



LAWS OF MALAYSIA

REPRINT

Act 313

NATIONAL FORESTRY ACT 1984

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

NATIONAL FORESTRY ACT 1984

Date of Royal Assent 24 December 1984

Date of publication in the *Gazette* 31 December 1984

PREVIOUS REPRINT

First Reprint 2001

LAWS OF MALAYSIA**Act 313****NATIONAL FORESTRY ACT 1984**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title, application and commencement
2. Interpretation

PART II**ADMINISTRATION**

3. Appointment of officers
4. Duties of the Director
5. Delegation of power by Director
6. Delegation of powers of State Authority to Director

PART III**PERMANENT RESERVED FOREST***Chapter 1—Constitution of Permanent Reserved Forests*

7. Power to constitute permanent reserved forests
8. Existing reserved forests deemed to be permanent reserved forests
9. Acquisition of land to be constituted a permanent reserved forest

Chapter 2—Classification of Permanent Reserved Forests

10. Director to classify permanent reserved forests

Chapter 3—Excision of Land from Permanent Reserved Forests

Section

11. State Authority may excise land from permanent reserved forest
12. State Authority to replace land excised from permanent reserved forest
13. State Authority to notify in the *Gazette* any excision of land from permanent reserved forest

PART IV

FOREST MANAGEMENT AND DEVELOPMENT

*Chapter 1—Proprietary Rights over Forest Produce in
Permanent Reserved Forests and State land*

14. All forest produce property of the State Authority
15. Prohibition on taking of forest produce from permanent reserved forest or State land unless licensed, *etc.*
16. Power to issue licences, use permits, *etc.*, by way of tenders, agreement, *etc.*
17. Buildings to vest in State Authority on determination of licences, *etc.*
18. Power of State Authority to vary provisions or extend time

Chapter 2—Licences

19. Power to license the taking of forest produce from permanent reserved forest or State land
20. Requirements to be satisfied by applicants
21. Durations, conditions and forms of licence
22. Renewal of licences
23. Licences not capable of transfer or assignment
24. Forest management plan, forest harvesting plan, *etc.*, to be carried into effect
25. Director may order licensee to cease operations where there has been a contravention of the Act or licence
26. Director may cancel Form 2 notice
27. Suspension and revocation of licence following service of Form 2 notice

Chapter 3—Minor Licences

28. Power to permit the taking of forest produce by way of minor licence

Section

29. Issuance of minor licences by Director
30. Durations, conditions, *etc.*, and form of minor licences
31. Minor licences not capable of transfer or transmission on death

Chapter 4—Use Permits

32. Occupations of, or carrying out activities upon, permanent reserved forest prohibited
33. Power to permit the occupation of, or the carrying out of activities in, permanent reserved forests
34. Issuance of use permits by Director
35. Use permits not to be issued for the purpose of taking forest produce
36. Durations, conditions, *etc.*, and form of use permits
37. Use permits not capable of transfer or transmission on death
38. Use permit may be suspended or revoked
39. Movable property remaining on land on expiration of use permit

Chapter 5—Removal Licence

40. Removal licence is required for the removal of forest produce from certain land
41. Power to permit removal of forest produce
42. Issuance of removal licences by Director
43. Durations, conditions, *etc.*, and form of removal licences
44. Removal licences not capable of transfer or transmission on death

Chapter 6—Entry into Permanent Reserved Forest

45. Power to declare permanent reserved forest open forest or closed forest
46. State Authority to consider protection of the forest and needs of the public, *etc.*
47. No entry into closed forests with certain exceptions
48. Power to suspend rights of entry
49. Power to limit rights of entry into open forest

Chapter 7—Roads in Permanent Reserved Forests and Licence Areas

50. Use of forest roads without road permit prohibited

Section

51. Director may construct forest roads
52. Licensee to construct and maintain roads
53. Licensee entitled to use roads constructed or maintained by him
54. Director may require user of forest roads to pay toll to licensee
55. Non-liability of the Director or State Authority for lack of repair of forest roads

Chapter 8—Forest Development Fund

56. Establishment and administration of the Forest Development Fund
57. Moneys to be paid into the Fund
58. Purposes of the Fund
59. Accounts and audit
60. Forest development cess

PART V

ROYALTY AND PREMIUM

Chapter 1—Royalty

61. Royalty payable to State Authority
62. Power to remit, commute or waive royalty
63. Failure to cut and remove forest produce

Chapter 2—Marking of Forest Produce

64. Director to maintain register of property marks
65. Licensee to mark forest produce

Chapter 3—Measurement of Forest Produce

66. Place of measurement of forest produce removed from licence area
67. Place of measurement of forest produce removed from alienated land and mining land

Chapter 4—Possession of Forest Produce

Section

68. Removal pass
69. Conversion plant operator required to have removal pass and record of measurement
70. Issuance and form of removal pass
71. Exemption

Chapter 5—Payment of Royalty, Premium, Cess and Other Charges Payable to the State Authority

72. Royalty, *etc.*, payable when assessed
73. Title to forest produce
74. Forest produce vests in the State Authority if royalty, *etc.*, unpaid
75. Deposit to secure payment

PART VI

UNCLAIMED TIMBER

76. Unclaimed timber deemed to be property of State Authority
77. Public notice of timber collected under section 76
78. Procedure on claim to timber
79. Disposal of unclaimed timber
80. Payment to be made by claimant before delivery of timber

PART VII

MISCELLANEOUS OFFENCES AND PENALTIES

81. Acts prohibited in permanent reserved forests
82. Prohibition as to fire
83. Offensive littering
84. Unlawful possession of forest produce
85. Removal pass required for inter-State movement of forest produce
86. Penalty for counterfeiting or defacing, or possessing implements for counterfeiting, marks on trees and timber and altering boundary marks
87. General penalty

PART VIII

ENFORCEMENT

Chapter 1—Power of Arrest, Search, Seizure and Investigation

Section

88. Power of arrest, seizure and investigation
89. Seizure of forest produce the subject of an offence
90. Search with warrant
91. Search without warrant
92. Power to stop and search conveyances

Chapter 2—Provisions Relating to Things Seized

93. Duty of seizing officer
94. Forfeiture of things seized
95. No costs, damages, *etc.*, on seizure

Chapter 3—Miscellaneous

96. Forest officer may enter and inspect conversion plant, *etc.*
97. Director may for certain reasons prohibit the taking of forest produce
98. Director may close watercourse or forest road
99. Authority cards
100. Furnishing of information to forest officer
- 100A. Rewards
- 100B. Protection of informers
101. Compounding of offences
- 101A. Power of court to order revocation and disqualification

PART IX

MISCELLANEOUS

102. Service of notices
103. Action by and against the State Authority
104. Presumptions
105. Certificate of the Director as to the value of forest produce, *etc.*
106. Protection of forest officers, police officers, members of the armed forces and other persons

Section

- 107. Abuse of power
- 108. Recovery of money due to the State Authority
- 109. Offences committed by corporations
- 110. Offences committed by partner, servant or agent
- 110A. Offences committed by licensee or holder of permit
- 111. Rules

PART X

REPEALS, TRANSITIONAL PROVISIONS, *ETC.*

- 112. Repeal of existing laws
- 113. Savings
- 114. Modifications for Federal Territory of Kuala Lumpur
- 115. Transitional provision with respect to officers
- 116. Power of State Authority to make additional transitional provisions, *etc.*
- 117. Transitional provision with respect to rules, orders, *etc.*

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

LAWS OF MALAYSIA**Act 313****NATIONAL FORESTRY ACT 1984**

An Act to provide for the administration, management and conservation of forests and forestry development within the States of Malaysia and for connected purposes.

*[Federal Territory of Kuala Lumpur—
1 April 1986, P.U. (B) 148/1986;
Federal Territory of Labuan—
15 January 1994, P.U. (B) 27/1994]*

WHEREAS it is now expedient for the purpose only of promoting uniformity of the laws of the States of Malaysia to make a law with respect to the administration, management and conservation of forests and forestry development:

Now, therefore, pursuant to Clause (1)(b) of Article 76 of the Federal Constitution, **BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title, application and commencement**

1. (1) This Act may be cited as the National Forestry Act 1984 and shall apply throughout Malaysia.

(2) This Act shall not come into force in a State unless it has been adopted by a law made by the Legislature of the State pursuant to Clause (3) of Article 76 of the Federal Constitution.

(3) This Act shall come into force in the Federal Territory of Kuala Lumpur on such date as the Minister may, by notification in the *Gazette*, appoint.

(4) This Act shall come into force in any other Federal Territory on such date as the Minister may, by notification in the *Gazette*, appoint; and in its application in such Territory this Act shall be subject to such modifications as the Minister may, from time to time, by order provide.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“assessment” means a statement in writing addressed to any person specifying the amount of any royalty, premium, cess, charges or other sum of money payable to the State Authority by the person to whom the statement is addressed;

“boundary mark” includes any survey stone, iron pipe or spike, wooden peg or post, concrete post or pillar, marked tree or other survey mark caused to be made by the Director;

“cattle” includes elephant, buffalo, horse, pony, mule, ass, pig, sheep and goat;

“closed forest” means any permanent reserved forest or part thereof declared or deemed to be a closed forest under section 45;

“conversion plant” means any plant, factory or premises, with or without structures or improvements, in or upon which forest produce is or may be converted;

“convert” in relation to forest produce means to process or treat in any way other than—

- (a) to harvest, collect or remove the forest produce from the place where it is harvested or collected;
- (b) to buck, limb or debark when necessary for or incidental to the purpose of removal from any forest; or
- (c) to fashion forest produce in any forest where specifically authorized by any rules;

“converted timber” means wood which has been cut, sawn, hewn, split, shaped or fashioned into pieces intended for use for any purpose other than as fuel;

“conveyance” includes ship, train, vehicle, aircraft or any other means of transport by which persons or goods can be carried;

“Director” means a State Director of Forestry appointed under subsection 3(1) and includes the State Deputy Director of Forestry, and in sections 25, 26 and 27 also includes the District Forest Officer;

“entry permit” means a permit to enter a permanent reserved forest issued under paragraph 47(1)(c);

“forest harvesting plan” means an operating plan prescribing the manner and method for the taking of trees from a particular permanent reserved forest or State land, or part thereof, to secure the orderly taking of such trees;

“forest management plan” means an operating plan relating to silvicultural, economic or conservation activity or programme prescribed for a particular permanent reserved forest or part thereof to secure the orderly taking, renewal and conservation of trees in accordance with the principle of sustained yield;

“forest offence” means an offence under this Act;

“forest officer” means an officer appointed under subsection 3(1);

“forest produce” includes —

(a) the following when found in or brought from a permanent reserved forest:

guano, peat, rock, sea-sand, river-sand, sea-shells, shell-sand and surface soil;

(b) the following when found in or brought from a permanent reserved forest or State land:

(i) trees and all parts or produce not hereinafter mentioned of trees;

(ii) plants including climbers, creepers and grasses, and all parts or produce of such plants;

(iii) silk, cocoons, honey and wax and edible bird’s nests;

(c) the following whether found in or brought from a permanent reserved forest, State land, mining land, reserved land or alienated land:

timber, fuelwood, charcoal, *getah*, *getah taban* leaves, wood oil, bark, extracts of bark, *damar* and *atap*;

“forest road” means any road situated within a permanent reserved forest but does not include a road declared to be Federal or State road;

“Form”, followed by a number, means the form in the First Schedule identified by that number;

“Form 2 notice” means the notice issued under section 25;

“fuelwood” means timber suitable only for consumption as fuel, or timber lawfully cut for consumption as fuel and used, or, in the opinion of the Director, intended to be used for no other purpose;

“guano” includes the excrement of birds and of bats;

“licence” means a licence issued under Chapter 2 of Part IV;

“licence area” means the area demarcated under paragraph 20(a);

“licensee” means a person issued with a licence;

“major forest produce” means the forest produce specified in Part A of the Second Schedule;

“mark” in relation to forest produce means to mark, paint, brand, tag or otherwise to identify the forest produce; and “a mark” includes any letter, number, symbol or other mark, used for identifying forest produce;

“member of the armed forces” means any member of the armed forces not below the rank of Lance Corporal;

“Minister” means the Minister responsible for forestry;

“minor forest produce” means the forest produce specified in Part B of the Second Schedule;

“minor licence” means a minor licence issued under Chapter 3 of Part IV;

“open forest” means any permanent reserved forest or part thereof declared to be an open forest under section 45;

“permanent reserved forest” means any land constituted or deemed to have been constituted a permanent reserved forest under this Act;

“pole” means any section cut from a tree, and having a diameter of less than thirty centimetres at its larger end, which has not been further prepared for use other than the removal of bark and projection branches;

“police officer” means any member of the Royal Malaysia Police;

“premium” includes any sum authorized to be assessed in lieu of premium;

“prescribed” means prescribed by any rules;

“previous forest law” means any law relating to forest in force in the State at any time before the commencement of this Act;

“property mark” means a mark which a licensee is entitled to place on timber to denote that he is entitled to the ownership of such timber on payment of all royalty, cess and other charges payable to the State Authority on such timber and on obtaining a removal pass;

“record of measurement” means a record of the measurement of forest produce made by any forest officer in accordance with the provisions of Chapter 3 of Part V and of any rules;

“reforestation plan” means an operating plan relating to the establishment of a tree crop or the renewal of trees over an area within a permanent reserved forest;

“removal licence” means a removal licence issued under Chapter 5 of Part IV;

“removal pass” means a pass for the removal of forest produce issued under section 70;

“road” includes any trail, path, bridge and clearings for laying of rails;

“road permit” means a road permit issued under section 50;

“round timber” means any section cut from a tree, and having a diameter of not less than thirty centimetres at its larger end, which has not been prepared for use otherwise than by removal of bark and branches and either rough squaring or longitudinal division into not more than four pieces in order to facilitate transport or conversion;

“royalty” includes any sum authorized to be assessed in lieu of royalty;

“rules” means rules made under this Act;

“servant” means any person whether or not he is a citizen of Malaysia who is employed for wages;

“State Financial Authority” has the same meaning assigned to it in the Financial Procedure Act 1967 [*Act 61*];

“take” in relation to forest produce includes every activity involved in—

- (a) the harvesting, collecting, tapping, mining, quarrying or removing, of any forest produce;
- (b) the injuring or damaging of forest produce; or
- (c) the grazing of cattle upon the forest produce;

“timber” includes trees when they have fallen or been felled, and all wood whether or not cut up, fashioned or hollowed out for any purpose;

“tree” includes root, stump, stem, branch, leaf, brushwood, palm, bamboo, cane, rattan and creeper;

“use permit” means a use permit issued under Chapter 4 of Part IV.

