



# **LAWS OF SARAWAK**

## **Chapter A104**

### **FORESTS (AMENDMENT) ORDINANCE, 2003**

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*An Ordinance to amend the Forests Ordinance [Cap. 126 (1958 Ed.)], and to make minor consequential amendment to the Sarawak Forestry Corporation Ordinance, 1995 [Cap.17].*

Enacted by the Legislature of Sarawak—

**Short title and commencement**

1. This Ordinance may be cited as the Forests (Amendment) Ordinance, 2003, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2 of the Forests Ordinance, [Cap. 126 (1958 Ed.)] (in this Ordinance referred to as the “Principal Ordinance”) is amended—

(a) by deleting the definition of “Conservator”;

(b) by inserting immediately after the definition of “controlling shares” the following new definition:

““Corporation” means the Sarawak Forestry Corporation established under section 3(1) of the Sarawak Forestry Corporation Ordinance, 1995 [Cap.17];”;

(c) by adding the following new definition of “Director”:

““Director” means the Director of Forests appointed under section 2A(1), and includes any person appointed by the Minister to act in or to discharge temporarily the duties or functions of that office;”;

(d) by substituting the definition of “forest officer” with the following new definition:

““forest officer” means any person appointed under section 2A(2) as a forest officer;”;

(e) by substituting the words “under this Ordinance” in lines one and two of subsection (2) with the words “by reason of its terms or the provisions of this Ordinance”.

### **Amendment of section 2A**

3. Section 2A of the Principal Ordinance is amended—
  - (a) by deleting the marginal note;
  - (b) by renumbering the existing section as subsection (3) of section 2; and
  - (c) by deleting the words “of section 2” in lines one and two.

### **New Part IA**

4. There shall be added immediately after Part I of the Principal Ordinance, the following new Part IA:

#### **“PART IA ADMINISTRATION**

#### **Appointment of Director, etc.**

2A.—(1) This Ordinance shall be administered by a Director of Forests, who shall be appointed by the Minister, and who shall be assisted by such number of Deputy Directors of Forests as may be appointed by the Minister, by notification in the *Gazette*.

(2) The Minister may, by notification in the *Gazette*, appoint any person to be a forest officer to assist the Director and Deputy Director of Forests and to exercise the powers and to perform the functions and duties under this Ordinance or rules made under it.

#### **Direction of Minister**

2B. (1) The Director shall be responsible to the Minister.

(2) The Minister may from time to time give to the Director general or special directions, not inconsistent with the provisions of this Ordinance, as to the exercise or discharge of the Director’s powers and functions under this Ordinance, and any such direction shall become binding on the Director who shall forthwith take all steps necessary or expedient to give effect thereto.

### **Exercise of powers, etc.**

2C.—(1) The Director shall, subject to the general or special directions of the Minister given pursuant to section 2B, exercise the powers conferred and perform the functions and duties imposed on him under this Ordinance.

(2) The Deputy Directors of Forests shall assist the Director in the exercise of his powers and the discharge of his functions and duties and shall have such other functions and duties as may be assigned to them by the Director.

(3) The forest officers shall have such powers as may be conferred, and duties and functions as may be imposed, upon them by this Ordinance, and any other functions and duties which they may be directed to discharge or perform by the Corporation in the exercise and performance of those powers, functions and duties vested or conferred by sections 10 and 11 of the Sarawak Forestry Corporation Ordinance, 1995 [*Cap. 17*].

### **Delegation of powers and duties**

2D. The Director may, with the approval of the Minister, by notification in the *Gazette*, delegate to the Chief Executive Officer of the Corporation, any of the powers and duties conferred on the Director under **Part VI** of this Ordinance or any rules made thereunder.

### **Continuance in office of existing officers**

2E. Any Director of Forests, Deputy Director of Forests or forest officers holding such office prior to the date of coming into force of this Ordinance shall continue to hold any such office until and unless their appointments thereto have been terminated or upon their transfer from or cessation, for whatever reason, to hold, that office.”.

### **Amendment of section 51A**

5. Section 51A of the Principal Ordinance is amended by substituting the words “of section 2 or section 2A” in the last line of paragraph (e) of subsection (1) with the words “or (3) of section 2”.

### **Amendment of sections 69, 72, 73 and 74**

6. Sections 69, 72, 73 and 74 of the Principal Ordinance are amended by substituting the words “not below the rank of Assistant Conservator of Forests” wherever they appear with the words “authorized by the Director”.

**Amendment of section 77**

7. Section 77 of the Principal Ordinance is amended by substituting the word “fifty” in line three with the words “one thousand”.

**Amendment of section 78**

8. Section 78 of the Principal Ordinance is amended

(a) by inserting after the figure “23” in line two, the words “or of section 36 (d) or (h),”; and

(b) by substituting the words “two hundred” in line three with the words “one thousand”.

**Amendment of section 79**

9. Section 79 of the Principal Ordinance is amended by substituting the word “or” after the letter “(b)” in line three with a comma and by adding after the letter “(c)” the letters and word, “(f) or (g)”.

**Amendment of section 19 of the Sarawak Forestry Corporation Ordinance, 1995**

10. Section 19 of the Sarawak Forestry Corporation Ordinance, 1995 [*Cap. 17*] is amended—

(a) in subsection (1), by substituting the words “chief executive officer, who shall be known as the General Manager” with the words “Chief Executive Officer”; and

(b) in the marginal note and in subsections (2), (3) and (4), by substituting the words “General Manager” wherever appearing with the words “Chief Executive Officer”.



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