STATE OF SABAH

ANIMAL ENACTMENT 2015

(Sabah No. 8 of 2015)

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An Enactment to provide a law for preventing the introduction into and the spreading within Sabah of diseases of animals and birds, the promotion of veterinary public health, conservation of animals and birds, and for matters and purposes incidental thereto and connected therewith.

ENACTED by the Legislature of the State of Sabah as follows:

PART I
PRELIMARY

Short title and commencement

1. (1) This Enactment may be cited as the Animal Enactment 2015.

(2) This Enactment comes into operation on 15 December 2015.

Interpretation

2. In this Enactment, unless the context otherwise requires -

"animal" includes buffalo, cattle, sheep, goat, horse, swine, dog, cat and any four-footed beast kept in captivity or under control of any age or sex;

"animal product" means any product and by-product of animal origin for human consumption, for use in animal feeding or for pharmaceutical or industrial use, and includes meat, milk, blood, semen, embryo or any part of animal carcass;

"bird" includes chickens, ducks, geese, turkeys, quails, guinea fowls, pigeons and any other avian species kept in captivity or under control, of any age or sex and the eggs thereof;

"bird product" means any product and by-product of bird origin for human consumption, for use in animal feeding or for pharmaceutical or industrial use, and includes meat, blood, egg or any part of bird carcass;

"building" includes any stable or enclosure, whether roofed or not, used for sheltering or confining any animal or bird and any pen, cage, wall, gate, pillar, post, paling,

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frame, hoarding, fence, platform, roadway, path, steps, staging, slip, wharf, dock, piles, jetty, landing stage or bridge, or any structure connected with the foregoing;

"carcass" means the dead body of an animal or bird and includes any part thereof and the meat, bones (whether whole, broken or ground), offal, hide, skin, wool, hair, feathers, hoof, horns or other part of an animal or bird, separately or otherwise, or any portion thereof;

"cat" means any cat of any breed or sex, belonging to the feline family;

"cattle" means bulls, cows, heifers and calves and includes buffaloes of any age or sex;

"conveyance" means any vehicle, vessel, ship, aircraft or any other mode of transportation whether by air, sea or land;

"Director" means the Director of Veterinary Services;

"disease" means any disease, infectious, non-infectious or contagious amongst animals, birds, animal products, bird products or carcass;

"District Officer" includes the Assistant District Officer;

"dog" means any dog of any breed or sex, belonging to any canine family;

"export" means to take or cause to be taken out of Sabah, by land, sea or air or to any place any animal, bird, animal product, bird product, carcass, dung or any article or substance in a conveyance for the purpose of the animal, bird, animal product, bird product, carcass, dung or any article or substance being taken out of Sabah by land, sea or air;

"fodder" means any substance used for food of animals or birds;

"horse" includes any mare, gelding, pony, foal, colt, filly, ass or mule;

"import" means to bring or cause to be brought any animal, bird, animal product, bird product, carcass, dung or any article or substance into Sabah, by land, sea or air;

"infected" means infected with any disease;

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"litter" means any substance used for bedding or otherwise for or about animals or birds;

“livestock” means any class of livestock which includes bird, cattle, buffalo, goat, sheep, deer, pig, rabbit, poultry or any other animal or bird domesticated for human consumption;

"Minister" means the Minister charged with the responsibility for veterinary services;

"officer of customs" has the meaning assigned to it in section 2 of the Customs Act 1967 [*Act 235*];

"owner" means any person who owns any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance and includes any person for the time being in charge of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance and any person for the time being in occupation of any premises;

"premises" includes any house, building, hut, shed, structure, platform, plant, warehouse, container and land whether or not enclosed or built upon;

"quarantine" means the official confinement in isolation of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance under the supervision of the veterinary authority;

"quarantine station" means any premises or place established under section 50 where quarantine of animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance is carried out under the supervision of the veterinary authority;

"ship" includes every description of vessel or craft, however propelled, which may be used in navigation by water;

"veterinary authority" means the Director or any public officer authorized by him in writing to exercise any power under this Enactment;

"veterinary biologic" means animal or bird vaccines, sera, plasma, toxoids, toxins and antitoxins, antigens or any substance or mixture of substances, live, killed or attenuated derived from animals, birds, parasites or micro-organisms or parts

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thereof, any culture or living preparation of the causative agent of any disease manufactured, imported, sold, used or presented for use for veterinary purpose;

"veterinary centre" means any veterinary centre established under section 50.

PART II

FUNCTIONS AND POWERS

Functions and powers of the Director

3. (1) The Director shall have the following functions and powers:

(a) to control the importation and exportation of animal, bird, animal product, bird product, carcass, dung or any article or substance;

(b) to issue licence, permit or certificate;

(c) to control the importation, exportation, possession or administration of veterinary biologic;

(d) to control the movement of animal or bird within the State;

(e) to establish temporary or emergency quarantine stations at suitable places in Sabah;

(f) to establish and implement programs for the prevention of spreading, treatment and eradication of animal disease in the State;

(g) to advise the Minister on matters relating to the prevention of spreading, treatment and the eradication of disease; and

(h) to do all things expedient and necessary for or incidental to the performance of his functions and powers under this Enactment.