(2) Subject to subsection (1) and unless the context otherwise requires, all words and expressions used in this Act which are defined in the National Land Code [*Act 56 of 1965*] shall be deemed to have the meanings attributed to them by that Code:

Provided that in the State of Terengganu “alienated land” also includes concessions granted under a royal prerogative prior to the enactment of any land law.

(3) In this Act, any reference to this Act or any particular written law includes a reference to any subsidiary legislation made thereunder.

PART II

ADMINISTRATION

Appointment of officers

3. (1) For the purposes of this Act, the State Authority may appoint a State Director of Forestry and so many Deputy State Directors of Forestry, Assistant State Directors of Forestry, District Forest Officers, Assistant District Forest Officers and other officers as may be necessary.

(2) The appointments of the State Director of Forestry, Deputy State Director of Forestry, Assistant State Director of Forestry, District Forest Officer, Assistant District Forest Officer and other officers as may be necessary shall be published in the *Gazette*.

Duties of the Director

4. The Director shall—

- (a) be responsible to the State Authority for the due administration within the State of the provisions of this Act;
- (b) cause to be prepared and implemented State forest management plans which shall prescribe the allowable cut either in terms of volume or area, in accordance with the principle of sustained yield;
- (c) cause to be prepared and implemented reforestation plans;
- (d) cause to be reviewed from time to time the State forest management plans and reforestation plans prepared under paragraphs (b) and (c) respectively;
- (e) cause to be prepared and implemented programmes relating to amenity forests;
- (f) cause to be prepared an annual report on the activities of the State Forestry Department during the preceding financial

year and submit such report to the State Authority and the Director General of the Federal Forestry Department before 30 June of each year;

- (g) cause to be prepared and submitted to the State Financial Authority before 30 September of each year an annual budget in respect of the following financial year for the purposes of paragraphs (b), (c), (d), (e) and (f);
- (h) perform such other duties as the State Authority may from time to time determine.

Delegation of power by Director

5. (1) The Director may, delegate in writing, subject to such conditions and restrictions as may be prescribed in the instrument of delegation, the exercise and performance of—

- (a) any power or duty conferred or imposed on him under this Act to any forest officer not below the rank of Assistant District Forest Officer; and
- (b) any power or duty conferred or imposed on him under section 88, 89, 90, 91, 92 or 93 to any member of the armed forces:

Provided that a delegation to any member of the armed forces under section 88 shall not include the power of investigation.

(2) Any delegation under this section with respect to any power or duty shall not prevent the Director from himself exercising that power or performing that duty in any case where it appears to him expedient to do so.

Delegation of powers of State Authority to Director

6. The State Authority may, by notification in the *Gazette*, delegate to the Director the exercise or performance (subject to such conditions and restrictions as may be prescribed in the notification) of any power or duty conferred or imposed on the State Authority under this Act:

Provided that—

- (a) this section shall not apply to any power of the State Authority under this Act to make rules; and
- (b) the giving of a notification under this section with respect to any power or duty shall not prevent the State Authority from itself exercising that power or performing that duty in any case where it appears to the State Authority expedient to do so.

PART III

PERMANENT RESERVED FORESTS

Chapter 1—Constitution of Permanent Reserved Forests

Power to constitute permanent reserved forests

7. (1) The State Authority may constitute any land a permanent reserved forest by publishing in the *Gazette* a notification—

- (a) specifying the situation and extent of such land; and
- (b) declaring that such land shall be a permanent reserved forest from a date fixed by the notification.

(2) From the date so fixed, such land shall be a permanent reserved forest.

Existing reserved forests deemed to be permanent reserved forests

8. Any land which has been constituted a reserved forest under any previous forest law shall be deemed to be a permanent reserved forest.

Acquisition of land to be constituted a permanent reserved forest

9. If the State Authority considers it expedient to constitute any land, not being a State land or reserved land or land vested in the State Authority, a permanent reserved forest, it may cause such land to be acquired in accordance with any written law relating to the acquisition of land for a public purpose for the time being

in force in the State and any declaration required under such written law may be made, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

Chapter 2—Classification of Permanent Reserved Forests

Director to classify permanent reserved forests

10. (1) The Director, with the approval of the State Authority, shall by notification in the *Gazette*, classify every permanent reserved forest under one or more of the following classifications which shall be descriptive of the purpose or purposes for which the land is being or intended to be used:

- (a) timber production forest under sustained yield;
- (b) soil protection forest;
- (c) soil reclamation forest;
- (d) flood control forest;
- (e) water catchment forest;
- (f) forest sanctuary for wild life;
- (g) virgin jungle reserved forest;
- (h) amenity forest;
- (i) education forest;
- (j) research forest;
- (k) forest for federal purposes.

(2) For the purposes of subsection (1), any permanent reserved forest may be divided into several parts and each part, the situation and extent of which shall be specified in the notification, may be classified under one or more of the classifications enumerated in subsection (1).

(3) The Director, with the approval of the State Authority, shall, by notification in the *Gazette*, change the classification of any permanent reserved forest or part thereof classified under subsection (1) if there is a change in the purpose or purposes for which such forest or part thereof had been classified.

(4) A permanent reserved forest, until classified under subsection (1), shall be deemed to have been classified under paragraph (1)(a).

Chapter 3—Excision Of Land from Permanent Reserved Forests

State Authority may excise land from permanent reserved forest

11. (1) The State Authority, if satisfied that any land in a permanent reserved forest—

- (a) is no longer required for the purpose for which it was classified under section 10; and
- (b) is required for economic use higher than that for which it is being utilized,

may excise such land from the permanent reserved forest.

State Authority to replace land excised from permanent reserved forest

12. Where any land is excised under section 11 the State Authority shall, wherever possible and if it is satisfied that it is in the national interest so to do having regard to—

- (a) the need for soil and water conservation, biodiversity and other environmental consideration;
- (b) the need to sustain timber production in the State in order to meet the requirements of the forest industry;
- (c) the economic development of the State; and
- (d) the availability of suitable land,

constitute in accordance with section 7 an approximately equal area of land a permanent reserved forest.

State Authority to notify in the *Gazette* any excision of land from permanent reserved forest

13. (1) Whenever any land is excised from a permanent reserved forest, the State Authority shall cause to be published in the *Gazette* a notification—

- (a) specifying the situation and extent of such land; and

- (b) declaring that such land shall cease to be a permanent reserved forest from a date fixed by the notification.

(2) From the date so fixed, such land shall cease to be a permanent reserved forest.

PART IV

FOREST MANAGEMENT AND DEVELOPMENT

Chapter 1—Proprietary Rights over Forest Produce in Permanent Reserved Forests and State land

All forest produce property of the State Authority

14. All forest produce situate, lying, growing or having its origin within a permanent reserved forest or State land shall be the property of the State Authority except where the rights to such forest produce have been specifically disposed of in accordance with the provisions of this Act or any other written law.

Prohibition on taking of forest produce from permanent reserved forest or State land unless licensed, etc.

15. (1) No person shall take any forest produce from a permanent reserved forest or a State land except—

- (a) under the authority of a licence, minor licence or use permit; or
(b) in accordance with any other written law.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *five hundred thousand ringgit and to imprisonment for a term which shall not be less than one year but shall not exceed twenty years.

(3) Any person convicted of an offence under this section may, in addition to any penalty imposed on the conviction, be ordered to pay, in respect of any forest produce unlawfully taken, to the State Authority—

- (a) a sum not exceeding ten times the royalty, premium and cess;

*NOTE—Previously “ten thousand ringgit or to imprisonment for a term not exceeding three years or to both”—see the National Forestry (Amendment) Act 1993 [Act A864].

(b) a sum not exceeding ten times the value of such forest produce; and

(c) any other charges payable,

and any sum ordered to be so paid shall be recoverable as if it were a fine so imposed.

Power to issue licences, use permits, etc., by way of tenders, agreement, etc.

16. Any permission—

(a) to take forest produce from a permanent reserved forest or State land by way of licence or minor licence; or

(b) to occupy or carry out any activity upon any land in a permanent reserved forest by way of a use permit,

may be granted by the State Authority—

(aa) after it has caused to be invited tenders in respect thereof;

(bb) after it has negotiated an agreement in respect thereof; or

(cc) in such other manner or by such other process as it may deem fit in the circumstances of any particular case.

Buildings to vest in State Authority on determination of licences, etc.

17. (1) On the determination of any licence, minor licence or use permit issued under this Act or any previous forest law, there shall, subject to subsection (3), vest in the State Authority all buildings on the land (by whomsoever erected) other than any of temporary construction and capable of removal.

(2) Subject to subsection (3), no compensation shall be payable by the State Authority in respect of any building vesting in it pursuant to this section.

(3) Subsections (1) and (2) shall have effect subject to any provision to the contrary in the licence or permit.

Power of State Authority to vary provisions or extend time

18. The State Authority may—

- (a) vary or rescind any provision contained in any licence, minor licence, use permit or removal licence issued under this Act or the provisions of any previous forest law, where satisfied that compliance therewith is impossible or that great hardship would otherwise accrue to the licensee or holder of the minor licence, removal licence or use permit, as the case may be; and
- (b) to extend on such terms as the State Authority may think fit to impose, the time within which any act is required to be done by any provision of this Act.

*Chapter 2—Licences***Power to license the taking of forest produce from permanent reserved forest or State land**

19. The State Authority may, in accordance with the provisions of this Chapter and of any rules, permit the taking of forest produce under licence from any permanent reserved forest or State land.

Requirements to be satisfied by applicants

20. Unless otherwise exempted by the State Authority, before any licence is issued, the Director shall require the applicant to do any or all of the following:

- (a) to demarcate on the ground the area or part thereof covered by the licence, the situation and extent of which shall be determined by the Director in accordance with the provisions of the licence, within which operations will be carried out by the applicant on becoming a licensee;
- (b) to prepare—
 - (i) a forest management plan or forest harvesting plan; and
 - (ii) a reforestation plan in the manner to be specified by the Director;

- (c) to register with the Director a property mark which is approved by the Director.

Durations, conditions and form of licence

21. (1) Except in so far as it is otherwise prescribed, every licence shall be issued for a term of twelve months from the date of issue thereof, and, subject to section 22, may be renewed from time to time.

(2) Every licence shall have effect subject to such provisions as may be contained therein and, so far as not inconsistent therewith, to any other provisions which may be prescribed.

(3) Every licence shall be in Form 1 and, in the case of renewal of such licence, it shall be endorsed with a note of such renewal and the date of its intended expiry.

Renewal of licences

22. (1) Licences may, subject to any contrary direction by the State Authority and to any rules, be renewed on behalf of the State Authority by the Director.

(2) Every application for the renewal of a licence shall be submitted to the Director not later than thirty days before the expiry thereof.

(3) If the Director approves the application, he may renew the licence for a term not exceeding six months, and in so renewing may vary, delete or add to the provisions contained therein.

Licence not capable of transfer or assignment

23. (1) Except as provided in subsections (2) and (3), a licence shall not be capable of transfer or assignment and every licence shall terminate on the death of the person, or dissolution of the body, for the time being the holder thereof.

(2) A licence issued to a statutory body may be transferred or assigned with the prior written consent of the State Authority.

(3) The State Authority may, in the event of the death or incapacity of the person for the time being the holder of a licence, authorize the transfer or assignment of the licence.

Forest management plan, forest harvesting plan, etc., to be carried into effect

24. (1) A licensee who has been required under section 20 to prepare—

- (a) a forest management plan or forest harvesting plan, as the case may be; and
- (b) a reforestation plan,

shall, from a date to be appointed by the Director, carry them into effect to the satisfaction of the Director.

