

ENACTMENT NO. 14 OF 1938

An Enactment to provide for the dedication of certain lands in Kelantan as part of the Taman Negara National Park

WHEREAS the Sultans of Pahang, Kelantan and Terengganu have declared their desire jointly to commemorate the silver jubilee of the accession to the Throne of His Majesty King George V by the dedication of certain lands situate in each of the said States which shall constitute together a National Park in perpetuity for the propagation, protection and preservation of the indigenous fauna and flora of Malaya and which shall be known as Taman Negara National Park:

AND WHEREAS it is expedient to make provision for the dedication and administration accordingly of so much of the land as is situated in the State of Kelantan. It is hereby enacted by His Highness the Sultan in Council as follows:-

1. This Enactment may be cited as the Taman Negara (Kelantan) Enactment.

2. In this Enactment -

"animal" means any vertebrate animal and the eggs and young of any vertebrate animal;

"National Park" means the State Park together with the other areas in Pahang and Terengganu as may be constituted by Enactments in those States together to constitute the Taman Negara;

"Officer in Charge of the Park" means the officer appointed by the Trustees in accordance with the provisions of sub-section (i) of Section 6 of this Enactment to be in charge of the State Park;

"Park Official" includes all officers and servants employed by the Trustees in exercise of powers conferred upon them under sub-section (i) of Section 6 and appointed by such Trustees to be Park Officials;

"State Park" means those lands, part of the Taman Negara, which are situate in the State of Kelantan and which are described in the Schedule;

"trap" means any contrivance or device or thing by means of which any animal can be captured;

"Trustees" means the persons referred to in sub-section (ii) of Section 3 in whom the State Park is from time to time jointly vested;

"weapons" means any firearm or ammunition therefor or any other instrument capable of propelling a projectile or capable of being used in such a manner that any animal can be killed or injured thereby.

3. (i) The State Park is hereby dedicated set aside and reserved in perpetuity in trust for the purposes of the propagation, protection and preservation of the indigenous fauna and flora of Malaya and of the preservation of objects and places of aesthetic, historical or scientific interest and shall

together with any contiguous lands dedicated, set aside or reserved for similar purposes within the States of Pahang and Terengganu constitute the Taman Negara.

- (ii) The State Park shall vest from time to time jointly in such persons as shall be fulfilling the duties and exercising the powers of the Sultan of Kelantan and of the Yang di Pertuan Agong respectively who shall hold and administer the said lands as Trustees for the purposes referred to in sub-section (i).
- (iii) No modification of the area or boundaries of or of the title to the State Park shall be made save by an Enactment enacted by the State Legislature or as in Section 4 provided and no dealings in or dispositions of the lands constituting the State Park shall take place or be recognised, registered or enforceable save as is in Section 5 provided.
- (iv) For the purposes only of the provisions of the Land Enactment relating to reservation of land the State Park shall be deemed to be land reserved for public purposes:

Provided however that whenever any warrant is issued under the Land Enactment on account of unlawful occupation of any land within the State Park such warrant shall require any police officer to whom it is addressed to take possession of such land on behalf of the Trustees.

- 4. (i) His Highness the Sultan in Council on the application of the Trustees may by Notification amend the Schedule in respect of the boundaries of the State Park as therein set out and described provided that such amendment is in the opinion of the Trustees necessary or desirable in order to secure greater ease of description or demarcation of the said boundaries or greater ease in the administration of the State Park and provided that such amendment does not result in any substantial decrease in the total area of the State Park.
- (ii) Any amendment made under sub-section (i) shall take effect (unless the Notification otherwise declares) from the date of the Notification.
- 5. (i) The Trustees may lease or permit the leasing, use or occupation of any land within the State Park subject to such conditions and restrictions as they think fit to impose and for the following purposes only:
 - (a) the construction and maintenance of roads;
 - (b) the construction and maintenance of railways and railway buildings;
 - (c) the construction and maintenance of aerodromes;
 - (d) the construction and maintenance of dams and reservoirs;
 - (e) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility where the Trustees consider these to be necessary and in the interests of the

development of the State Park in accordance with the purposes referred to in sub-section (i) of Section 3;

