seksyen 7(b)(ii) - \$360 setahun *Tr. pu.*
- (g) Lesen di bawah ~~Seksyen 7~~ *Aktisyon 7/73* - \$360 setahun *7/73*

3. (1) Lesen yang di-keluarkan di-bawah Seksyen 5(a)(i); 5(a)(ii); 5(a)(iv) dan 5(a)(v) ada-lah seperti Borang I.

BORANG I

LESEN DI-BAWAH ENACTMENT SUNGAI 1357

[Seksyen 5(a)(i); 5(a)(ii); 5(a)(iv) dan 5(a)(v)]

Lesen ini di-keluarkan kepada
di-alamat di-bawah Seksyen 5(a)(i)/
5(a)(ii)/5(a)(iv)/5(a)(v) Enactment Sungai Bil. 2 tahun
1357 ber-lama bulan mulai daripada hari-
bulan 19..... hingga haribulan
....., 19.....

Kenyataan Tempat
Bandar/Mukim/Kemping.
Daerah

Tarikh.....
Pegawai Plesen

Bayaran bagi lesen ini ada-lah \$..... (Ringgit)
Lesen ini di-keluarkan terta'alok kepada syarat2 yang
berikut -

- (1) Pellesen hendak-lah patoh kepada semua arahan, Pegawai Pellesen;
- (2) Lesen ini tidak boleh di-pindah kepada lain2 orang atau Badan;
- (3) Pellesen hendak-lah memohon kebenaran atau kelulusan dari pegawai2 yang berkenaan jika di-khendaki oleh mana2 Undang2;
- (4) Lesen ini akan luput jika pellesen mati atau pembubaran badan perkongsiannya atau syarikat yang pada masa itu berhak menerima faedah-nya;
- (5) Lesen ini boleh di-batalkan dengan serta merta tanpa bayaran ganti rugi tatkala melanggar sebarang syarat2 yang di-kandakan itu.

(ii) Lesen yang di-keluarkan di-bawah Seksyen 5(a)(iii) ada-lah seperti Borang 2 berikut :

BORANG 2
LESEN DI-BAWAH ENACTMENT SURGAI 1357
[Seksyen 5(a)(iii)]

Lesen ini di-keluarkan kepada
di-alamat di-bawah Seksyen 5(a)(iii).
(Jambatan/tambatan/penghalan) Enactment Surgai Bil. 2 tahun
1357 selama bulan mulai daripada haribulan
....., 19..... hingga haribulan.....
19.....

Kenyataan Tempat.
Bandar/Mukim/Kampung.
Merah.

Tarikh.....
Pegawai Pellesen

Bayaran bagi lesen ini ada-lah \$.....(Ringgit.....)
Lesen ini di-keluarkan terta'alok kepada syarat2 yang
berikut -

- (1) Pellesen hendak-lah patoh kepada semua arahan yang di-keluarkan oleh Pegawai Pellesen dari semasa ke-semasa;
- (2) Lesen ini tidak boleh di-pindah kepada lain2 orang atau badan;
- (3) Pellesen hendak-lah memohon kebenaran atau kelulusan dari pegawai2 yang berkenaan jika di-khendaki oleh mana2 undang2;

.....3/-

- (4) Lesen ini akan luput jika pelesen mati atau pembubaran badan perkongsian atau syarikat yang pada masa itu berhak menerima faedah-nya;
 - (5) Terta'alok kepada syarat 6 jambatan/tambatan/pengkalan hendak-lah di-buka kepada orang ramai;
 - (6) Pelesen tidak boleh mengenakan bayaran bagi pengguna2 jambatan/tambatan/pengkalan melainkan dengan kebenaran Pegawai2 Polmen;
 - (7) Semua perbalahan atau pertelingkahan berkaitan dengan kegunaan jambatan/tambatan/pengkalan hendak-lah di-rojokkan kepada Pegawai Pelesen. Keputusan Pegawai pelesen ada-lah mu'tamad;
 - (8) Lesen ini boleh di-batalkan dengan serta merta tanpa bayaran ganti rugi tatkala melanggar sebarang syarat yang di-kenakan.
- (11) Lesen yang di-keluarkan di-bawah Sekshen 7 ada-lah seperti seperti Borang 3 berikut:

BORANG 3
LESEN DI-BAWAH ENACTMENT SUNGAI 1357
[Sekshen 7(b)]

Lesen ini di-keluarkan kepada
di-alamat di-bawah Sekshen 7(b)(i)/
7(b)(ii) Enactment Sungai Bil. 2 tahun 1357 selama
bulan mulai daripada haribulan, 19...
tingga..... haribulan19.....