(2) Where a licensee, without reasonable excuse, fails to carry into effect a reforestation plan to the satisfaction of the Director, the Director may in addition to revoking the licence, require the licensee to pay forthwith to the State Authority a sum equivalent to the amount that would be incurred by the State Authority if it were to undertake or to engage any person to carry into effect the plan, such amount to be assessed by the Director in accordance with the guidelines and rates which the State Authority may prescribe.

Director may order licensee to cease operations where there has been a contravention of the Act or licence

25. (1) Where the Director has reason to believe that a licensee has contravened any of the provisions of this Act or of a licence, he may, by serving a notice in Form 2 on such licensee, order such licensee, his servants and agents to cease immediately all operations in the licence area or any part thereof.

(2) Any person who fails to comply with a Form 2 notice shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment; and if the offence is a continuing one, to a further fine not exceeding ***one thousand ringgit for every day or part of a day during which the offence has continued.

Director may cancel Form 2 notice

26. The Director may at any time cancel a Form 2 notice if he considers it just or expedient to do so.

*NOTE—Previously “five thousand ringgit”—see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “two years”—see the National Forestry (Amendment) Act 1993 [Act A864].

***NOTE—Previously “three hundred ringgit”—see the National Forestry (Amendment) Act 1993 [Act A864].

Suspension and revocation of licence following service of Form 2 notice

27. (1) Save where the Form 2 notice is sooner cancelled under section 26, the Director shall within sixty days of the service thereof, require the licensee named in the notice to appear before him and to show cause as to why his licence should not be suspended or revoked.

(2) A person called upon to show cause under subsection (1) shall be supplied by the Director with particulars in writing of the contravention alleged against him, and he may appear in person or be represented by any person authorized by him in writing.

(3) If after the hearing the Director is satisfied that the licensee has contravened any of the provisions of this Act or of the licence, he may—

(a) revoke the licence; or

(b) suspend the licence for such period as he may determine.

(4) A person aggrieved by any decision of the Director under subsection (3) may, within thirty days of the receipt by him of the decision, appeal to the State Authority whose decision shall be final.

(5) A decision of the Director under subsection (3) shall be of immediate effect notwithstanding any appeal under subsection (4).

Chapter 3—Minor Licences

Power to permit the taking of forest produce by way of minor licence

28. The State Authority may, in accordance with the provisions of this Chapter and of any rules, permit the taking under licence (to be known as minor licence) of any major forest produce not exceeding seventy cubic metres or any minor forest produce from any—

(a) permanent reserved forest; or

(b) State land.

Issuance of minor licences by Director

29. Minor licences may, subject to any contrary direction by the State Authority and to any rules, be issued or renewed on behalf of the State Authority by the Director.

Durations, conditions, etc., and form of minor licences

30. (1) Except in so far as it is otherwise prescribed, every minor licence shall be issued for a term expiring not later than the end of the calendar year in which it commences, and, subject to subsection (3), may be renewed from time to time.

(2) Every minor licence shall have effect subject to such provisions as may be contained therein and, so far as not inconsistent therewith, to any other provisions which may be prescribed.

(3) The Director may, on the application of a holder of a minor licence made not later than thirty days before the expiry thereof, renew the minor licence for a term of not more than six months, and when renewing a minor licence, the Director may vary, delete or add to the provisions contained therein.

(4) Every minor licence shall be in Form 3 and in the case of renewal of such licence it shall be endorsed with a note of such renewal and the date of its intended expiry.

Minor licences not capable of transfer or transmission on death

31. A minor licence shall not be capable of assignment; and every minor licence shall terminate on the death of the person, or dissolution of the body, for the time being the holder thereof.

*Chapter 4—Use Permits***Occupation of, or carrying out activities upon, permanent reserved forest prohibited**

32. (1) Subject to subsection (3), no person shall occupy or carry out any activity upon any land within a permanent reserved forest, unless he is the holder of a use permit.

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

(3) Subsection (1) shall not apply to the occupation of, or the carrying out of any activity upon, any land in a permanent reserved forest if such act or activity is—

- (a) the exercise of a right conferred or the performance of a duty imposed by any licence, minor licence, entry permit or road permit; or
- (b) authorized or required to be done under this Act.

Power to permit the occupation of, or the carrying out of activities in, permanent reserved forests

33. (1) The State Authority may, in accordance with the provisions of this Chapter and of any rules, permit the occupation of, or the carrying out of any activity upon, any land in a permanent reserved forest.

(2) Permits to occupy or carry out any activity upon any land within a permanent reserved forest issued by the State Authority under subsection (1) shall be known as use permits.

Issuance of use permits by Director

34. Use permits may, subject to any contrary direction by the State Authority and to the provisions of any rules, be issued or renewed on behalf of the State Authority by the Director for the carrying out of any of the following activities:

- (a) research;
- (b) education or training;
- (c) recreation;
- (d) use of water resources except the construction or operation of hydro-electric dams;
- (e) cultivation of vegetables and fodder crops;
- (f) establishment of conversion plants;
- (g) establishment of logging infrastructures.

*NOTE—Previously “five thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “two years” —see the National Forestry (Amendment) Act 1993 [Act A864].

Use permits not to be issued for the purpose of taking forest produce

35. Nothing in this Chapter shall be construed as authorizing the issue of a use permit for the purpose of permitting the holder thereof to take forest produce from a permanent reserved forest, however a use permit issued may contain a provision permitting the holder thereof to take forest produce from the area specified in the permit if—

- (a) the taking of such forest produce is incidental to or necessary for the purpose for which the use permit is issued; or
- (b) such forest produce is, under the use permit, allowed to be grown by the holder thereof.

Durations, conditions, etc., and form of use permits

36. (1) Except in so far as it is otherwise prescribed, every use permit shall be issued for a term expiring not later than the end of the calendar year in which it commences, and, subject to subsection (3), may be renewed from time to time.

(2) Every use permit shall have effect subject to such provisions as may be contained therein and, so far as not inconsistent therewith, to any other provisions which may be prescribed.

(3) The Director may, on the application of a holder of a use permit made not later than thirty days before the expiry thereof, renew the use permit for a term of not more than one calendar year, and when renewing a use permit, the Director may vary, delete or add to the provisions contained therein.

(4) Every use permit shall be in Form 4 and, in the case of renewal of such use permit, it shall be endorsed with a note of such renewal and the date of its intended expiry.

Use permits not capable of transfer or transmission on death

37. A use permit shall not be capable of assignment; and every use permit shall terminate on the death of the person, or dissolution of the body, for the time being the holder thereof.

Use permit may be suspended or revoked

38. A use permit may be suspended or revoked in the manner and to the extent provided in sections 25, 26 and 27 as if a use permit were a licence referred to in those sections.

Movable property remaining on land on expiration of use permit

39. Any movable property brought upon the land covered by a use permit may be removed by the owner thereof during the term of the use permit, but if any movable property remains on such land for more than ninety days after the expiry or revocation of the permit, the Director may dispose of the property in such manner as he considers fit, and may recover from the owner thereof or the holder of the use permit such expenses as are incurred by him in disposing of such property.

Chapter 5—Removal Licence

Removal licence is required for the removal of forest produce from certain land

40. (1) No person shall remove any forest produce from any—
 (a) alienated land;
 (b) land held under a temporary occupation licence;
 (c) mining land; or
 (d) reserved land,

unless he is the holder of a removal licence.

(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *five hundred thousand ringgit and to imprisonment for a term which shall not be less than one year but shall not exceed twenty years.

(2A) Any person convicted of an offence under this section may, in addition to any penalty imposed on the conviction, be

*NOTE—Previously “one thousand ringgit or to imprisonment for a term not exceeding six months or to both” –see the National Forestry (Amendment) Act 1993 [Act A864].

ordered to pay, in respect of any forest produce unlawfully taken, to the State Authority—

- (a) a sum not exceeding ten times the royalty, premium and cess;
- (b) a sum not exceeding ten times the value of such forest produce; and
- (c) any other charges payable,

and any sum ordered to be so paid shall be recoverable as if it were a fine so imposed.

(3) The State Authority may exempt from this section any forest produce removed from any alienated land by any aborigine for any of the purposes specified under paragraph 62(2)(b).

Power to permit removal of forest produce

41. The State Authority may, in accordance with the provisions of this Chapter and of any rules, permit the removal under licence (to be known as removal licence) of any forest produce from any—

- (a) alienated land;
- (b) reserved land;
- (c) mining land; or
- (d) land held under a temporary occupation licence.

Issuance of removal licences by Director

42. (1) Removal licences may, subject to any contrary direction by the State Authority and to any rules, be issued on behalf of the State Authority by the Director.

(2) A removal licence shall only be issued—

- (a) in the case of alienated land, to the owner of the land or, with his consent, to any other person;
- (b) in the case of land held under temporary occupation licence, to the holder of the licence or, with his consent, to any other person;

- (c) in the case of a mining land, to the person to whom the mining lease or certificate has been granted or issued or, with his consent, to any other person; or
- (d) in the case of reserved land—
 - (i) to the person who is designated under the National Land Code as the officer for the time being having the control of the reserved land or, with his consent, to any other person; or
 - (ii) if such land has been leased by the State Authority, to the person to whom the lease has been granted or, with his consent, to any other person.

Durations, conditions, etc., and form of removal licences

43. (1) Except in so far it is otherwise provided, every removal licence shall be issued for a term not exceeding six months from the date of issue thereof.

(2) Every removal licence shall have effect subject to such provisions as may be contained therein and, so far as not inconsistent therewith, to any other provisions which may be prescribed.

(3) Every removal licence shall be in Form 5.

Removal licences not capable of transfer or transmission on death

44. A removal licence shall not be capable of assignment; and every removal licence shall terminate on the death of the person, or dissolution of the body, for the time being the holder thereof.

Chapter 6—Entry Into Permanent Reserved Forest

Power to declare permanent reserved forest open forest or closed forest

45. The State Authority may, by notification in the *Gazette*, declare any permanent reserved forest or part thereof to be an open forest or a closed forest, and until a permanent reserved forest or part thereof has been so declared to be an open forest it shall be deemed to be a closed forest.

State Authority to consider protection of the forest and needs of the public, etc.

46. In exercising the powers under section 45, the State Authority shall give due consideration to the necessity of protecting the forest and the environment and to the recreational and other needs of the public.

No entry into closed forests with certain exceptions

47. (1) No person shall enter any closed forest except—

- (a) a licensee, his servants or agents, but only for the purpose of exercising the rights granted by the licence;
- (b) a forest officer or a person authorized by any other written law, but only for the purposes of carrying out the functions for which he is appointed or authorized;
- (c) a person holding a permit to enter permanent reserved forest, but only for the period stated in the permit;
- (d) a holder of a use permit, his servants and agents, but only for the purpose of exercising the rights granted by the use permit; and
- (e) any other person authorized in writing by the Director but only for the purpose authorized.

(2) An entry permit may only be issued by the Director or by a forest officer authorized by the Director to issue the same.

(3) Every entry permit shall be in Form 6.

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

*NOTE—Previously “five hundred ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “three months” —see the National Forestry (Amendment) Act 1993 [Act A864].

Power to suspend rights of entry

48. The Director or any officer authorized to issue entry permits may suspend the right of entry of any of the persons referred to in paragraphs 47(a), (c) and (d)—

- (a) if he has reasonable cause to suspect that there has been a breach of—
 - (i) any of the provisions of this Act; or
 - (ii) any of the provisions of a licence, minor licence, use permit, entry permit or road permit; or
- (b) if there has been an occurrence of an event or condition or fire or other hazard that may endanger the forest.

Power to limit rights of entry into open forest

49. The Director may impose such conditions and restrictions as he considers fit on the rights of entry into an open forest of any person or class of persons.

*Chapter 7—Roads in Permanent Reserved Forest and
Licence Area*

Use of forest roads without road permit prohibited

50. (1) No person shall use any motor vehicle on any forest road unless he is the holder of a road permit issued by the Director.

(2) Every road permit shall be in Form 7.

(3) The Director may exempt any person or class of persons from subsection (1).

(4) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *ten thousand ringgit.

(5) In this section, “motor vehicle” means every description of vehicle propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads, and includes a trailer.

*NOTE—Previously “two hundred and fifty ringgit”—see the National Forestry (Amendment) Act 1993 [Act A864].

Director may construct forest roads

51. The Director may cause to be constructed or maintained such forest roads as he considers necessary for the purposes of this Act.

Licensee to construct and maintain roads

52. A licensee shall, in and about the licence area, construct at his own expense all roads that are prescribed in the forest management plan or forest harvesting plan or required by the Director to be constructed; and such roads, together with any other roads that are already in existence at the time of obtaining the licence, shall be constructed, maintained and, upon the expiry of the licence, left, in accordance with the forest management plan or timber harvesting plan or requirements prescribed by the Director, as the case may be.