- (f) mining in accordance with the provisions of Section 7.
 - (ii) Any land leased by the Trustees or in respect of which any lease use or occupation has been permitted by the Trustees under sub-section (i) shall continue to form part of the State Park and to be subject to the provisions of this Enactment and of any Rules made thereunder save in so far as may be set out in any condition or restriction imposed by the Trustees under sub-section (i).
 - (iii) Save by virtue of any right conferred by or acquired under or in respect of any lease or permission under sub-section (i) or as otherwise in this Enactment provided no person other than a Park Official may reside in, enter, use or occupy any land within and forming part of the State Park without the permission of the Trustees so to do.
- 6.
- (i) The Trustees shall have full powers to administer the State Park and may for that purpose employ and appoint either by name or office an officer to be known as the Officer in Charge of the Park and such other officers and servants as they may consider necessary.
 - (ii) Every officer or servant employed by the Trustees shall for the purposes of the Penal Code be deemed to be a public servant and shall within the State Park have all the powers of a police constable as defined in the Criminal Procedure Code or any other written law in force.
- 7.
- (i) The State Park shall not for the purpose of the Mining Enactment or of the Land Enactment or of any other Enactment be deemed to be State land nor shall any mining or prospecting operations be normally carried on within the State Park.
 - (ii) Notwithstanding anything contained in subsection (i), if at any time the Trustees have reason to believe that in a particular portion of the State Park a mineral deposit exists of such richness that it would be contrary to the interests of the State that it should not be mined the Trustees may take such steps as may be necessary to consent to the issue under the Mining Enactment of licenses to prospect such portion of the State Park and if necessary for the issue thereafter of mining certificates or of mining leases in respect of that portion of the State Park.
 - (iii) For the purposes of sub-section (ii) and in respect of any portion of the State Park which is to be prospected the Trustees shall be deemed to be the proprietors and lawful occupiers of alienated land and in respect of any land in respect of which any mining certificate or mining lease is to be issued it shall be lawful for the Trustees to surrender such land to the State and any land so surrendered shall then be deemed to be State land:

Provided that upon the termination of any rights granted over any land within the State Park by any mining document of title (or by any renewal thereof) by reason of forfeiture, effluxion of

time or otherwise such land shall automatically re-vest in the Trustees to be held by them under this Enactment and as part of the State Park.

- (iv) When any mining document of title is issued in respect of any land within the State Park the Trustees shall grant in respect of any other portion of the State Park such rights of passage, licenses or other facilities as may be necessary for the practical exercise of the rights granted by such mining document of title.
 - (v) No mining certificate or mining lease shall be issued in respect of any land within the State Park unless such mining certificate or mining lease includes such reasonable conditions as the Trustees may require to be included therein in order to allow them such rights of entry into and control of such lands may be consistent with such land being used for mining purposes.
8. (i) No person other than a park official acting in the performance of his duties as such may without such written permission as may be prescribed
- (a) convey into the State Park or within the confines of the State Park be in possession of any weapon, explosive, trap, net, birdlime, poison or other thing intended or calculated to cause injury to any animal within the State Park;
 - (b) convey into the park or within the confines of the park be in possession of any implement or tool intended or calculated for the doing of any act or thing in contravention of the provisions of this Enactment or of any Rule made thereunder;
 - (c) introduce any animal into the State Park or permit any domestic animal to enter into the State Park;
 - (d) within the State Park disturb or take the nest of any animal or kill, injure, capture or molest any animal:
Provided that any dangerous animal may be killed in defence of human life or to prevent the infliction of personal injury;
 - (e) remove from the State Park any live animal or any part of any dead animal other than an animal lawfully introduced into the park;
 - (f) within the State Park cut, destroy or damage any tree or plant or clear, dig or cultivate any land;
 - (g) remove from the State Park any tree or plant or any part of any tree or plant.
- (ii) Nothing in this Enactment shall be deemed to prevent -
- (a) any Government officer from entering or being in the State Park or from carrying arms therein in the execution of the duties of his office; or
 - (b) any person from travelling through, in or over the State Park on any public road therein or in any public railway train or in any aircraft, provided that such person does not leave the public road or the railway line or the precincts of any railway station or

(except while being conveyed by any aircraft) the precincts of any aerodrome within the State Park.