(2) In the exercise of his functions under this Enactment, the Director shall have the powers to issue directions, guidelines or code of practices to any officer, authority or person and such officer, authority or person shall be bound to comply with such directions, guidelines or code of practices.

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Power to delegate

4. (1) The Director may in writing delegate any of his functions or powers subject to such conditions, limitations or restrictions as he thinks fit, to any veterinary authority or public officer, and such person to whom the functions or powers is delegated shall perform the functions and powers in the same manner and with the same effect as if the functions or powers had been conferred on him under this Enactment.

(2) A person purporting to act pursuant to a delegation made under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation made under this section may at any time be revoked by the Director.

(4) A delegation made under this section shall not preclude the Director himself from carrying out at any time the delegated functions or powers.

PART III

LICENCE, PERMIT AND CERTIFICATE

Application for licence

5. (1) No person shall -

(a) import any animal, bird, animal product, bird product, carcass, dung or any article or substance;

(b) export any animal. bird, animal product, bird product, carcass, dung or any article or substance;

(c) possess and administer veterinary biologic;

(d) import or export veterinary biologic;

(e) use any private place or premises as a temporary quarantine station;

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(f) import into Sabah or shall have in his possession any living disease bearing insect or any living disease pathogen or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds;

(g) operate any livestock farm; or

(h) operate any slaughterhouse,

unless he holds a licence.

(2) A person intending to carry on the activities under subsection (1) shall submit an application for a licence to the Director in the manner as may be prescribed.

(3) Every application under subsection (2) shall be accompanied by prescribed fee and such documents and information as may be specified by the Director.

(4) The Director may, in writing, at any time after the receipt of an application under subsection (2), request the applicant to give to him within the period specified in the request, additional information, particulars or document on the application.

(5) If any additional information, particulars or document required under subsection (4) is not given by the applicant within the period specified in the request or any extension of time granted by the Director, the application shall be deemed to be withdrawn and shall not be further proceeded with, but without affecting the right of the applicant to make a fresh application.

(6) The veterinary authority shall, in considering an application for a licence under subsection (2) in relation to the activity under paragraph (1)(*g*), assess the livestock farm in the manner as may be prescribed.

Issuance or refusal of licence

6. (1) Upon receipt of an application made under section 5 and after given due consideration, the Director may -

(a) approve the application and issue a licence to the applicant in such form as prescribed by the Director; or

(b) refuse the application.

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(2) The licence may be issued subject to such conditions as the Directot thinks fit to impose.

(3) A licence, to possess and administer veterinary biologic or to import or export veterinary biologic, issued or renewed under this Enactment shall remain in force for a period of one year from the date of its issuance or renewal.

(4). Where the Director refuses to approve the application in pursuance of paragraph (1)*(b)*, he shall inform the applicant by a written notice that the application has been refused.

Power to impose additional conditions or to vary conditions

7. The Director may, at any time -

(a) impose any additional conditions on the licence issued under section 6; or

(b) vary any of the conditions imposed on the licence issued under section 6.

Renewal of licence

8. (1) A licensee may apply for a renewal of his licence not later than sixty days before the date of expiry of the licence in any form and manner as may be determined by the Director.

(2) The licensee shall furnish to the Director any information as the Director considers necessary and relevant to the application.

(3) The Director may, after receiving an application for a renewal of licence under subsection (1), renew the licence or refuse to renew the licence.

(4) Where an application for renewal of licence is approved by the Director, the licence shall be renewed upon payment of the prescribed fee and the Director may impose such terms and conditions as he considers necessary.

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Display of licence

9. (1) A licensee shall display his licence at a conspicuous place at his premises.

(2) Notwithstanding subsection (1), a licensee is not required to cause copy of the licence to be displayed if he carries on the activities outside the premises but the licensee shall ensure that he or the person in charge of the activity has a certified copy of the licence with him.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine of not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Suspension or revocation of licence

10. (1) The Director may, by giving a notice in writing, suspend the licence of a licensee who -

(a) has contravened any provisions of this Enactment or any subsidiary legislation made under this Enactment; or

(b) has breached any conditions specified in the licence.

(2) The Director may, by giving a notice in writing, revoke the licence of a licensee who -

(a) has contravened any provisions of this Enactment or any subsidiary legislation made under this Enactment;

(b) has breached any conditions specified in the licence;

(c) has obtained a licence by fraud or misrepresentation; or

(d) has used the licence for which the original purpose of the licence issued is no longer exists.