Licensee entitled to use roads constructed or maintained by him

53. A licensee who constructs or maintains a road under section 52, his servants and agents, shall be entitled to the use of such road for the purpose of taking forest produce from his licence area and, except as may be provided under section 54, he shall not levy any charge or toll for the use of such road by other persons.

Director may require user of forest roads to pay toll to licensee

54. Where in respect of a forest road constructed or maintained by a licensee under section 52 the Director, under subsection 50(1), permits the use of such road by a person other than the licensee, his servants or agents, the Director may direct that such person pay a toll to the licensee at such rate as the Director may determine for the use of such road, provided that the Director shall not be liable for any non-payment of any toll to the licensee by such person.

Non-liability of the Director or State Authority for lack of repair of forest roads

55. Within a permanent reserved forest or a licence area, neither the State Authority nor the Director is under any duty to repair or maintain any road or to erect signs warning of any conditions or hazards thereon, and is not liable for any injury or death to any person or damage to any property caused by the condition or the standard of construction or maintenance of such road.

Chapter 8—Forest Development Fund

Establishment and administration of the Forest Development Fund

56. (1) The State Authority shall establish a fund to be known as the “Forest Development Fund” (hereinafter referred to as the “Fund”).

(2) The Fund shall be administered by a committee to be known as the “Forest Development Fund Committee” (hereinafter referred to as the “Committee”) consisting of—

- (a) the State Secretary, as Chairman;
- (b) the State Financial Officer; and
- (c) the Director.

Moneys to be paid into the Fund

57. (1) There shall be paid into the Fund—

- (a) such sum as shall be annually appropriated by the State Legislative Assembly necessary for the purposes of the Fund for the following financial year;
- (b) the forest development cess collected under section 60;
- (c) any loan or grant given to the State Authority by the Federal Government for the purposes of the Fund;
- (d) any money paid to the State Authority under subsection 24(2); and
- (e) all moneys collected under any previous forest law by the State Authority for the purpose of financing research on forestry, silviculture works, forest surveys, inventory and other related operations connected with forest development in the State, which remains unexpended.

(2) All moneys paid into the Fund shall—

- (a) be deposited in Bank Negara Malaysia or in any bank duly licensed under the *Banking Act 1973 [Act 102]; or
- (b) be invested in accordance with the Trustee Act 1949 [Act 208].

*NOTE—The Banking Act 1973 [Act 102] has since been repealed by the Banking and Financial Institutions Act 1989 [Act 372]—see section 128 of Act 372.

Purposes of the Fund

58. The Fund shall be used for the following purposes:

- (a) the preparation of the State forest management plans required under paragraph 4(b);
- (b) the preparation and implementation of reforestation plans required under paragraph 4(c);
- (c) the reviewing of the State forest management plans and reforestation plans required under paragraph 4(d);
- (d) the preparation and implementation of programmes relating to amenity forests required under paragraph 4(e); and
- (e) any expenses incurred by the State Authority in carrying into effect a reforestation plan under section 24.

Accounts and audit

59. (1) The Committee shall keep proper accounts and other records in respect of the operations of the Fund, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The Committee shall cause its accounts to be audited annually by the Auditor General.

(3) As soon as the accounts of the Committee have been audited, but not later than six months after the end of the financial year, the Committee shall cause a copy of the audited statements of accounts to be transmitted to the State Authority together with a copy of any observations made by the Auditor General on the statement or on the accounts of the Committee.

(4) The Menteri Besar or Chief Minister, as the case may be, shall cause a copy of the statement and observations transmitted to the State Authority under subsection (3) to be laid before the State Legislative Assembly.

Forest development cess

60. (1) For the purposes of the Fund, there shall be payable to the State Authority a cess (to be known as forest development cess) in respect of any of the forest produce, specified in the Third Schedule, removed from any permanent reserved forest, State land, reserved land, mining land or alienated land, at the rate prescribed in that Schedule.

(2) The State Authority may, by order,—

- (a) prescribe the manner of collection of such cess; and
- (b) amend the Third Schedule.

(3) Subsection (1) shall not apply to the removal of forest produce by a licensee who has been required to carry into effect a reforestation programme under section 24.

PART V

ROYALTY AND PREMIUM

Chapter 1—Royalty

Royalty payable to State Authority

61. Royalty shall be payable to the State Authority in respect of all forest produce taken at the rates laid down in the royalty rate list as published in the *Gazette* by the State Authority.

Power to remit, commute or waive royalty

62. (1) Notwithstanding section 61, the State Authority may reduce, commute or waive any royalty in respect of, or exempt from royalty, any forest produce or class of forest produce taken.

(2) Subject to any contrary direction by the State Authority, the Director may reduce, commute or waive any royalty in respect of, or exempt from royalty,—

- (a) any forest produce or class of forest produce for the following purposes:
 - (i) for scientific, or other non-commercial purposes;

- (ii) to encourage the utilization of various dimensions and species of forest produce having little or no market demand and which would otherwise be uneconomical to take;
 - (iii) to encourage the taking of forest produce damaged by fire, pest, disease or other causes;
 - (iv) for the construction of forest roads or any work of public utility;
- (b) any forest produce or class of forest produce taken from any State land or alienated land by any aborigine for—
- (i) the construction and repair of temporary huts on any land lawfully occupied by such aborigine;
 - (ii) the maintenance of his fishing stakes and landing places;
 - (iii) fuelwood or other domestic purposes; or
 - (iv) the construction or maintenance of any work for the common benefit of the aborigines.

Failure to cut and remove forest produce

63. (1) Where any forest produce required under the licence to be cut and removed is not cut before the expiry of the licence, or is not removed within thirty days upon the expiry of the licence, or is damaged or destroyed by reason of the operations conducted in or about the licence area, the Director may issue an assessment against the licensee thereof in an amount up to three times the royalty, premium, cess and other charges and any such forest produce which has been cut but not removed shall become the property of the State Authority free from all encumbrances, notwithstanding that royalty, premium, cess or other charges have been paid with respect to such forest produce to the State Authority.

(2) An assessment under subsection (1) shall be based upon an inspection of the licence area by a forest officer made within three months, or such longer period as the Director may allow, of the expiry of the licence.

(3) Any person aggrieved by an assessment made under subsection (1) may, within thirty days of the service of the assessment upon him, appeal to the State Authority whose decision shall be final.

Chapter 2—Marking of Forest Produce

Director to maintain register of property marks

64. The Director shall maintain a register of all property marks and the register shall contain—

- (a) particulars of each property mark registered;
- (b) the name of the licensee concerned; and
- (c) a description of the licence and the licence area.

Licensee to mark forest produce

65. (1) Unless otherwise prescribed, a licensee shall cause to be marked all forest produce taken from the licence area in accordance with any rules.

(2) Any forest produce not marked as required by subsection (1) shall, until the contrary is proved, be deemed to be the property of the State Authority.

Chapter 3—Measurement of Forest Produce

Place of measurement of forest produce removed from licence area

66. (1) All forest produce in respect of which royalty, premium, cess or other charges are payable to the State Authority shall be measured by a forest officer prior to its removal from the licence area upon which it is taken or, if the licence under which it is taken provides otherwise, then such measurement shall be made at the place and time specified in the licence.

(2) Where it is provided in the licence that the forest produce shall be measured at a place outside the licence area, the Director may specify the route by which the forest produce shall be transported to such place for the purpose of measurement.

(3) Notwithstanding subsection (1) or (2), the Director may, at any time, specify a place or time for the measurement, or prescribe a route for the transportation, of forest produce other than the place, time or route specified in subsection (1) or (2).

(4) Any person—

- (a) who removes any forest produce from a licence area in contravention of subsection (1);
- (b) who, in transporting any forest produce from a licence area to a place of measurement specified by the Director under subsection (3), without reasonable excuse, use a route different from that prescribed by the Director under subsection (2) or (3); or
- (c) who, without reasonable excuse, removes any forest produce from a licence area to a place other than a place for the measurement of such forest produce as specified by the Director under subsection (3),

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

Place of measurement of forest produce removed from alienated land and mining land

67. (1) Any forest produce removed from any—

- (a) alienated land;
- (b) reserved land
- (c) mining land; or
- (d) land held under a temporary occupation licence,

shall, if royalty is payable on such forest produce, be taken to a place specified in the removal licence or to such place as the Director may specify, for the measurement of such produce.

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

Chapter 4—Possession of Forest Produce

Removal pass

68. (1) No person shall have in his possession, custody or control any forest produce unless he is in possession of a removal pass for the removal of such forest produce.

*NOTE—Previously “five thousand ringgit”—see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “two years”—see the National Forestry (Amendment) Act 1993 [Act A864].

(2) Such removal pass shall be made available for inspection by any forest officer.

(3) Subsection (1) shall not apply to any forest produce situate upon—

- (a) a licence area;
- (b) an area specified in a use permit;
- (c) any alienated land;
- (d) any land held under a temporary occupation licence;
- (e) any mining land; or
- (f) any reserved land,

from which it is taken prior to its removal from such area or land, or to any forest produce in transit along a route specified under subsection 66(2) or (3).

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

- (a) if the offence is under subsection (1), to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both;
- (b) if the offence is under subsection (2), to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Conversion plant operator required to have removal pass and record of measurement

69. (1) No person shall engage in converting any forest produce or have in his control or charge a conversion plant unless he is in possession of a removal pass and a record of measurement in respect of all forest produce converted or being or about to be converted or being in or about the conversion plant or other premises under his charge or control.

(2) Such removal pass and record of measurement shall be made available for inspection by any forest officer.

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

- (a) if the offence is under subsection (1), to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both;
- (b) if the offence is under subsection (2), to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Issuance and form of removal pass

70. (1) A removal pass may only be issued by the Director or by a forest officer authorized by the Director to issue the same.

(2) Every removal pass shall be in Form 8.

(3) In the case of a forest produce on which no royalty is payable to the State Authority, the licence, minor licence, use permit or removal licence under which such forest produce is taken or removed, shall be deemed to constitute a removal pass for the purpose of this Chapter.

Exemption

71. Subject to any rules, the Director may exempt any person from any of the provisions of this Chapter where—

- (a) the conversion plant under the charge or control of such person is situate within or adjacent to the licence area;
- (b) the Director considers it more expedient to measure the forest produce after conversion; or
- (c) the Director is satisfied that such exemption would not cause any loss of royalty or other revenue to the State Authority.

Chapter 5—Payment of Royalty, Premium, Cess and Other Charges Payable to the State Authority

Royalty, etc., payable when assessed

72. (1) Royalty, premium, cess and other charges payable to the State Authority under this Act shall be due and payable to the State

Authority when assessed and shall be deemed to have been assessed when the assessment is signed and served on the person from whom payment is due.

(2) Unless the Director directs otherwise, an assessment in respect of forest produce shall be issued and served together with each record of measurement.

(3) The Director may, within six months of the issue of any assessment under this Act, issue a reassessment which shall be of the same effect as an original assessment.

Title to forest produce

73. Notwithstanding anything contained in this Act, ownership to any forest produce shall not pass to any person unless—

- (a) all royalty, premium, cess and other charges payable in respect of the licence and forest produce have been paid to the State Authority; and
- (b) a removal pass has been issued in respect of such forest produce.

Forest produce vests in the State Authority if royalty, etc., unpaid

74. If royalty, premium, cess or other charges payable to the State Authority in respect of any forest produce is not paid to the State within the time specified by the Director, ownership to such forest produce shall vest in the State Authority free from all encumbrances.

Deposit to secure payment

75. (1) Before any licence, minor licence or use permit is issued, the applicant shall deposit such sum of money as may be determined by the authority issuing the same as security for the due observance of the provisions of the licence, minor licence or use permit, as the case may be, and for the payment of any or all sums payable to the State Authority.

(2) Such authority may require the deposit to be in any of the following forms:

- (a) cash;
- (b) valid written guarantee of a licensed commercial bank;
- (c) a combination of (a) and (b).

(3) The Director may, whenever he considers it necessary to do so, require the licensee or the holder of the use permit or minor licence, as the case may be, to forthwith deposit an additional sum of money, or provide a new deposit to replace the deposit previously made.

PART VI

UNCLAIMED TIMBER

Unclaimed timber deemed to be property of State Authority

76. (1) Any timber found adrift, beached, stranded, sunk or abandoned or which is not in the possession or under the control of any person shall be deemed to be the property of the State Authority until any person establishes his right thereto as hereinafter provided.

(2) The Director or any forest officer duly authorized by him may collect and bring such timber to a convenient place pending action under section 77.

Public notice of timber collected under section 76

77. (1) The Director or the forest officer authorized by him under subsection 76(2) shall give public notice of timber collected under section 76 by publishing a notice informing of the timber collected at the public notice board of the State Forest Office, District Forest Office and District Land Office.

(2) Such notice shall require any person claiming the timber to make his claim to the Director within fourteen days of the date of the notice.

Procedure on claim to timber

78. Where a claim is made pursuant to section 77, the Director may, after due inquiry—

- (a) reject the claim and record his reasons for so doing; or
- (b) subject to section 80, deliver the timber to the claimant.

Disposal of unclaimed timber

79. Where no claim is made within the period specified under section 77, or where such claim has been made and rejected, the ownership of such timber shall vest in the State Authority free from all encumbrances.