9.
 - (i) No person shall within the State Park wilfully or negligently destroy, damage or deface any object of zoological, botanical, geological, ethnological or other scientific or aesthetic interest or value.
 - (ii) No person shall destroy, damage or remove any notice, boundary mark or other thing whatsoever the property of the Trustees
 - (iii) No person shall use or occupy any building, vehicle, boat or other thing the property of the Trustees except in accordance with any permission granted by a park official competent to grant such permissions or otherwise in accordance with the provisions of this Enactment.
10.
 - (i) The Trustees may make such Rules not inconsistent with the provisions of this Enactment as may in their opinion be necessary for any of the purposes of this Enactment and without in any way restricting the generality of such powers may in particular make rules -
 - (a) delegating to any park official any of the powers and duties of the Trustees (including the power of further delegation);
 - (b) prescribing the form and conditions under which any permission granted by the Trustees will be so granted;
 - (c) prescribing fees payable in respect of any permission or license granted or thing done under this Enactment;
 - (d) prescribing in respect of any contravention of any Rule under this Enactment, penalties not exceeding imprisonment for six months or a fine of five hundred dollars or in the case of a continuing offence a fine of fifty dollars for every day on which the offence has been committed;
 - (e) prescribing the seizure and the forfeiture after conviction of any animal or other thing by means of which or in respect of which any offence has been committed;
 - (f) prohibiting the doing of any particular act within the State Park
 - (ii) Such Rules shall not take effect and come into force until they have been confirmed or amended by His Highness the Sultan in Council and have thereafter been published by Notification.
11. Any person offending against or not complying with any provision of this Enactment or any Rule in respect of which no specific penalty has been prescribed shall be liable to a fine of five hundred dollars or to imprisonment for six months.
12. Any charge for an offence against this Enactment or against any Rule made thereunder may be tried by a Court of a Magistrate of the First Class, provided that the Trustees or any park official to whom they may delegate such power may in their or his discretion compound any such offence for any sum not exceeding the sum of twenty five dollars.

13. (i) Any member of the police force or any park official generally or specially authorized by the Trustees so to do may within the State Park or within two miles from the nearest point on any boundary thereof arrest any person found committing any offence against this Enactment or against any Rule made thereunder or whom he may reasonably suspect to have committed such an offence and shall as soon after such arrest as is practicable take or send such person before a Magistrate or to a police station:

Provided that at the request of any person so arrested such person may in the first instance be taken before any park official to whom under section 12 power to compound offences has been delegated and if any offence committed is thereupon compounded and the composition is paid or secured to the satisfaction of the said park official the person so arrested shall be released from such arrest.

- (ii) So long as provisions to the like effect exist in the law of the State of Pahang or of the State of Terengganu respectively if any person is known or reasonably suspected to have done in any part of the Taman Negara National Park lying within the State of Pahang or within the State of Terengganu respectively any act which if it had been done in the State of Kelantan would have constituted an offence against this Enactment or against any Rule made thereunder and such person is found within or immediately on his arrest has been brought into the State of Kelantan such person may be dealt with in all respects as if such act had in fact been done within the State of Kelantan.
- (iii) So long as the provisions to the like effect exist in the law of the State of Pahang or of the State of Terengganu respectively any person who has done within the State of Kelantan any act which constitutes any offence against this Enactment or against any Rule made thereunder and who is found within or immediately on his arrest has been taken into the State of Pahang or the State of Terengganu respectively may within that State be dealt with in all respects as if such person had in fact done such act within such State.
- (iv) Unless His Highness the Sultan in Council shall by resolution otherwise decide it shall be presumed that provisions to the like effect with subsections (ii) and (iii) exist in the law of the State of Pahang and of the State of Terengganu, and the absence of any such resolution shall be conclusive evidence that such provisions exist as aforesaid.
14. Any member of the police force or any park official generally or specially authorized by the Trustees so to do may within the State Park or within two miles from any point on the boundary thereof if he suspects that any point on the boundary thereof if he suspects that any offence has been committed against this Enactment or against any Rule made thereunder inspect and search any baggage, equipment, package, container, tent, vehicle, boat, craft or place and seize any thing therein which he requires as evidence that any such offence has been committed.