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(3) Before the suspension or revocation of the licence under subsection (1) or (2), the Director may, by notice in writing, give the licensee an opportunity to show cause against the suspension or revocation.

(4) Upon suspension or revocation, licensee shall surrender the licence to the Director not later than fourteen days from the date on which the notice of suspension or revocation is served on him.

(5) A person whose licence is suspended or revoked shall not be entitled to any compensation for any loss caused to him by the suspension or revocation.

(6) Where a licence has been suspended or revoked, it shall have no effect during the period of suspension or from the date of revocation, as the case may be.

(7) [*Deleted by En. 12 of 2026*]

(8) Any person who fails to surrender his licence as required under subsection (4), commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Licence, permit or certificate not transferable

11. (1) Any licence, permit or certificate issued under this Enactment or any subsidiary legislation made under this Enactment shall not be transferred and no person shall use a licence, permit or certificate of another person.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine of not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

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Altering licences, permits, *etc.*

12. Any person who, without lawful authority, alters any licence, permit, certificate or any other written document issued under this Enactment or any subsidiary legislation made under this Enactment or knowingly makes use of any licence, permit, certificate or document so altered, commits an offence and shall, on conviction be liable to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding six months or to both.

PART IV

IMPORTATION AND EXPORTATION OF ANIMAL, BIRD, *ETC.*

Importation

Interpretation

13. For the purpose of this Part, "examine" includes the carrying out of any tests and post-mortem examination.

Prohibition and restriction as to importation

14. (1) The Minister may by order published in the *Gazette* prohibit, either absolutely or conditionally, the import from specified country or any specified part of a country of any animal, bird, animal product, bird product, carcass, dung or any article or substance that is likely to convey or spread disease.

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(2) The Director may, from time to time by notification in the *Gazette*, restrict the importation of any species or breed of animal or bird.

(3) Any person who contravenes the order or notification made under subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

No person to import any animal, bird, *etc.*, without a licence

15. (1) Except as specifically provided in any order made under subsection 14 (1), no person shall import any animal, bird, animal product, bird product, carcass, dung or any article or substance unless he holds a licence.

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

Detention and examination of imported animal, bird, *etc.*

16. (1) Every animal, bird, animal product, bird product, carcass, dung or any article or substance imported or about to be imported shall be inspected by a veterinary authority either at the place of arrival or at such other places as he may appoint.

(2) If such animal, bird, animal product, bird product, carcass, dung or any article or substance is considered likely to have been exposed to infection with any disease the veterinary authority may detain such animal, bird, animal product, bird product, carcass, dung or any article or substance for observation, examination or treatment for such period and at such place as he thinks proper.

(3) The Director may prescribe fees to be paid for the inspection, observation, examination or treatment performed by veterinary authority under this section.

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Arrival of any animal, bird, *etc.*, to be reported

17. (1) A person in control or in charge of any conveyance of which there is any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance whether such animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance is intended to be landed in Sabah or not, shall immediately on the first arrival of the conveyance in Sabah report the fact to the officer in charge of the entry point, jetty, port or airport, as the case may be, or a police officer or an officer of customs and in every such case such officer shall without delay inform the nearest veterinary authority.

(2) The importer, consignee, agent or person in charge of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance shall report to the veterinary authority the arrival of such animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance.

(3) A veterinary authority may board conveyance for the purpose of inspection of such animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance.

(4) The person in control or in charge of any conveyance shall not permit any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance to be unloaded, landed, or removed from the conveyance until the veterinary authority has granted an approval for the unloading, landing or removal of such animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance.

(5) The provisions of subsection (4) shall apply notwithstanding that a licence has been issued under section 6.

(6) Any person who -

(a) fails to make a report as required by subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit;

(b) permits any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance to be unloaded, landed

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or removed contrary to subsection (4) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Importation of diseased animal, bird, *etc.*

18. (1) If any animal, bird, animal product, bird product, carcass, dung or any article or substance which has been or is about to be imported is, in the opinion of a veterinary authority, infected with any disease or likely to have been in contact with any infected or diseased animal or bird or any contaminated animal product, bird product or carcass or any article or substance, the veterinary authority may in his discretion either -

(a) refuse to permit such animal, bird, animal product, bird product, carcass, dung or any article or substance to be unloaded, landed or removed;

(b) cause such animal, bird, animal product, bird product, carcass, dung or any article or substance to be destroyed at once and be disposed of in such manner as he may direct; or

(c) cause such animal, bird, animal product, bird product, carcass, dung or any article or substance to be detained in quarantine for such period as he may consider necessary.

(2) No compensation shall be payable in respect of any animal, bird, animal product, bird product, carcass, dung or any article or substance destroyed.

Animal or bird on board a ship

19. (1) Any animal or bird imported by sea and intended to be landed in Sabah shall at all times while on board a ship in any port be confined in an enclosed part of the ship or in a cage or kennel.