Kenyataan Tempat.
Bandar/Bukit/Kampung.
Daerah.

Terikh.....
.....
Pegawai Pelesen

Bayaran bagi lesen ini ada-lah \$.....(ringgit.....)
Lesen ini di-keluarkan terta'alok kepada syarat2 yang
berikut -

- (1) Ayer sungai hendak-lah di-gunakan sa-mata2 untuk
pergunaan
- (2) Pelesen hendak-lah menggunakan pipe, drain atau
channel bagi mengubahkan perjalanan ayer dari sungai
ke-kawasan yang di-lulus ini.
- (3) Pipe, drain atau channel ini hendak-lah sentiasa di-
jagai oleh Pelesen dan Pelesen ada-lah bertanggung-
jawab jika berlaku apa2 kerosakan atau kemalangan
kepada orang atau badan syarikat atau harta2 benda
di-keliling kawasan Pelesen.

Tr.PU.7 of 1973

BORANG 4
LESEN DI BAWAH ENAKMEN SUNGAI, 1357
(Seksyen 7A)

Lesen ini dikeluarkan kepada
di alamat
di bawah seksyen 7A Enakmen Sungai Bil.2 tahun 1357 selama
..... bulan mulai daripadaharibulan
..... 19 hinggaharibulan
..... 19

Kenyataan Tempat.
Bandar/Mukim/Kampung.
Daerah.

Lesen ini untuk tujuan:

.....
.....
.....
.....

Terikh

.....
Pegawai Pelesen

Payaran lesen ini adalah \$.....(Ringgit.....)

- (1) Setiausaha Kerajaan boleh mengenakan sebarang syarat-syarat dan sekatan-sekatan sebagaimana yang difikirkan nya menasabah ke atas lesen yang dikeluarkannya itu.
- (2) Lesen yang dikeluarkan di bawah seksyen 7A dalam Enakmen ini adalah sah bagi satu tahun kalendar.
- (3) Pelesen hendaklah patuh kepada semua arahan-arahan yang dikeluarkan oleh Pegawai Pelesen dari semasa ke semasa.
- (4) Lesen ini tidak boleh dipindah kepada lain-lain orang atau badan.
- (5) Lesen ini akan luput jika Pelesen mati atau pembubaran badan, perkongsian atau syarikat yang pada masa itu berhak menerima faedahnya.
- (6) Lesen ini boleh dibatalkan dengan serta merta tanpa gantirugi tatkala melanggar sebarang syarat-syarat yang dikenakan.

- 4) Pelesen hendaklah patch kepada semua arahan2 yang di-keluarkan oleh Pegawai Pelesen dari semasa ke-semasa.
- 5) Pelesen hendaklah memohon kebenaran dari Pegawai2 yang berkenaan jika di-khendaki oleh mana2 Undang2.
- 6) Lesen ini tidak boleh di-pindah kepada lain2 orang atau badan.
- 7) Lesen ini akan luput jika Pelesen mati atau pembubaran badan perkongsian atau shirkah yang pada masa itu berhak menerima faedahnya.
- 8) Lesen ini boleh di-batalkan dengan serta merta tanpa bayaran ganti rugi tatkala melanggar sebarang syarat2 yang di-kenakan itu.
- 9) *Te. Pu. 7/73*
Lesen yang di-khendaki di-kahwin ke Bgk (J.A) adalah seperti berang 4/6/68
Pembetulan Warta Kerajaan Bil. 242 bertarikh 24hb Oktober, dengan ini di-batalkan.

tarikh 18hari bulan Jun, 1969.
P. M. (S) 11/68)

WAN ABDUL MANAN BIN CHIK,
Setia Usaha Majlis Mesyuarat, Tr.