SCHEDULE

Description of boundaries of that part of Taman Negara National Park which lies in Kelantan

All that area of land amounting to 198,300 acres more or less in the Daerah of Lebir in the District of Ulu Kelantan bounded as follows:

Commencing from Gunung Rabong (5040) and proceeding in a direct line, bearing approximately $109^{\circ} 15'$, to a point about one mile due south of Kampong Pakoh, thence in a direct line, bearing approximately $77^{\circ} 15'$, to Kuala Manis on the true right bank of the River Ibu Lebir, above Kuala Ampul: thence by the true right bank of the River Manis for one mile from Kuala Manis, thence north-easterly to Kuala Alor, a tributary of the River Pertang, thence by the true right bank of the River Alor following the ancient Pangan track to near the source of the River Alor and to the Kelantan-Trengganu boundary: thence south easterly following the Kelantan-Trengganu boundary and southerly and westerly following the Kelantan-Pahang boundary to Gunung Tahan (7186'); thence north-westerly following the Kelantan-Pahang boundary to a point where it meets the Daerah Lebir boundary (Ulu Sungai Ngeram): thence in a direct line to the point of commencement.

[*Gazette (Kelantan Section) Notification No. 2, 3rd January 1952*]

THE KING GEORGE V NATIONAL PARK (KELANTAN)
ENACTMENT
(Kelantan Enactment No. 14 of 1938)

RULES FOR THE ADMINISTRATION OF THE KING GEORGE V
NATIONAL PARK

IN exercise of the powers conferred by section 10 of the King George V national park (Kelantan) Enactment 1938, His Excellency the High Commissioner and His Highness the Sultan of Kelantan, as Trustees under the said Enactment of the State Park, hereby make the following Rules for the administration of the State Park:

1. These Rules may be cited as the King George V National Park (Kelantan) Rules, 1951.
2. In these Rules -

"the Enactment" means the King George V National Park (Kelantan) Enactment , 1938;

"the Park" means the State Park
3. (1) The Officer-in-Charge of the Park, with the approval of the High Commissioner, may by notification in the *Gazette*, appoint an Officer, to be known as the Superintendent, who shall be an Officer of the Game Department not below the rank of Deputy Game Warden; and an Officer to be known as the Assistant Superintendent, who shall be an Officer of the Game Department not below the rank of Assistant Game Warden. Such Officers shall perform such of the duties and exercise such of the powers conferred upon the Officer-in-Charge of the Park by any of the provisions of the Enactment or by these Rules as may be specified in such notification in the *Gazette* .

(2) The Officer-in-Charge of the Park may also by notification in the *Gazette* appoint such Park Officials, being Officers of the Game Department of the rank of Game Ranger, as may be necessary from time to time for the proper administration of the Park. Park officials so appointed shall perform such of the duties and exercise such of the powers conferred upon the Officer-in-Charge of the Park as shall be specified for Park Officials in such notification in the *Gazette* .

(3) The Officer-in-Charge of the Park may also employ such boatmen, elephant drivers (Gembala), labourers or other persons as shall be necessary from time to time for the proper administration of the Park.
4. The Officer-in-Charge of the Park may use or occupy or permit any Park Official or any other person to use or occupy land within the Park for the following purposes -
 - (a) the construction and maintenance of roads, paths and bridges;

- (b) the construction of dams and reservoirs for the supply of water to houses or buildings within the Park;
- (c) the construction and maintenance of dwelling-houses, buildings, rest houses, halting bungalows and camping sites for the accommodation, otherwise than for private profit, of Park Officials or their servants or visiting members of the public or for the storing and safekeeping of stores and equipment.

Provided that no person than a Park Official shall be permitted to reside within the Park for a period of more than one month without the permission in writing of the High Commissioner, which permission shall not be given without the consent of the Trustees.

- 5 (1) The power of compounding offences conferred by Section 12 of the Enactment is hereby delegated to the Officer-in-Charge of the Park, and such officer may further delegate such power to any other Park Official.
- (2) The powers and duties set out in Sections 13 and 14 of the Enactment shall be exercised by and performed by the Officer-in-Charge of the Park and delegation in that behalf is hereby made with power of further delegation:

Provided that no woman shall be searched except by a woman.