(2) If any animal or bird dies or is lost from a ship in any port the person in control or in charge of the ship shall immediately notify the veterinary authority of such death or loss.

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(3) The person in control or in charge of any ship on board who contravenes subsection (1) or fails to comply with subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Destruction of injured animal or bird

20. (1) If any animal or bird examined by a veterinary authority for the purposes of importation is found to be suffering from injury which in his opinion cannot be relieved, the veterinary authority may cause such animal or bird to be destroyed at once and its carcass to be disposed of in such manner as he may direct.

(2) If any animal or bird is destroyed under this section the expenses of disposing of the carcass shall be borne by the owner.

(3) No compensation shall be payable in respect of any animal or bird destroyed.

Permission to land carcass

21. (1) No person shall unload, land or remove from any conveyance the carcass of any animal or bird without the written permission of a veterinary authority who shall give directions as to the manner of its disposal.

(2) Any person who contravenes subsection (1) or fails to comply with any direction given by a veterinary authority as to the manner of disposal of the carcass commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Destruction or disinfection of certain articles

22. (1) Whenever it appears to a veterinary authority that any bedding, litter, fodder, dung, semen, personal belongings or other article or substance imported by land, sea or air may convey or spread disease, he may seize and detain the same and at his discretion may destroy or disinfect thereof.

(2) No compensation shall be payable in respect of any destruction or disinfection.

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Exportation

Licence to export animal, bird, *etc.*

23. (1) No person shall export any animal, bird, animal product, bird product, carcass, dung or any article or substance unless he holds a licence.

(2) Any person who exports animal, bird, animal product, bird product, carcass, dung or any article or substance contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Examination before exportation

24. Every animal, bird, animal product, bird product, carcass, dung or any article or substance which is about to be exported may be required to undergo an examination by a veterinary authority at such place as he may appoint.

Exportation of diseased animal, bird, *etc.*

25. Upon the examination by a veterinary authority as required under section 24, if any animal, bird, animal product, bird product, carcass, dung or any article or substance which is about to be exported is in the opinion of the veterinary authority to be infected or contaminated with any disease, as the case may be, or likely to have been in contact with any infected or diseased animal or bird or any contaminated carcass, dung or any article or substance, the veterinary authority may refuse to permit such animal, bird, animal product, bird product, carcass, dung or any article or substance to be exported.

PART V

PREVENTION OF THE SPREAD OF DISEASE

General

Examination of animal, bird, *etc.*, suspected of disease

26. (1) If a veterinary authority has reason to believe that any animal or bird may be infected, or any animal product, bird product or carcass may be contaminated with any

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disease, he may subject such animal, bird, animal product, bird product or carcass to such examination and treatment as he may consider necessary, and for the purposes of such examination may take samples from such animal, bird, animal product, bird product or carcass.

(2) For the purpose of carrying out any examination under this section the veterinary authority may order that the animal, bird, animal product, bird product or carcass be delivered to him at a specified place and time, and no such animal, bird, animal product, bird product or carcass shall be removed from such place without the permission of the veterinary authority.

(3) No person, except in the case of an infected area, shall be required to deliver any animal, bird, animal product, bird product or carcass at any place more than five kilometres from the place at which such animal, bird, animal product, bird product or carcass is kept.

(4) Any person who fails to comply with the order given under subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Destruction of diseased animal, bird, *etc.*

27. A veterinary authority may order the immediate isolation or destruction of any animal, bird, animal product, bird product or carcass found or reasonably believed to be infected or contaminated with disease, as the case may be.

Compensation for animal, bird, *etc.*, destroyed

28. (1) No compensation shall be payable in respect of any animal or bird infected, or any animal product, bird product or carcass contaminated with disease and destroyed by order of any veterinary authority.

(2) There shall be payable as compensation to the owner in respect of any animal, bird, animal product, bird product or carcass reasonably believed to be infected or contaminated with disease, as the case may be, which has been destroyed by order of any veterinary authority and found not to be so infected or contaminated such sum as not

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exceeding one-half of its value as assessed by the veterinary authority subject to the approval of the Minister.

Post-mortem examination

29. (1) A veterinary authority may conduct a post-mortem examination of the carcass of any animal or bird and may remove such portions of the carcass as he may deem necessary for laboratory examination, and for the purposes of such examination may order that the carcass be delivered to him at such place and time as he shall specify.

(2) A veterinary authority may order the carcass of any animal or bird which has been buried to be exhumed for the purposes of such post-mortem examination.

(3) Any person who fails to comply with the order given under subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Treatment of infected animal and bird

30. (1) If a veterinary authority considers that any animal or bird has been exposed to infection with any disease he may order that such animal or bird be subjected to such prophylactic or curative treatment, or any other procedure as he may think necessary.