Payment to be made by claimant before delivery of timber

80. (1) No person shall be entitled to recover possession of any timber collected under section 76 until all expenses incurred in collecting, moving, storing and disposing of the timber, as assessed by the Director, have been paid to the State Authority.

(2) Where a person fails to pay the expenses payable under subsection (1) within thirty days of the service of the assessment on him, the Director may direct that the timber be sold and the proceeds of the sale shall be used for the payment of such expenses, and any sum remaining (if any) shall, unless claimed by the person aforesaid within fourteen days of the sale, be credited to the State Consolidated Fund.

PART VII

MISCELLANEOUS OFFENCES AND PENALTIES

Acts prohibited in permanent reserved forests

81. (1) Unless authorized under this Act, no person shall, in a permanent reserved forest—

- (a) graze cattle or permit cattle to graze;
- (b) fell, cut, ring, mark, lop or tap any tree; or injure by fire, or otherwise, or remove any tree or timber;

- (c) cause any damage in felling any tree or cutting or dragging any timber;
- (d) search for, collect, subject to any manufacturing process or remove any forest produce or minerals;
- (e) clear or break up any land for cultivation or any other purpose;
- (f) use poisonous substance, or dynamite or other explosives on rivers or lakes for the purpose of fishing; or hunt, shoot, fish or set traps or snares; or
- (g) trespass in any manner not in this section hereinbefore prohibited.

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

- (a) if the offence is under paragraph (1)(a), to a fine not exceeding *ten thousand ringgit;
- (b) if the offence is under paragraph (b) or (c), to a fine not exceeding **fifty thousand ringgit or to imprisonment for a term not exceeding ***five years or to both such fine and imprisonment; and
- (c) if the offence is under paragraph (d), (e), (f) or (g), to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (d) (*deleted by Act A864*).

(3) Any person convicted of an offence under this section may, in addition to any penalty imposed on the conviction, be ordered to pay to the State Authority—

- (a) ten times the value of any tree or timber; and
- (b) the costs of repairing any damage, in respect whereof the offence was committed,

and any sum ordered to be so paid shall be recoverable as if it were a fine so imposed.

*NOTE—Previously “two hundred ringgit” –see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “two thousand ringgit” –see the National Forestry (Amendment) Act 1993 [Act A864].

***NOTE—Previously “five years” – see the National Forestry (Amendment) Act 1993 [Act A864].

Prohibition as to fire

82. (1) No person shall kindle, keep or carry any fire, or leave any fire burning, within a permanent reserved forest in such a manner as to endanger such reserved forest.

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

Offensive littering

83. (1) No person shall commit offensive littering in a permanent reserved forest.

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

(3) A person commits offensive littering in a permanent reserved forest if he creates an objectionable stench or degrades the beauty or the appearance of property or detracts from the natural cleanliness or safety of property by intentionally—

- (a) discarding or depositing any rubbish, trash, garbage, debris or other refuse;
- (b) draining, or causing or permitting to be drained, mining sludge, industrial effluent, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source; or
- (c) permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating or which is under his control.

Unlawful possession of forest produce

84. (1) Any person found in possession, custody or control of any forest produce on which royalty, premium, cess or other charges in respect of such forest produce has not been paid shall be guilty

*NOTE—Previously “two thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “one year” —see the National Forestry (Amendment) Act 1993 [Act A864].

†NOTE—Previously “one thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

††NOTE—Previously “six months” —see the National Forestry (Amendment) Act 1993 [Act A864].

of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

(2) If in any prosecution in respect of any forest produce for the non-payment of any royalty, premium, cess or other charges, any dispute arises whether the royalty, premium, cess or other charges have been paid in respect of such forest produce or whether any forest produce is exempt from any royalty, premium, cess or other charges under this Act, then in every such case the burden of proof thereof shall be on the defendant in such prosecution.

Removal pass required for inter-State movement of forest produce

85. (1) No person shall bring into the State from any other State any forest produce unless he is in possession of a valid removal pass issued by an authorized officer of the other State.

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

Penalty for counterfeiting or defacing, or possessing implements for counterfeiting, marks on trees and timber and altering boundary marks

86. Any person who—

- (a) knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, any mark used by forest officers;
 - (b) unlawfully or fraudulently affixes to any tree or timber any mark used by forest officers or any property mark;
 - (c) alters, defaces or obliterates any mark placed on any tree or timber by or under the authority of a forest officer;
- or

*NOTE—Previously “two thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “one year” —see the National Forestry (Amendment) Act 1993 [Act A864].

†NOTE—Previously “five hundred ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

††NOTE—Previously “three months” —see the National Forestry (Amendment) Act 1993 [Act A864].

- (d) alters, removes, destroys or defaces, any boundary mark of a permanent reserved forest or of any land proposed to be included in a permanent reserved forest,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred thousand ringgit and to imprisonment for a term which shall not be less than one year but shall not exceed twenty years.

General penalty

87. Whoever commits a breach of any rules for the breach of which no penalty is expressly provided shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

PART VIII

ENFORCEMENT

Chapter 1—Power Of Arrest, Search, Seizure and Investigation

Power of arrest, seizure and investigation

88. (1) A forest officer not below the rank of Forester or a police officer may arrest without warrant any person whom he has reason to believe to have committed a forest offence, if the person refuses to furnish his name and address or furnishes an address out of Malaysia or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond; and may seize any thing which he considers it necessary to seize in relation to the evidence necessary to establish the commission of any such offence.

(2) When any person has been arrested under subsection (1) he shall thereafter be dealt with as provided by the Criminal Procedure Code [Act 593].

(3) Any forest officer not below the rank of Assistant District Forest Officer, any police officer not below the rank of Sergeant and any officer in charge of a police station may, in relation to

*NOTE—Previously “two thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “one year” —see the National Forestry (Amendment) Act 1993 [Act A864].

any investigation in respect of any forest offence, without order of the Public Prosecutor, exercise the special powers in relation to police investigations given by the Criminal Procedure Code in any seizable case.

Seizure of forest produce the subject of an offence

89. Any forest produce in respect of which there has been, or there is, reasonable cause to suspect that there has been committed a forest offence, together with any receptacle, package or conveyance in which the same may have been found or which has been used in connection with such offence, and any machinery, tool, book, document or other things which may reasonably be believed to have a bearing on the case, may be seized by any forest officer not below the rank of Forester or any police officer.

Search with warrant

90. (1) If it appears to a Magistrate upon written information on oath and after such enquiry as he considers necessary that there is reasonable cause to believe that in any building or place or on any land there is concealed or deposited any forest produce in respect of which a forest offence is being or has been committed, the Magistrate may issue a warrant authorizing any forest officer not below the rank of Assistant District Forest Officer or any police officer named therein, by day or night and with or without assistance, to enter the building, place or land and there search for and seize, and therefrom remove, any forest produce in respect of which the forest offence has or is suspected to have been committed and any machinery, tool, book, document or other things that is reasonably believed to furnish evidence of the commission of the offence.

(2) Any forest officer or police officer acting under subsection (1) may—

- (a) break open any outer or inner door of the building or place or any fence, enclosure, gate or other obstruction to the land, in order to effect entry thereinto;
- (b) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect under subsection (1); and

- (c) detain every person found in the building or place or on the land until it has been searched.

Search without warrant

91. If it appears to a forest officer not below the rank of Forester or a police officer that there is reasonable cause to believe that in any building or place or on any land there is concealed or deposited any forest produce in respect of which a forest offence is being or has been committed, and if he has reasonable grounds for believing that by reason of the delay in obtaining a warrant under section 90 the forest produce is likely to be removed, he may exercise in, upon, and in respect of the building, place, or land all the powers mentioned in section 90 in as full and ample a manner as if he were authorized to do so by a warrant under that section.

Power to stop and search conveyances

92. (1) If any forest officer not below the rank of Forester or any police officer has reasonable suspicion that any conveyance is carrying forest produce in contravention of this Act or in respect of which a forest offence is being or has been committed, he may stop and examine the conveyance.

(2) The person in control or in charge of the conveyance shall, if required to do so by the forest officer or police officer—

- (a) stop the conveyance and allow the forest officer or police officer to examine it; and
- (b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the forest officer or police officer considers necessary to make.

(3) Any person who fails or refuses to comply with any requirement of the forest officer or police officer under subsection (2) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

*NOTE—Previously “one thousand ringgit”—see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “six months”—see the National Forestry (Amendment) Act 1993 [Act A864].

*Chapter 2—Provisions Relating to Things Seized***Duty of seizing officer**

93. (1) Whenever any thing is seized under this Act, the seizing officer shall forthwith—

- (a) place on such thing or on the receptacle or package in which it is contained a mark indicating that such thing has been seized; and
- (b) except where the seizure is made on the person or in the presence of the offender or the owner or his agent, as the case may be, give notice in writing of such seizure and the grounds thereof to the owner of such thing, if known, either by delivering such notice to him personally or by post or at his place of abode if known.

(2) Any person (other than a forest officer, police officer or member of the armed forces authorized under this Act) who tampers with, removes, damages or destroys any thing marked under subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Forfeiture of things seized

94. (1) Any thing liable to seizure under this Act shall be liable to forfeiture.

(2) Where any thing has been seized under this Act, a forest officer not below the rank of District Forest Officer may, at his discretion, temporarily release such thing to the owner of the same on security being furnished to his satisfaction that such thing shall be surrendered to him on demand or to produce it before a court of competent jurisdiction.

(3) An order for the forfeiture or for the release of any thing liable to forfeiture under this Act shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the thing shall be made if it is proved to the satisfaction of the court that a forest offence has been committed and that the thing was the subject matter of, or was used in the commission of, the offence notwithstanding that no person may have been convicted of such offence.

(4) If there be no prosecution with regard to any thing seized under this Act, such thing shall be taken and deemed to be forfeited at the expiry of one calendar month from the date of seizure unless before that date a claim thereto is made in the following manner:

- (a) any person asserting that he is the owner of such thing and that it is not liable to forfeiture may personally or by his agent authorized in writing give written notice to the forest officer or police officer in whose possession such thing is held that he claims the same;
- (b) on receipt of such notice the forest officer or police officer, as the case may be, shall refer the claim to the Director who may order that such goods be released or may direct such officer to refer the matter to the Magistrate or Judge of a Sessions Court for decision;
- (c) the Magistrate or Judge to which the matter is referred shall issue a summons requiring the person asserting that he is the owner of the thing and the person from whom it was seized to appear before him and upon his appearance or default to appear, the Magistrate or Judge shall proceed to the examination of the matter and, on proof that a forest offence has been committed and that such thing was the subject matter of or was used in the commission of such offence, shall order the same to be forfeited or may in the absence of such proof order its release.

(5) All things forfeited or deemed to be forfeited shall be delivered to the District Forest Officer and shall be disposed of in accordance with the direction of the Director.

(6) Where any thing seized under this Act is of a perishable nature or is subject to speedy and natural decay or where the custody of such thing involves unreasonable expense and inconvenience, or is believed to cause obstruction or hazard to the public, the Director may direct that such thing be sold at any time and the proceeds of the sale be held to abide by the result of any prosecution or claim under this section.

(7) The State Authority shall not be liable to any person for any deterioration, howsoever caused, in the quality of any thing seized under this Act.

No costs, damages, etc., on seizure

95. No person shall in any proceedings before any court in respect of the seizure of any thing seized in the exercise or the purported exercise of the powers conferred under this Act be entitled to the costs of such proceedings or to any damages or other relief other than an order for the return of such thing or the payment of their value unless such seizure was made without reasonable or probable cause.

*Chapter 3—Miscellaneous***Forest officer may enter and inspect conversion plant, etc.**

96. (1) For the purposes of this Act, any forest officer may enter and inspect any part of any conversion plant or its appurtenances or any premises upon or in which forest produce is stored or kept and may require any person in charge or control of the plant or premises to render him such assistance as he may require for the purposes of inspection.

(2) Any person who impedes or obstructs any forest officer exercising his powers under subsection (1) or who refuses to render such assistance as is required by such officer, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

Director may for certain reasons prohibit the taking of forest produce

97. (1) The Director may for reasons of silviculture or for any other reasons that the State Authority may approve, without prejudice to existing rights, prohibit or restrict the taking of any forest produce by any particular person or class of persons within any specified area for such time as he may consider necessary.

(2) Any person who fails to comply with any prohibition or restriction imposed by the Director under subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

*NOTE—Previously “two thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “one year” —see the National Forestry (Amendment) Act 1993 [Act A864].

Director may close watercourse or forest road

98. (1) Notwithstanding any other written law to the contrary, the Director may prohibit the use of any watercourse in a permanent reserved forest or of any forest road.

(2) Any person who fails to comply with any prohibition imposed by the Director under subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(3) In this section, “watercourse” means any access by river.

Authority cards

99. (1) Every forest officer when acting under this Act shall, on demand, declare his office and produce to the person against whom he is acting or from whom he seeks any information such authority card as the Director may direct to be carried by such officer.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any forest officer acting or purporting to act under this Act if such officer refuses to declare his office and produce his authority card on demand being made by such person.

