



LAWS OF SARAWAK

Chapter A106

SARAWAK BIODIVERSITY CENTRE
(AMENDMENT) ORDINANCE, 2003

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SARAWAK BIODIVERSITY CENTRE (AMENDMENT) ORDINANCE, 2003

An Ordinance to amend the Sarawak Biodiversity Centre Ordinance, 1997 [Cap. 24].

Enacted by the Legislature of Sarawak

Short title and commencement

1.- (1) This Ordinance may be cited as the Sarawak Biodiversity Centre (Amendment) Ordinance, 2003, and shall, subject to subsection (2), come into force on such date as the Minister may, by a notification in the *Gazette*, appoint.

(2) Section 11 shall be deemed to have come into force on the 1st day of January, 1999.

Amendment of section 2

2. Section 2 of the Sarawak Biodiversity Centre Ordinance, 1997 [*Cap. 24*] (in this Ordinance referred to as the "Principal Ordinance") is amended by substituting the word "Council" in line two of the definition of "Chief Executive Officer" with the words "Sarawak Biodiversity Centre".

Amendment of section 5

3. Section 5 of the Principal Ordinance is amended

(a) by adding after the word "medicinal" in the last line of paragraph (b) the word "therapeutic,"; and

(b) by substituting paragraphs (c), (f), (h) and (i) with the following new paragraphs (c), (f), (h) and (i):

"(c) maintaining a library of extracts of biological resources collected by the Sarawak Biodiversity Centre available for research, study or screening for bioactive compounds or their pharmaceutical, medicinal, thera

peutic or nutritional properties, or for agricultural purposes and for maintaining records of and databases for biological resources found in the State;

(f) undertaking studies, research and documentation of the traditional uses of biological resources by the native communities in the State, including ethnobotany or ethnobiology studies and research;

(h) providing facilities for the screening of bioactive compounds and molecular research, including the characterization of chemical compounds, of genes and of proteins;

(i) establishing linkages and partnership with other institutions or bodies, within or outside Malaysia to undertake research on or to develop pharmaceutical, medicinal, therapeutic, nutritional or agricultural products from the biological resources of the State; and

Amendment of section 6

4. Section 6 of the Principal Ordinance is amended by substituting paragraph (b) with the following new paragraph (b):

"(b) to undertake the collection of biological resources for research onto their medicinal or therapeutic properties and for the establishment of a library of extracts of biological resources for the purposes referred to in section 5(c);".

Amendment of section 11

5. Section 11 of the Principal Ordinance is amended by substituting the words "subsection (1)" in line three of subsection (1) with the words "section 10(1)".

Substitution of sections 21 and 22

6. Sections 21 and 22 of the Principal Ordinance are substituted by the following new sections:

"Protection of biological resources

21.-(1) The Council may, with the approval of the Minister, by notification in the *Gazette*, declare any biological resources as protected resources (hereinafter called "protected resources") by reason that such biological resources-

(a) upon research conducted by the Sarawak Biodiversity Centre or parties collaborating with the Sarawak Biodiversity Centre, have properties of medicinal, pharmaceutical, therapeutic or agricultural or nutritional values; or

(b) are required for the purpose of research undertaken by the Sarawak Biodiversity Centre for the purposes of this Ordinance; or

(c) have to be protected for the conservation or preservation thereof.

(2) No person shall, without a permit issued by the Council and subject to such terms and conditions as may be stipulated in such permit

(a) collect or take away any protected resources from their natural habitat or place where they are found or grown; or

(b) take any protected resources out of the State,

for the purpose of any scientific study or experiment or for medicinal or pharmaceutical or therapeutic research or development.

Penalty for collection of protected resources

22. Any person who, without a permit from the Council, collects or takes away any protected resources from their habitat or place where they are found or grown or take such resources out of the State, shall be guilty of an offence: Penalty, a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or both."

New sections 22A and 22B

7. The Principal Ordinance is amended by adding immediately after section 22 the following new sections 22A and 22B:

"Compliance with other laws

22A. Nothing in this Ordinance shall be deemed to have relieved a person from compliance with other relevant written laws pertaining to the collection, removal, taking

away of or removal of biological resources from any State land forest, protected forest, forest reserve, national park, nature reserve or wild life sanctuary.

Delivery of report of scientific study or research on biological resources in Sarawak

22B. Any person who conducts or carries out any scientific study or research on biological resources found in Sarawak shall, subject to and in accordance with regulations made under section 35(1), deliver, at his own expense, a copy of the final report of such scientific study or research to the Sarawak Biodiversity Centre."

Amendment of sections 23, 24 and 35(1)

8. Sections 23, 24 and 35(1)(d) of the Principal Ordinance are amended by substituting for the word "biological" wherever it appears the word "protected".

Amendment of section 26

9. Section 26 of the Principal Ordinance is amended by substituting the word "conductiong" in line seventeen with the word "conducting".

Substitution of section 32

10. Section 32 of the Principal Ordinance is substituted by the following new section:

"Conduct of prosecution

32. Prosecution of any offence under this Ordinance or its regulations may be conducted by the Public Prosecutor or any person duly authorized in writing by him under section 377 of the Criminal Procedure Code [**Act 593**]."

Amendment of section 35

11. Section 35 of the Principal Ordinance is amended by substituting the word "five" in line two and the words "one year" in line three of subsection (2)(b) with the word "fifty" and the words "three years" respectively.