(2) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Disinfection of stables, *etc.*

31. (1) A veterinary authority may order any stable, shed, pen, cage or other place in which an infected animal or bird has been found or kept to be disinfected in such manner as he may direct, and may by order prohibit the further use of such stable, shed, pen, cage or place for the keeping of any animal or bird for such period as may be specified in the order.

(2) Any person who fails to comply with the order given or made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

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Destruction of stables, *etc.*

32. (1) If a veterinary authority is of the opinion that any stable, shed, pen, cage or other place which has been occupied by an infected animal or bird cannot be effectively disinfected, he may order the owner or occupier of the premises within a time specified in such order to destroy such stable, shed, pen, cage or place and to burn the materials thereof.

(2) If an order given under subsection (1) is not complied with within the specified time, the veterinary authority may cause such stable, shed, pen, cage or place to be destroyed and the materials to be burned.

(3) There may be a compensation to the owner of such stable, shed, pen, cage or place which has been destroyed such sum as may be assessed by the veterinary authority subject to the approval of the Minister.

(4) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Disinfection or destruction of articles

33. (1) A veterinary authority may order the disinfection or destruction of any bedding, clothing, harness, fittings, buckets, pails or utensils whatsoever used in connection with any infected animal or bird or any contaminated animal product, bird product or carcass.

(2) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Disinfection of person and clothing

34. (1) A veterinary authority may order the disinfection of the body and clothing of any person who has been in contact with, in charge of, or attendant upon any animal or bird infected, or any animal product, bird product, carcass, fodder, litter, dung or any article or substance contaminated with, or reasonably believed to be infected or contaimated with disease.

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(2) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Disinfection of conveyance

35. (1) A veterinary authority may order the disinfection of any conveyance entering or leaving an area declared to be an infected area under section 45, or which has been used in the transport of any infected animal or bird infected, or any animal product, bird product or carcass contaminated, or reasonably believed to be infected or contaminated with disease.

(2) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Disposal of infected animal, bird, *etc.*

36. (1) No person shall knowingly cast or cause or permit to be cast into any drain, ditch, water channel, street or open space, or otherwise expose, any animal or bird which is or has been infected, or any animal product, bird product or carcass which is or has been contaminated with disease or any fodder, litter or any article or substance which has been used in connection with any infected animal or bird or any contaminated animal product, bird product or carcass.

(2) Any person contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Licence to possess veterinary biologic

37. (1) No person other than a veterinary authority, registered veterinary surgeon or any person under the supervision of a veterinary authority or a registered veterinary surgeon shall possess and administer any veterinary biologic on animal or bird unless he holds a licence.

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(2) Any person who contravenes subsection(1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Licence to import or export veterinary biologic

38. (1) No person shall import or export any veterinary biologic unless he holds a licence.

(2) Notwithstanding subsection (1), the existing provisions for registered pharmacists, dentists or medical practitioners under the Poisons Act 1952 [*Act 366*] shall continue to apply.

(3) Any person importing or exporting any veterinary biologic contrary to subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Owner of diseased or dead animal or bird to report

39. (1) Every owner of any animal or bird infected with or reasonably suspected to be infected with disease shall immediately make a report to a veterinary authority or to the nearest police station or headman and shall at once cause such animal or bird and all other animals and birds which have been in contact with it to be confined and isolated until the arrival of a veterinary authority.

(2) Every owner of any animal or bird reasonably suspected to have died of disease shall immediately report such death to a veterinary authority or the nearest police station or headman and, the carcass shall not be moved without permission from a veterinary authority or officer in charge of such police station.

(3) The carcass of such animal may be buried if no instructions have been received within twenty-four hours of making such report or where through distance, difficulty of terrain or of communications the report cannot be made within twenty-four hours.

(4) The officer in charge of a police station or a headman receiving a report made under subsection (1) or (2) shall immediately forward such report to the nearest veterinary authority.

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(5) Any person who -

(a) fails to make a report as is required under this section commits an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit;

(b) fails to cause any animal or bird to be confined and isolated as is required under subsection (1) or permits the carcass of an animal to be moved contrary to subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Obligation to report notifiable disease

40. (1) If a veterinary surgeon or a registered medical practitioner has reason to believe that any animal or bird may be infected, or any animal product, bird product or carcass may be contaminated with, or any person may be infected with any notifiable disease, as the case may be, such veterinary surgeon or registered medical practitioner shall immediately notify the nearest veterinary authority or officer in charge of a police station.

(2) The officer in charge of a police station receiving a report made under subsection (1) shall immediately forward the information to the nearest veterinary authority.

(3) The carcass of any animal or bird which has died of a notifiable disease or any animal product, bird product or carcass which has been contaminated with a notifiable disease shall be disposed of in such manner as the veterinary authority may direct.