- 6. The Officer-in-Charge of the Park and the Superintendent shall be the Officers competent to grant permission under sub-section (iii) of Section 9 of the Enactment.
- 7. The Officer-in-Charge of the Park with the approval of the High Commissioner, may prescribe fees payable in respect of all or any of the following services and may alter or amend such fees:
 - (a) the occupation of rest-houses and halting bungalows;
 - (b) the use of boats, elephants or other means of transport;
 - (c) the services of guides and attendants;
 - (d) the taking of photographs;
 - (e) the taking of fish with rod and line;
 - (f) any other service or user which may be specified in writing by the Officer-in-Charge of the Park for which in the opinion of the said Officer-in-Charge a fee should be prescribed.

- 8. The Officer-in-Charge of the Park may authorise any Park Official to clear, break up, dig and plant such land as he may deem necessary for the purpose of growing food crops for the consumption of such Official and his wife and children (and other dependants including servants) or for the planting of flowering trees, shrubs or plants to increase the amenities at any post.

Provided that such land shall be adjacent to a dwelling-house, rest-house or halting bungalow and shall in no case extend to an area of more than one-half acre in respect of each married Park Official, or; where Park Officials are not married, in respect of two such Officials and their servants living at the same post or station.

9. (1) Subject to the provisions of Section 8 of the Enactment, no person shall enter or leave the Park except with the written permission of the Officer-in-Charge of the Park and then only by the route or point of entry or exit described in such permission. Every person so entering the Park shall be bound to produce his permit to the Park Official in Charge of the Post at the point of entry, to carry it upon his person and produce it to any Park Official on demand and on completion of his visit to surrender it to the Park Official in Charge of the Post at the point of exit. The Officer in Charge of the Park may impose conditions when granting such written permission.
 - (2) Any person entering the Park without a permit or failing to comply with any of the conditions specified in the permit or in sub-paragraph (1) of this Rule shall be guilty of an offence against these Rules.
10. (1) Any person other than a person exempted under the provisions of the Enactment, desiring to convey any firearm from one point to another within the boundaries of the Park shall produce such firearm to the Superintendent or Assistant Superintendent who may issue a permit for the carrying of such firearm. Before issuing such permit the Superintendent or Assistant Superintendent shall record particulars of such firearm in a book provided for the purpose. The holder of a permit upon his person and produce it on demand to any Park Official and shall surrender it to the Park Official in Charge of the Post at the point of exit.
 - (2) Any person to whom a permit is issued under this rule who fails to produce it on demand whilst in the Park and to surrender it before leaving the Park shall be guilty of an offence against these Rules.
11. (1) Except with a permit in writing under the hand of the Officer in Charge of the Park, fishing within the boundaries of the Park is prohibited.
 - (2) A permit issued under this rule shall be valid for a period of thirty days from the date of issue and shall be subject to the payment of such fee as may from time to time be prescribed under Rule 7 of these Rules.
 - (3) Fishing within the boundaries of the Park shall be with rod and line only and shall be within the area or areas approved by the Officer in Charge of the Park and endorsed upon the face of a permit to take fish.
 - (4) In the interests of the proper conservation of fish in the Park the Officer in Charge of the Park may grant or withhold a permit to any person and may place a limit upon the number, size or species of fish which may be taken at any one place or during any specified period of time. Any such restrictions imposed shall be endorsed on the permit.
 - (5) Any person found fishing within the boundaries of the Park to whom a permit has not been issued or who fails to comply with the terms and restrictions endorsed upon his permit shall be guilty of an offence against these Rules.
 - (6) Where any person is found in possession of freshly-taken fish within the boundaries of the Park it shall be *prima facie* evidence that he has himself taken such fish and that such fish has been taken within the boundaries of the Park.

12. Any person found guilty of an offence against these Rules shall on conviction be liable to a fine not exceeding one hundred dollars and for a second or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment of either description which may extend to three months or to both such fine and imprisonment.

KOTA BHARU
15th December 1951

A. NOORDIN ZAKARIA
Clerk of Councils, Kelantan