Furnishing of information to forest officer

100. A forest officer may require any person in possession, custody or control, or engaged in the taking, removal, conversion or trading of any forest produce or in charge or control of a conversion plant, to furnish him with such information or document which, in his opinion, is necessary for the exercise of his powers or the performance of his duties under, or the enforcement of the provisions of, this Act, and any person so required who, without reasonable excuse, fails or refuses to submit the required information or document to the officer or who, in submitting any required information, knowingly or recklessly makes any statement that is false in any material particular or who, with intent to deceive, submits a document that is false in any material particular, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding *fifty thousand ringgit or to imprisonment for a term not exceeding **five years or to both such fine and imprisonment.

*NOTE—Previously “two thousand ringgit” —see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “one year” —see the National Forestry (Amendment) Act 1993 [Act A864].

Rewards

100A. The Director may order such rewards as he may deem fit to be paid to any forest officer or other person for services rendered in connection with any offence or seizure made under this Act.

Protection of informers

100B. (1) Except as hereinafter provided, no witness in any civil or criminal proceedings shall be obliged or permitted to disclose the name or address of an informer or the substance and nature of the information received from him or to state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or are liable to inspection in any civil or criminal proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(3) If on trial for any offence against this Act the court after full inquiry into the case believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit inquiry, and require full disclosure concerning the informer.

Compounding of offences

101. (1) Subject to subsection (2), the Director may compound any offence under this Act except any offence under section 86 or 107 by making a written offer to such person to compound the offence upon payment to the Director of such amount not exceeding the maximum fine for that offence within such time as may be specified in the offer.

(2) The offence which may be compounded under subsection (1) shall only be in respect of an offence committed for the first time.

(3) Where the offence committed involves the taking of forest produce under section 15 or 40, the Director may, if he thinks fit, in addition to the amount payable under subsection (1), require such person to pay to the State Authority—

- (a) a sum not exceeding ten times the royalty, premium and cess of such forest produce;
- (b) a sum not exceeding ten times the value of such forest produce;
- (c) the costs of repairing any damage in respect of the offence committed; and
- (d) any other charges payable to the State Authority.

(4) In compounding any offence under subsection (1), any thing seized under this Act shall be forfeited and disposed of in accordance with the direction of the Director.

(5) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(6) Where an offence has been compounded under subsection (1), no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made.

Power of court to order revocation and disqualification

101A. (1) Subject to subsection (2), where any person is convicted of an offence under this Act, the court may, in addition to any other penalty that may be imposed, order that any licence or permit issued under this Act in relation to which the offence has been committed be revoked.

(2) Where any person is convicted of an offence under section 15, 40 or 86, the court shall, in addition to any other penalty that may be imposed, order that any licence or permit issued under this Act in relation to which the offence has been committed be revoked.

(3) Where any person to whom a licence or permit has been issued under this Act is convicted of a second or subsequent offence under this Act, the court shall, in addition to any other penalty that may be imposed, order that any licence or permit issued under this Act in relation to which the offence has been committed be revoked.

(4) Where any licence or permit has been revoked under this section, the court shall order that such person to whom a licence or permit has been issued be disqualified from holding any licence or permit for a period not exceeding five years.

(5) Any person who obtains or attempts to obtain any licence or permit under this Act while he is so disqualified shall be guilty of an offence.

PART IX

MISCELLANEOUS

Service of notices

102. (1) In this section, “notice” includes any notification, assessment, instrument or other document authorized or required by this Act to be served on any person or body.

(2) A notice may be served on a person or body for the purposes of this Act—

(a) by delivering the notice to the person;

(b) by delivering the notice—

(i) at the person’s usual or last-known place of abode or business, to his servant or to an adult member of his family; or

(ii) at the body’s registered or usual or last known place of business, to its servant or agent;

(c) by leaving the notice in a cover addressed to the person or body—

(i) at the person’s usual or last-known abode or place of business; or

(ii) at the body’s registered office or usual or last-known place of business; or

(d) by sending the notice by pre-paid registered post to the person or body at an address for service given in pursuance of any provisions of this Act or, where no such address has been given—

- (i) at the person's usual or last-known abode or place of business; or
- (ii) at the body's registered office or usual or last known place of business.

(3) A notice served by pre-paid registered post under paragraph (1)(d) shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post; and it shall be sufficient proof of service that the letter was properly addressed in accordance with that paragraph and placed in the post:

Provided that, where the letter is returned through the post undelivered, the notice shall not be deemed to have been served.

Action by and against the State Authority

103. (1) The Director may prosecute any offence, or institute any action, suit or other proceeding relating to any matter, under this Act.

(2) In any prosecution, action, suit or other proceeding to which this section applies, the Director may appear personally, or may be represented by any Federal Counsel, State Legal Adviser, advocate and solicitor or forest officer.

Presumptions

104. In any proceedings for an offence under this Act, in so far as it may be necessary to establish the offence charged, it shall be presumed until the contrary is proven—

- (a) that any forest produce is the property of the State Authority;
- (b) that any map, plan or chart purporting to be made by the authority of the Director is so made and accurate;
- (c) that any mark placed on any tree, timber or any boundary mark of an area under a licence or permit within a permanent reserved forest or State land placed by or under the authority of a forest officer has been so placed and is accurate;

- (d) that any person found within a permanent reserved forest or State land in possession of any forest produce has taken or removed such forest produce without a licence or permit issued under this Act; and
- (e) that any person found within a permanent reserved forest or State land in possession of any machine, equipment or conveyance as specified in the Sixth Schedule intends to take or remove any forest produce.

Certificate of the Director as to the value of forest produce, etc.

105. (1) In any proceedings under this Act a certificate signed by the Director stating—

- (a) the value of any forest produce;
- (b) the amount of royalty, premium, cess and other charges payable in respect of any forest produce;
- (c) the sum payable to the State Authority under subsection 24(2);
- (d) the costs of repairing any damage caused by an offender,

shall be admissible in evidence and it shall be evidence of its contents, including the facts stated therein, without proof of the signature to such certificate.

(2) The provisions of this section shall apply notwithstanding anything contained in any other written law or rule of evidence to the contrary.

Protection of forest officers, police officers, members of the armed forces and other persons

106. No action or prosecution shall be brought, instituted or maintained in any court against any forest officer, police officer or member of the armed forces either personally or in his official capacity for or on account of or in respect of any act ordered or done by him or purporting to have been ordered or done by him for the purpose of carrying into effect this Act, and no suit or prosecution shall lie in any court against any other person for or

on account of or in respect of any act done or purporting to have been done by him under order, direction or instruction of any forest officer, police officer or member of the armed forces given for any such purpose as aforesaid:

Provided that the act of such officer or person was done in good faith and in the reasonable belief that it was necessary for the purpose intended to be served thereby.

Abuse of power

107. Whoever, in purported exercise of the powers under this Act, vexatiously and unnecessarily seizes or detains any forest produce, conveyance, books, documents or other things 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 **five years or to both such fine and imprisonment.

Recovery of money due to the State Authority

108. All money, other than fines or money recoverable as a fine, payable to the State Authority under this Act may be recovered by the State Authority by civil proceedings as a debt due to the State Authority.

Offences committed by corporations

109. Where a person charged with an offence under this Act is a body corporate, every person who, at the time of the commission of such offence, is a director or officer of that body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of the offence.

Offences committed by partner, servant or agent

110. Any person who would have been liable to any penalty for anything done or committed if the thing had been done or committed by him personally shall be liable to the same penalty if the thing has been done or committed by his partner, agent or servant.

*NOTE—Previously “two thousand ringgit” –see the National Forestry (Amendment) Act 1993 [Act A864].

**NOTE—Previously “one year” –see the National Forestry (Amendment) Act 1993 [Act A864].

Offences committed by licensee or holder of permit

110A. Where any forest offence is committed by any person in relation to any licence or permit issued under this Act, such licensee or holder of permit shall be deemed to have committed that offence.

Rules

111. (1) The State Authority may make rules to carry out the objects and purposes of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such rules may—

- (a) define and determine the number and extent of forest administrative and management divisions, units or sections;
- (b) regulate or prohibit the kindling of fire on State land and alienated lands immediately adjoining any permanent reserved forest and prescribe the precautions and actions to be taken to prevent the spreading of fires;
- (c) regulate or prohibit the felling, cutting, ringing, marking, lopping, tapping or injuring by fire or otherwise, of any tree or timber, the removal of timber, and the collection and removal of other forest produce generally;
- (d) regulate the free grant or the grant at reduced rates for forest produce;
- (e) regulate the methods to be employed by the licensee in taking forest produce on and from a licence area and all activities connected therewith including the precautions to be taken for the prevention and spread of fires;
- (f) prohibit any dealings in specified kinds of forest produce;
- (g) prescribe the place, routes, the mode and manner by which forest produce may be brought into, taken out of or moved within the State;
- (h) prohibit the collection or removal of forest produce without a removal pass and to provide for the issue, production and return of such passes;
- (i) in the case of timber formed into a raft or fastened to the foreshore or any river bank, prohibit the loosening or

setting adrift of such timber by any person not the owner thereof or not acting on behalf of the State Authority;

- (j) provide for the stoppage, reporting, examination and marking of forest produce in transit;
- (k) establish checking stations to which forest produce is to be brought by the person in charge of it for examination or for the realization of money due to the State Authority in respect thereof or in order that a mark may be affixed thereto for the purposes of this Act, and prescribe the conditions under which forest produce is to be brought to, detained at, and removed from, such checking stations;
- (l) provide for the management and control of such checking stations;
- (m) prescribe the methods of measuring forest produce for the purpose of assessing royalty, premium, cess or other charges payable under this Act;
- (n) regulate the possession of marking hammers or other implements used for marking timber;
- (o) regulate the use of property marks and prescribe the procedure and the fee payable for the registration of such marks;
- (p) generally prescribe fees and other payments payable under this Act and the manner for collecting and disbursing such fees;
- (q) prescribe forms to be used for the purposes of this Act;
- (r) regulate the manner and standards of construction of forest roads and their use and their control;
- (s) prescribe the rules and the manner for the multiple use of the forests;
- (t) provide for matters relating to the issue of licences, minor licences, use permits, removal licences, road permits and entry permits;
- (u) prescribe fees payable in respect of licences, minor licences, use permits, removal licences, road permits and entry permits;

- (v) prescribe the penalties with which the contravention of any rules made under this section shall be punishable provided such penalties shall not exceed those prescribed by section 87;
- (w) in so far as they do not fall within any of the preceding paragraphs, provide for all procedural and other matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(3) Any rules made under this section may provide that any specified rule or rules shall not apply to any particular class of forest produce or to any particular part of the State.

PART X

REPEALS, TRANSITIONAL PROVISIONS, *ETC.*

Repeal of existing laws

112. Upon the coming into force of this Act in a State, the existing Forest Enactment applicable to that State as specified in the Fourth Schedule is repealed.

Savings

113. Nothing in this Act shall affect the past operation of, or anything done under, any previous forest law, or so far as they relate to forestry, the provisions of any other law passed before the commencement of this Act:

Provided that—

- (a) any right, liberty, privilege, obligation or liability existing at the commencement of this Act by virtue of any such law shall be subject to the provisions of this Act;
- (b) any privileges conceded or rights admitted in any *Gazette* notification constituting a reserved forest under any previous forest law existing at the commencement of this Act, unless sooner revoked by the State Authority, shall cease after a period of one year from the date of coming into force of this Act.

Modifications for Federal Territory of Kuala Lumpur

114. (1) In its application to the Federal Territory of Kuala Lumpur, this Act shall be subject to the modifications set out in the Fifth Schedule.

(2) The Minister may, from time to time by order, amend the Fifth Schedule.

Transitional provision with respect to officers

115. Any person who, immediately before the commencement of this Act, was holding any office to which appointments may be made under section 3 shall continue in that office and be deemed for the purposes of this Act to have been so appointed.

Power of State Authority to make additional transitional provisions, etc.

116. The State Authority may by rules make such provisions as it considers necessary or expedient for the purpose of removing any difficulties occasioned by the coming into force of this Act, any such rule may be made so as to have effect as from the commencement of this Act.

Transitional provision with respect to rules, orders, etc.

117. Any rules, order, regulations, direction, notice or notification made, given or issued before the commencement of this Act under any previous forest law shall, if it could have been made, given or issued under any corresponding provisions of this Act, continue in force, and have the like effect, as if it had been so made, given or, as the case may be, issued.

FIRST SCHEDULE

[Subsection 2(1)]

NATIONAL FORESTRY ACT 1984

FORM 1

[Subsection 21(3)]

LICENCE NO

LICENCE TO TAKE FOREST PRODUCE

..... (hereinafter called the “licensee”) is permitted, either personally or through his servants or agents, to take or remove in and from the area or areas defined in Schedule A of this licence (hereinafter called the “licence area”) or in such portion or portions of the licence area as may from time to time be specified in the said Schedule A, the forest produce described in Schedule B of this licence for the period or periods specified in Schedule C of this licence, subject to the conditions hereinafter appearing (which may from time to time be modified by the State Director of Forestry) and to the provisions of the Act and any rules made thereunder, except in so far as the rules are inconsistent with the provisions of this licence.