(4) Any veterinary surgeon or registered medical practitioner contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(5) For the purpose of this section, "notifiable disease" means any disease as prescribed in the Schedule and any other disease which the Minister may, by notification in the *Gazette*, declare to be a notifiable disease within the meaning of this Enactment.

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Special Provisions Relating to Animal (other than Dog and Cat) and Bird

Application

44. Section 42 to 45 shall not apply to dogs and cats.

Disposal of dead animal or bird

42. (1) The Owner of any animal or bird that has died from disease or has been destroyed by order of a veterinary authority shall burn or otherwise dispose of the carcass as the veterinary authority may direct.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Moving or disposal of diseased or suspected of disease animal or bird

43. (1) No person shall move or dispose of any diseased or reasonably suspected of disease animal or bird, or of the carcass of such animal or bird, or of the milk or dung of such animal, except with the written permission of a veterinary authority.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Removal of articles from infected premises

44. (1) A veterinary authority may by order prohibit the removal of milk, dung, fodder, litter or other articles likely to carry or convey infection from premises on which there is or recently has been, any animal or bird infected with disease.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Infected area

45. (1) Whenever there is reasonable cause to believe that any disease exist or disease outbreak occurs amongst any animals or birds in any area or district, the District

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Officer, President or Mayor, as the case may be, on the advise of any veterinary authority shall issue an order declaring such area or district or any part thereof to be an infected area and may in such order prohibit either absolutely or conditionally the removal into or out of such infected area of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance or specified kinds of animal or bird.

(2) When an area has been declared to be an infected area, a veterinary authority may issue such orders to regulate the tying-up, isolation, segregation, movement or slaughter of animals or birds within the infected area as he may deem necessary to control and check the spread of the disease.

(3) The veterinary authority may issue a permit to the owner of any animal or bird for the removal of such animal or bird into or out of the infected area subject to such conditions as he may thinks proper.

(4) If the owner of any animal or bird fails to comply with the order made under subsection (2), the veterinary authority may take such steps as are necessary effectively to isolate or segregate such animal or bird.

(5) Any animal or bird found straying within an infected area in contravention of an order made under subsection (2) may be destroyed immediately by a veterinary authority or may be dealt with in accordance with section 62 and no compensation shall be payable in respect of any animal or bird so destroyed or seized.

(6) The order made under subsection (1) or (2) shall come into operation immediately upon the making of the order and shall be published in the *Gazette*.

(7) Any person who fails to comply with the order made under subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit.

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Special Provisions Relating to Dog in Connection with Rabies

Rabies-infected area

46. (1) The Director may at any time, where there is reasonably cause to believe that rabies exists or appears to exist or as a precaution against rabies, by order declare any area specified in such order to be a rabies-infected area.

(2) The order made under subsection (1) shall come into operation immediately upon the making of the order and shall be published in the *Gazette*.

(3) No person shall take any dog out of a rabies-infected area or out of any district of which any part is a rabies-infected area except with a permit issued by a veterinary authority.

(4) The owner of any dog within a rabies-infected area shall cause such dog to be kept under effective control -

(a) by confining it within an enclosed area from which it is impossible for the dog to escape;

(b) by tying it up securely; or

(c) by leading it by a chain or lead of strong cord or leather properly secured to a collar or harness worn by the dog.

(5) If a veterinary authority is satisfied that any dog, whether by reason of prophylactic treatment or otherwise, is immune from infection by rabies, may exempt such dogs from the requirements of subsection (4) subject to such conditions as he may impose.

(6) Any dog found within a rabies-infected area which is not under effective control in accordance with subsection (4) may be destroyed by a veterinary authority or any officer in charge of a police station or by any person authorised in writing in that behalf by any such officer.

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(7) Any person who -

(a) contravenes subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding one year or to both; or

(b) contravenes subsection (4) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Destruction or detention of animal suspected to be infected with rabies

47. (1) Whenever a veterinary authority reasonably suspects that any animal may be infected with rabies or has been exposed to rabies infection he may in his discretion either cause the animal to be destroyed immediately or may order the owner of such animal to take it immediately to a quarantine station for detention and observation.

(2) If the owner of any such animal fails to comply with such order, the veterinary authority may immediately either cause the animal to be destroyed or take possession of the animal and remove it to a quarantine station.

(3) The veterinary authority may either destroy any such animal in the quarantine station or detain it until he is satisfied that it is free from disease.

(4) The veterinary authority may take possession of the carcass of any animal that has died or has been destroyed and which is reasonably suspected to have been infected with rabies and may dispose of it in such manner as he thinks fit.

(5) No compensation shall be payable to any person in respect of the destruction of any animal under this section.

(6) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

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Detention of any dog that has bitten a person

48. (1) A veterinary authority or any officer in charge of a police station may order the owner of any dog that has or is reasonably believed to have bitten any person to produce the dog for examination by the veterinary authority and he may detain the dog at such place and for such time as he may deem advisable.