1. The licensee shall appoint and place in charge of all operations carried on under this licence a foreman conversant in Bahasa Malaysia and the name and identity card number of every foreman so appointed shall be communicated in writing to the District Forest Officer by the licensee.
2. The foreman shall regularly supervise all work carried on in the licence area and shall, on reasonable notice being given, accompany any Forest Officer inspecting the operations carried on under this licence. Instructions given to a foreman by the District Forest Officer or his authorized representative shall be deemed to have been given to, and shall be binding on, the licensee.
3. The licensee shall submit to the District Forest Officer a list containing the names and identity card numbers of all persons employed in the licence area.
4. The licensee shall pay a deposit of ringgit to the Director; and the Director may withdraw from the deposit and credit to forest revenue any sum due pursuant to the Act or under the terms of this licence and may prohibit the cutting or removal of forest produce in and from the licence area until an equivalent sum has been redeposited. The Director may, whenever he considers it necessary to do so, require the licensee to forthwith deposit an additional sum of money, or provide a new deposit to replace the deposit previously made.
5. The licensee shall pay royalty on all forest produce taken or removed from the licence area at the rates prescribed in Schedule D of this licence. Payments of royalty in respect of forest produce removed during any calendar month

shall, unless otherwise specified by the Director in writing, be paid not later than the day of the following month; provided that if at any time the sum due from the licensee whether by way of royalty, compensation or on any other account, shall equal or exceed half the amount of his deposit made under clause 4, the Director may call upon the licensee for immediate payment of the sum due and may prohibit further taking or removal of forest produce until such sum has been paid.

6. The licensee shall make a lump sum payment or payments in addition to royalty as prescribed in Schedule D. In the event of failure by the licensee to make any such payment by the due date as prescribed in that Schedule, the Director may prohibit further taking or removal of forest produce until the sum due has been paid.

7. Unless otherwise authorized by the Director, the licensee shall fell all trees marked for felling under this licence, and all such trees shall be cut between the upper and lower blaze and in such a manner that the lower blaze and the mark impressed thereon shall remain intact on the stump, and all trees which the licensee is required or entitled to fell under this licence shall be felled carefully and in such a manner as will cause the least possible damage to other trees and young growth.

8. The licensee shall convert all trees felled by him under this licence immediately after felling and without avoidable waste and shall remove the converted material from the licence area without unnecessary delay. The District Forest Officer or his authorized representative may prohibit further felling until the trees already felled have in his opinion been properly converted and adequate arrangements made by the licensee for removal of the converted material.

9. The licensee shall comply with such instructions as may be issued by the District Forest Officer regarding the place and manner of stacking or storage of any forest produce taken or removed under this licence and the District Forest Officer or his authorized representative may at any time prohibit further felling pending such compliance.

10. The District Forest Officer may direct that forest produce removed from the licence area shall be taken for check and measurement to such place or places as he may from time to time specify, and the District Forest Officer or his authorized representative may refuse to issue a removal pass for produce taken to any other place, for check and measurement.

11. The Director may direct that all logs, or a percentage of the logs, cut under this licence shall be taken for conversion to licensee's conversion plant or to any other conversion plant.

12. Unless otherwise authorized from time to time by the District Forest Officer, the licensee shall maintain the minimum/maximum monthly output prescribed in Subhead 3 of Schedule B.

13. The licensee shall clear the boundaries of the licence area to the satisfaction of the District Forest Officer and shall at all times keep them clean and free from obstruction and shall immediately remove any obstruction resulting from or occasioned by operations undertaken under this licence to the boundaries, or to any road or path made or maintained by the Forest Department, or to any watercourse in or adjacent to the licence area.

14. Unless otherwise authorized by the District Forest Officer, the licensee shall not use for the transport of forest produce any road or path made or maintained by the Forest Department and, in the event of such use being authorized, shall maintain the road or path and its drains and side-tables to the satisfaction of the District Forest Officer.

15. (a) Except as required by the Act, the licensee shall not construct any new extraction road or tramway, nor remove any tramway or part of a tramway so constructed, without the permission in writing of the District Forest Officer.

(b) In order to minimise the danger of erosion, the drainage of all extraction lines constructed by the licensee shall be carried out and maintained in accordance with the instructions of the District Forest Officer who may at any time close any extraction line until the necessary works have been carried out.

16. The licensee shall not clear any land for any purpose, nor construct any building, without the permission in writing of the District Forest Officer.

17. The Director may forfeit the deposit up to an amount of one thousand ringgit for each contravention of clause 13, 14, 15 or 16.

18. In the event this licence is suspended or revoked by the Director in accordance with the provisions of the Act the licensee shall have no claim to the return of any money paid to or deposited with the State Authority, nor to any damages on account of such suspension or revocation, nor to any forest produce remaining within the licence area and the ownership of any forest produce so remaining shall vest in the State Authority free from all encumbrances. The Director or any officer authorized by him in that regard may prohibit the taking or removal of forest produce until the licensee has complied with the conditions of this licence and such prohibition shall be additional to any other penalty provided in this licence or in the Act or any rules made thereunder.

ADDITIONAL CONDITIONS

Licence No..... S.F.O.No.....
D.F.O. No.....

Name of licensee

SCHEDULE A

DEFINITION OF FELLING AREA

*State land
 *Permanent Reserved Forest, Compartment/
 Subcompartment* as shown in the plan overleaf. Fellings must be confined to
 the portions (if any) authorized below or to such portion as may be notified to
 the licensee, from time to time, by the District Forest Officer.

Portion	Date from which felling is approved	Initial of Director	Portion	Date from which felling is approved	Initial of Director
A	C	.....	.....
B	D	.....	.....

*Delete whichever is not applicable.

SCHEDULE B

DESCRIPTION OF PRODUCE

Subhead 1 ... All trees hammer-marked by or with the authority of the District Forest Officer with any of the following marks:

P.H.D. P.H.D. P.H.D.

Subhead 2 ... All trees or poles of species not included in Schedule F of this licence (overleaf) and of girth of less than metres measured at a height of 1.3 metres from the ground on the side of the tree on which the ground is highest.

Subhead 3 ... Minimum/Maximum *monthly output of

* Delete whichever is not applicable.

SCHEDULE C

PERIODS DURING WHICH THE LICENCE IS VALID

From	To	Initial of Director
.....
.....
.....

SCHEDULE D

PAYMENTS DUE UNDER CLAUSES 4 AND 5

- Subhead 1 ... Royalty at per centum of the rates prescribed from time to time by the royalty rate list for similar produce from State land for each class of produce.
- Subhead 2 ... RM (..... ringgit) for the whole duration of the licence payable in instalments on the following dates:
- Subhead 3 ... RM (..... ringgit) monthly during the currency of this licence payable on the day of each month commencing from
- Subhead 4 ... RM (..... ringgit) for each tree marked payable on demand.
- Subhead 5 ... RM (..... ringgit) deposit.

SCHEDULE E

PLACE TO WHICH FOREST PRODUCE IS TO BE TAKEN FOR CHECK AND MEASUREMENT

All forest produce removed from the licence area shall be taken for check and measurement to

SCHEDULE F

SPECIES NOT TO BE FELLED UNDER SCHEDULE B, SUBHEAD 2

Balau	Kapur	Bintangor	Meranti (all species)
Red Balau	Kasai	Durian	Merawan
Bitis	Kelat	Geronggang	Mersawa
Cengal	Keledang	Jelutong	Nyatoh
Dedaru	Kempas	Kedondong	Penarahan
Giam	Keruing	Kungkur	Pulai
KerANJI	Kulim	Macang	Ramin
Merbau	Perupok	Medang	Sepetir
Resak	Punah	Melawis	Sesendok
Tembusu	Rengas	Melunak	Terap
	Simpoh	Mempisang	Terentang
	Tualang	Mengkulang	

NATIONAL FORESTRY ACT 1984

FORM 2

[Section 25]

No.....

ORDER TO CEASE FOREST OPERATIONS

To.....
.....
.....

I,Director of Forestry, State of....., in exercise of the powers vested in me under subsection 25(1) of the National Forestry Act 1984, do hereby order you,..... of..... your servants and agents to immediately cease all forest operations in your licence area/in the following part(s) of your licence area* herein described:

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

.....
Director of Forestry

State of.....

Date

Reference No.....

NOTE:

You are hereby informed that under subsection 25(2), any person who fails to comply with this notice shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; and if the offence is a continuing one, to a further fine of not exceeding one thousand ringgit for every day or part of a day during which the offence has continued.

Acknowledgement of Service

I, (N.R.I.C. No.....)
of do hereby
acknowledge receipt of this notice served on me on

Signature

Name:

Position:

* Delete whichever is not applicable.

NATIONAL FORESTRY ACT 1984

FORM 3

[Subsection 30(4)]

MINOR LICENCE NO: Not transferable

MINOR LICENCE

Encik/Syarikat*
(N.R.I.C. No.) of
and his/their servants and agents are permitted to take from—

* (1) State land (state area)

* (2) Permanent Reserved Forest (state area)

as shown in red on the plan at the back of this licence

the following forest produce:

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

subject to the following conditions:

CONDITIONS

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

This licence is valid from to

Fee RM.....

Receipt No.....

Date.....

Reference No.....

.....
Director of Forestry

State of.....

* Delete whichever is not applicable.

PLAN OF AREA

NATIONAL FORESTRY ACT 1984

Form 4

[Subsection 36(4)]

USE PERMIT NO.....

Not transferable

USE PERMIT

This use permit authorizes Encik/Syarikat*

.....
(N.R.I.C. No.) of.....

.....
and his/their servants or agents—

* (1) to occupy Compartment/Subcompartment* No. of
..... Permanent Reserved Forest, the relevant area
being described or/and* delineated on the plan at the back of this
permit, for the following purposes:

.....

.....
.....

(2) to carry out the following activities:

.....
.....

upon Compartment/Subcompartment* Noof..... Permanent Reserved Forest, the relevant area being described or/and*delineated on the plan at the back of this permit, subject to the conditions herein specified and to the provisions of the National Forestry Act 1984.

CONDITIONS

- (1) The land may be used only for the purposes or activities stated in this permit.
- (2) The maximum number of persons to be employed shall be
- (3) The holder of the permit shall submit to the Director a list of names (together with their N.R.I.C. numbers) of all persons employed and no changes shall be made to this list without the prior approval of the Director.

ADDITIONAL CONDITIONS

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

This use permit is valid from
.....

Fee RM.....

Receipt No.....

Date of issue.....

Reference No.....

.....
Director of Forestry

State of.....

* Delete whichever is not applicable.

PLAN OF AREA

NATIONAL FORESTRY ACT 1984

FORM 5

[Subsection 43(3)]

REMOVAL LICENCE NO.....

Not transferable

REMOVAL LICENCE

This removal licence authorizes Encik/Syarikat* (N.R.I.C. No) of and his/their servants or agents to remove forest produce from the following alienated land/reserved land/mining land/land under temporary occupation licence*subject to the following conditions:

CONDITIONS

- (a) Type of forest produce
(b) Quantity
(c) Royalty rate
(d) All forest produce shall be taken to the following forest checking station for measurement and payment of royalty assessed

ADDITIONAL CONDITIONS

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

This removal licence is valid from to

Fee RM.....

Receipt No.....

Date.....

.....
Director of Forestry

State of.....

OFFICIAL USE ONLY

Date of issue

Reference No

Name of proprietor/co-proprietors/lease holder, etc.*;

.....

.....

.....

.....

Alienated Land* Grant/Q.T./C.T. No.....

Reserved Land* Lot No Mukim

Mining Land* District

Temporary Mining Lease No

Occupation Temporary Occupation Licence No

Licence* Other authorization

Valid from to

Documents examined by

Date

* Delete whichever is not applicable.

NATIONAL FORESTRY ACT 1984

FORM 6

[Subsection 47(3)]

ENTRY PERMIT NO.....

PERMIT TO ENTER PERMANENT RESERVED FOREST

Encik/Syarikat*

(N.R.I.C. No) and his/their servants and agents hereby named

are permitted to enter the part of

Permanent Reserved Forest shown in red on the plan at the back of this permit for the following purposes:

.....

.....

and subject to the following conditions:

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

This permit is valid from to

Fee RM.....

Receipt No.....

Date.....

Reference No.....

.....
Authorized Forest Officer

State of.....

* Delete whichever is not applicable.

PLAN OF AREA

NATIONAL FORESTRY ACT 1984

FORM 7

[Subsection 50(2)]

ROAD PERMIT NO.....

ROAD PERMIT

This road permit authorizes Encik/Syarikat*

.....
N.R.I.C. No.....) ofand
his servants and agents to traverse the following forest roads shown in red on
the plan at the back of this permit subject to the following conditions:

CONDITIONS

(a) Class of vehicles permitted

(b) The holder of this permit shall pay a toll of ringgit/vehicle load/
metric ton* to Encik/Syarikat*

.....

ADDITIONAL CONDITIONS

.....
.....

This road permit is valid from to

Fee RM.....

Receipt No.....

Date.....

.....
Director of Forestry

State of.....

* Delete whichever is not applicable.

PLAN OF ROADS

NATIONAL FORESTRY ACT 1984

FORM 8

[Subsection 70(2)]

REMOVAL PASS NO.....

PASS FOR THE REMOVAL OF FOREST PRODUCE

This pass permits Encik/Syarikat*
(N.R.I.C. No) ofto
remove past the forest checking station atthe
forest produce hereunder described which has been taken under licence/minor
licence/use permit* No and belongs to
.....

Kind of produce	Number or Quantity	Length (metres)	Mean Diameter (centimetres)	Cubic Metres		
				Volume	Deductions for hollowness, etc.	Volume on which royalty is paid
Total						

Conveyance Registration No

Destination

Date

Time

.....
Authorized Forest Officer

* Delete whichever is not applicable.

This pass must be kept by the driver of the conveyance or person in charge of the forest produce.

SECOND SCHEDULE

[Subsection 2(1)]

PART A—MAJOR FOREST PRODUCE

Major forest produce shall comprise the following:

- (a) Round timber
- (b) Poles
- (c) Fuelwood
- (d) Charcoal
- (e) All types of rattan.

PART B—MINOR FOREST PRODUCE

Minor forest produce shall comprise all other forest produce not included as major forest produce.

THIRD SCHEDULE

[Section 60]

FOREST DEVELOPMENT CESS

Forest Produce

Rate of Cess

All major forest produce of the following description:

- | | |
|--------------------------------|------------------------|
| (a) Round timber... .. | RM2.80 per cubic metre |
| (b) Converted timber | RM5.60 per cubic metre |
| (c) Poles | 10 percent of royalty |
| (d) Fuelwood | 10 percent of royalty |
| (e) Charcoal | 10 percent of royalty |
| (f) All types of rattan | 10 percent of royalty |

FOURTH SCHEDULE

[Section 112]

ENACTMENT

F.M.S. Forest Enactment 1934	...	...	<i>Cap. 153</i>
Johor Forest Enactment	...	...	<i>J. En. No. 58</i>
Kedah Forest Enactment	...	...	<i>K. En. 15 of 1357</i>
Kelantan Forest Enactment	...	...	<i>Kn. En. 4 of 1939</i>
Perlis Forest Enactment	...	...	<i>Ps. En. 3 of 1370</i>
S.S. Forest Ordinance	...	...	<i>Cap. 147</i>
Sabah Forest Enactment 1968	...	...	<i>Sabah En. 2 of 68</i>
Sarawak Forest Ordinance	...	...	<i>Swk. Cap. 126</i>
Terengganu Forest Enactment	...	...	<i>Tr. No. 44 of 1356</i>

FIFTH SCHEDULE

[Section 114]

MODIFICATIONS FOR THE FEDERAL TERRITORY OF
KUALA LUMPUR

(1) Provisions	(2) Modifications
The whole (except where it is expressly otherwise provided hereinafter)	<ol style="list-style-type: none"> 1. References to State Authority shall be construed as references to Federal Government. 2. References to State land shall be construed as references to Federal land.
Section 2	<ol style="list-style-type: none"> 1. Substitute for the definition of "Director" the following: <p style="margin-left: 40px;">"Director" means the Director of Forestry for the Federal Territory of Kuala Lumpur and includes the Deputy Director of Forestry for the Federal Territory of Kuala Lumpur;".</p> 2. Delete the words "or State" from the definition of "forest road". 3. The reference to the State in the definition of "previous forest law" shall be construed as reference to the Federal Territory of Kuala Lumpur.

(1) Provisions	(2) Modifications
Section 3	<p>Substitute for section 3 the following:</p> <p>“Appointment of officers</p> <p>3. (1) For the purposes of this Act, the Minister may appoint a Director of Forestry for the Federal Territory of Kuala Lumpur and so many Deputy Directors of Forestry for the Federal Territory of Kuala Lumpur and Assistant Directors of Forestry for the Federal Territory of Kuala Lumpur, and other officers as may be necessary.</p> <p>(2) The appointment of the Director of Forestry for the Federal Territory of Kuala Lumpur, Deputy Director of Forestry for the Federal Territory of Kuala Lumpur and Assistant Director of Forestry for the Federal Territory of Kuala Lumpur shall be published in the <i>Gazette</i>.”.</p>
Section 4	<p>1. The references to the State Authority or State Financial Authority shall be construed as references to the Minister.</p> <p>2. The reference to the State Forestry Department shall be construed as reference to the Department of Forestry for the Federal Territory of Kuala Lumpur.</p> <p>3. The references to the State forest management plans shall be construed as references to the forest management plans of the Federal Territory of Kuala Lumpur.</p>
Section 5	<p>The reference to the Assistant District Forest Officer shall be construed as reference to the Assistant Director of Forestry for the Federal Territory of Kuala Lumpur.</p>
Section 6	<p>The reference to the State Authority shall be construed as reference to the Minister.</p>
Section 7	<p>The reference to the State Authority shall be construed as reference to the Minister.</p>
Section 9	<p>1. The reference to the State Authority which appears for the first time shall be construed as reference to the Minister.</p> <p>2. The reference to the State which appears in the seventh line shall be construed as reference to the Federal Territory of Kuala Lumpur.</p>

(1) Provisions	(2) Modifications
Section 10 	<p>1. The references to the State Authority shall be construed as references to the Minister.</p> <p>2. Sub-item (1)(k) shall have no application.</p>
Section 11 	The references to the State Authority shall be construed as references to the Minister.
Section 12 	<p>1. The references to the State Authority shall be construed as references to the Minister.</p> <p>2. The reference to the State shall be construed as references to the Federal Territory of Kuala Lumpur.</p>
Section 13 	The reference to the State Authority shall be construed as reference to the Minister.
Section 16 	The reference to the State Authority shall be construed as reference to the Minister.
Section 18 	The references to the State Authority shall be construed as references to the Minister.
Section 19 	The reference to the State Authority shall be construed as reference to the Minister.
Section 20 	The reference to the State Authority shall be construed as reference to the Minister.
Section 22 	The reference to the State Authority shall be construed as reference to the Minister.
Section 23 	The references to the State Authority shall be construed as references to the Minister.
Subsection 27(4) ...	The reference to the State Authority shall be construed as reference to the Minister.
Section 28 	The reference to the State Authority shall be construed as reference to the Minister.
Section 29 	The references to the State Authority shall be construed as references to the Minister.
Section 33 	The reference to the State Authority shall be construed as reference to the Minister.

(1) Provisions	(2) Modifications
Section 34 	The references to the State Authority shall be construed as references to the Minister.
Subsection 40(3) 	The reference to the State Authority shall be construed as reference to the Minister.
Section 41 	The reference to the State Authority shall be construed as reference to the Minister.
Section 42 	The reference to the State Authority shall be construed as reference to the Minister.
Section 45 	The reference to the State Authority shall be construed as reference to the Minister.
Section 46 	The reference to the State Authority shall be construed as reference to the Minister.
Section 56 	<p>1. The reference to the State Authority shall be construed as reference to the Minister.</p> <p>2. Substitute for subsection (2) the following:</p> <p style="padding-left: 40px;">“(2)The Fund shall be administered by a committee to be known as the “Forest Development Fund Committee” (hereinafter referred to as the “Committee”) consisting of—</p> <p style="padding-left: 80px;">(a) the Secretary General of the Ministry responsible for forestry as Chairman;</p> <p style="padding-left: 80px;">(b) a representative of the Treasury appointed by the Minister; and</p> <p style="padding-left: 80px;">(c) the Director.”.</p>
Subsection 57(1) 	<p>1. Substitute for the words “The State Legislative Assembly” the word “Parliament”.</p> <p>2. Delete paragraph (c).</p>
Section 58 	The references to the State forest management plans shall be construed as references to the forest management plans of the Federal Territory of Kuala Lumpur.
Section 59 	1. The reference to the State Authority in subsection (3) shall be construed as reference to the Minister.

(1) Provisions	(2) Modifications
	2. Substitute for subsection (4) the following: <p style="margin-left: 40px;">“(4) The Minister shall cause a copy of the statement and observations transmitted to him under subsection (3) to be laid before the Dewan Rakyat.”.</p>
Subsection 60(2) ...	The reference to the State Authority shall be construed as reference to the Minister.
Section 61 	The reference to the State Authority which appears for the second time shall be construed as reference to the Minister.
Section 62 	The references to the State Authority shall be construed as references to the Minister.
Subsection 63(3) ...	The reference to the State Authority shall be construed as reference to the Minister.
Subsection 77(1) ...	Substitute for the words “State Forest Office, District Forest Office and District Land Office.” the words “Federal Territory of Kuala Lumpur Forest Office.”
Subsection 80(2) ...	The reference to the State Consolidated Fund shall be construed as reference to Federal Consolidated Fund.
Section 85 	Substitute for subsection (1) the following: <p style="margin-left: 40px;">“(1) No person shall bring into the Federal Territory of Kuala Lumpur from any State any forest produce unless he is in possession of a valid removal pass issued by an authorized officer of that state.”</p>
Subsection 88(3) ...	The reference to Assistant District Forest Officer shall be construed as reference to the Assistant Director of Forestry for the Federal Territory of Kuala Lumpur.
Subsection 90(1)...	The reference to Assistant District Forest Officer shall be construed as reference to the Assistant Director of Forestry for the Federal Territory of Kuala Lumpur.
Section 94 	The references to the District Forest Officer shall be construed as references to the Assistant Director of Forestry for the Federal Territory of Kuala Lumpur.

(1) Provisions	(2) Modifications
Section 97	The reference to the State Authority shall be construed as reference to the Minister.
Subsection 103(2)	Delete the words “State Legal Adviser”.
Subsection 111(1) and paragraph (2)(i)	The references to the State Authority shall be construed as references to the Minister.
Section 112	The references to “a state” and “that state” shall be construed as references to the Federal Territory of Kuala Lumpur.
Section 113	The reference to the State Authority shall be construed as reference to the Minister.
Section 116	The reference to the State Authority shall be construed as reference to the Minister.

SIXTH SCHEDULE

[Paragraph 104(e)]

PART A—MACHINE

- (a) Grader
- (b) Log loader
- (c) Bulldozer
- (d) Crawler tractor
- (e) Winched skidder

PART B—EQUIPMENT

- (a) Wire ropes
- (b) Machet
- (c) Axe
- (d) Fuel or oil tank
- (e) Oil drum
- (f) Measuring tapes
- (g) Chainsaw
- (h) Power saw

- (i) Mobile saw
- (j) Hand saw
- (k) Log tongs
- (l) Log hooks
- (m) Wedges

PART C—CONVEYANCE

1. LAND

- (a) Timber lorry
- (b) Winch lorry
- (c) Locomotive

2. AIR

- (a) Aircraft
- (b) Balloon

3. WATER

- (a) Boat
 - (b) Barge
 - (c) Tongkang
 - (d) Sampan
 - (e) Pontoon
-

LAWS OF MALAYSIA**Act 313****NATIONAL FORESTRY ACT 1984**

LIST OF AMENDMENTS

Amending law	Short title	In force from
P.U. (A) 82/1986	National Forestry (Amendment) Order 1986	01-04-1986
Act A864	National Forestry (Amendment) Act 1993	Federal Territory of Kuala Lumpur— 15-01-1994

LAWS OF MALAYSIA**Act 313****NATIONAL FORESTRY ACT 1984**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A864	15-01-1994
3	Act A864	15-01-1994
5	Act A864	15-01-1994
12	Act A864	15-01-1994
15	Act A864	15-01-1994
25	Act A864	15-01-1994
32	Act A864	15-01-1994
40	Act A864	15-01-1994
47	Act A864	15-01-1994
50	Act A864	15-01-1994
66	Act A864	15-01-1994
67	Act A864	15-01-1994
68	Act A864	15-01-1994
69	Act A864	15-01-1994
81	Act A864	15-01-1994
82	Act A864	15-01-1994
83	Act A864	15-01-1994
84	Act A864	15-01-1994
85	Act A864	15-01-1994
86	Act A864	15-01-1994
87	Act A864	15-01-1994
92	Act A864	15-01-1994
93	Act A864	15-01-1994
94	Act A864	15-01-1994
96	Act A864	15-01-1994
97	Act A864	15-01-1994

Section	Amending authority	In force from
98	Act A864	15-01-1994
100	Act A864	15-01-1994
100A-100B	Act A864	15-01-1994
101	Act A864	15-01-1994
101A	Act A864	15-01-1994
104	Act A864	15-01-1994
106	Act A864	15-01-1994
107	Act A864	15-01-1994
109	Act A864	15-01-1994
110	Act A864	15-01-1994
110A	Act A864	15-01-1994
First Schedule	Act A864	15-01-1994
Second Schedule	Act A864	15-01-1994
Third Schedule	Act A864	15-01-1994
Fifth Schedule	P.U. (A) 82/1986	01-04-1986
Sixth Schedule	Act A864	15-01-1994