(2) If the owner of such dog fails to comply with such order, the veterinary authority or police officer may immediately take possession of the dog and remove it to a quarantine station.

(3) Any person who fails to comply with the order given under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Anti-rabies vaccination of dog

49. (1) The Director, whenever it appears to him to be expedient, may make an order which in this section referred to as an Anti-Rabies Vaccination Order that all dogs within any area or any part thereof specified in such order, shall be submitted to anti-rabies vaccination together with a prescribed fee, and may at any time cancel such order.

(2) The Anti-Rabies Vaccination Order and the cancellation shall be published in the *Gazette*.

(3) The Anti-Rabies Vaccination Order shall remain in force until 31 December of the year in which the order was made or until its cancellation, whichever period shall be the shorter, but without prejudice to the making of a further Anti-Rabies Vaccination Order to take effect upon the expiry of the period.

(4) Whenever an Anti-Rabies Vaccination Order has been made a veterinary authority may give directions as to the periods of time within which, and the places at which dogs, or groups of dogs, shall be produced for the purposes of such vaccination.

(5) Such direction shall be published in such manner as the veterinary authority considers necessary.

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(6) The Director may, by notification in the *Gazette*, require that every dog which has been vaccinated in accordance with an Anti-Rabies Vaccination Order shall, after such date as may be specified in such notification, at all times during the continuance in force of the Order and within the area to which the Order applies, carry upon it a serially numbered metal badge or mark, tag or other evidence of vaccination, and any dog found within such area after the date specified in the notification, whether at large or not, which does not carry the proper evidence of vaccination may be destroyed.

(7) A veterinary authority may authorise in writing any person to destroy dogs in accordance with the provisions of subsection (6).

(8) If any owner of a dog fails to comply with the order made under subsection (1) or direction given under subsection (4) a veterinary authority may immediately destroy such dog.

(9) Any owner of a dog who fails without reasonable excuse to comply with the order made under subsection (1) or direction given under subsection (4) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(10) [*Deleted by En. 12 of 2026*]

PART VI
QUARANTINE STATIONS AND VETERINARY CENTRES

Establishment of quarantine stations and veterinary centres

50. (1) There shall be established and maintained quarantine stations and veterinary centres at suitable places in Sabah.

(2) The location and name of such quarantine station and veterinary centre shall be notified in the *Gazette*.

(3) In addition to the quarantine station and veterinary centre under subsection (1), the Director may appoint suitable places or premises to be temporary or emergency quarantine stations.

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(4) Notwithstanding subsection (3), no person shall use a private place or premises as temporary quarantine station unless he holds a licence.

(5) The Director may give such directions as he thinks fit for regulating the management and maintenance of temporary or emergency quarantine stations.

(6) Any person who contravenes subsection (4) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Presumption as to entry of animal *etc*., to Sabah

51. Any animal, bird, animal product, bird product, carcass, dung or any article or substance entering Sabah and required to be quarantined in any quarantine station or veterinary centre in Sabah under the order of a veterinary authority, shall not be deemed to have entered Sabah until such time when such animal, bird, animal product, bird product, carcass, dung or any article or substance is discharged thereof.

Charges and fees relating to quarantine stations or veterinary centre

52. (1) Any charges incurred on account of transport of animal, bird, animal product, bird product, carcass, dung or any article or substance to or from a quarantine station or veterinary centre, shall be paid by the owner of the animal, bird, animal product, bird product, carcass, dung or any article or substance.

(2) There shall be fees for the keeping, treatment or other expenses of the animal, bird, animal product, bird product, carcass, dung or any article or substance at the quarantine station or veterinary centre as prescribed.

PART VII

CONSERVATION OF LIVESTOCK

Movement of animal or bird or slaughter of cattle, *etc.*, may be prohibited

53. (1) The Minister may, for the purpose of conservation, by order published in the *Gazette* -

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(a) prohibit for such period as may be specified in the order the movement of any animal or bird or any specified class of them within or between any areas specified in such order except under licence; or

(b) prohibit during such period or periods as may be specified in the order the slaughter in any area of any cattle, sheep, goat, swine or poultry of any specified class thereof except under licence; and

(c) prescribe fees and procedures for obtaining such licences.

(2) The order issued under this section may specify the person who may issue a licence as to movement or slaughter and such licence may be issued subject to such conditions as such person may impose.

(3) Any person who fails to comply with the order made under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit.

PART VIIA

CONTROL OF LIVESTOCK FARM

Licence to operate livestock farm

53A. (1) No person shall operate any livestock farm unless he holds a licence.

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

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PART VIIB

SLAUGHTERHOUSE

Licence to operate slaughterhouse

53B. (1) No person shall operate any slaughterhouse unless he holds a licence.

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

Slaughter of livestock

53C. (1) No livestock shall be slaughtered at any premise other than at a licensed slaughterhouse or at a Government slaughterhouse.

(2) Where livestock is slaughtered at a licensed slaughterhouse or at a Government slaughterhouse, the owner of such livestock shall pay the prescribed fees.

Special permit

53D. (1) Notwithstanding section 53C, any person may apply in writing to the veterinary authority for a special permit to slaughter livestock other than at a licensed slaughterhouse or at a Government slaughterhouse if –

(a) the slaughter is for domestic, ceremonial or religious purposes; or

(b) the livestock cannot be led or transported to any licensed slaughterhouse or Government slaughterhouse without causing danger to the public or to the person in charge of it or to itself.

(2) Upon approval of the application, the veterinary authority shall issue the special permit in the prescribed form.

Power to close slaughterhouse

53E. The veterinary authority may, without prejudice to the exercise of the power conferred upon him by this Enactment, take such steps as he may consider necessary to close any slaughterhouse if he is satisfied that the operation of such slaughterhouse contravenes any provision of this Enactment or any subsidiary legislation made under this Enactment.

PART VIII
ENFORCEMENT

Appointment of enforcement officers

54. The Director may in writing appoint any number of enforcement officers as may be necessary for the purposes of this Enactment.

Authority card

55. (1) The Director shall issue an authority card to each enforcement officer which shall be signed by the Director.

(2) Whenever an enforcement officer exercises any of the powers under this Enactment or any subsidiary legislation made under this Enactment, he shall, on demand, produce to the person against whom the power is being exercised, the authority card issued to him under subsection (1).

Power of investigation

56. (1) An enforcement officer shall have the power to investigate the commission of an offence against this Enactment or any subsidiary legislation made under this Enactment.

(2) An enforcement officer may, in relation to an investigation in respect of an offence committed against this Enactment or any subsidiary legislation made under this Enactment, exercise the special powers in relation to police investigation except that of the powers to arrest without warrant in a seizable offence given under the Criminal Procedure Code [*Act 593*] that may not be exercised by him.

Power of arrest

57. (1) An enforcement officer, a police officer or an officer of customs may arrest without warrant any person whom he sees or finds committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence against this Enactment or any subsidiary legislation made under this Enactment if the person -

(a) refuses to give his name and residence;

(b) gives a name or residence which has reason to believe to be false;

(c) is likely to abscond; or

(d) gives his residence in a place not within Sabah.

(2) Every person so arrested under subsection (1) shall without unnecessary delay be handed over to the nearest police officer or in the absence of a police officer be taken to the nearest police station.

(3) The police officer shall re-arrest every person so arrested under subsection (1) and deal with it as provided under section 24 of the Criminal Procedure Code.

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Search and seizure without warrant

58. If an enforcement officer is satisfied upon information received that he has reasonable cause to believe that by reason of delay in obtaining a search warrant under section 56 of the Criminal Procedure Code the investigation would be adversely affected or evidence of the commission of an offence is likely to be tempered with, removed, damaged or destroyed, an enforcement officer may enter the premises or conveyance and exercise in, upon and in respect of the premises or conveyance all the powers referred to in section 56 of the Criminal Procedure Code in as full and ample manner as if he was authorized to do so by a warrant issued under that section.

Power to enter and search building or premises

59. An enforcement officer or a police officer for the purpose of ascertaining whether any offence against this Enactment is being committed or any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance is infected with any disease or likely to have been in contact with any infected or diseased animal or bird or any other contaminated articles or substances, as the case may be, may -

(a) enter any building or premises belonging to or in the occupation of any person;

(b) search for any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, document or computerized data as he may consider necessary;

(c) carry out inspection and examination of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, document or computerized data and may open any package or receptacle as he may consider necessary;

(d) collect any kind of sample, take any photograph via any means including electronic means, enquire and record any information about the inspection and examination as he may consider necessary;

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(e) require the production of, inspect, make copies of, or take extracts from any books or documents found in the building or premises for the purpose of ascertaining by taking or otherwise; or

(f) take any photograph,

which may furnish evidence of the commission of an offence against this Enactment or any subsidiary legislation made under this Enactment and the owner or the occupier of such building or premises shall render such an enforcement officer or police officer all necessary assistance and furnish such information as may be required of him.

Access to computerized data

60. (1) An enforcement officer conducting a search under this Enactment shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purpose of this section, "access" includes being provided with the necessary password, encryption code, decryption code, software or hardware or any other means required to enable the comprehension of computerized data.

Power to stop, search and seize conveyance

61. (1) If an enforcement officer, a police officer or an officer of customs has reasonable cause to suspect that any conveyance is carrying any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle, package, document or computerized data in respect of which an offence under this Enactment or any subsidiary legislation made under this Enactment is being or has been committed, he may stop and search the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize the conveyance and any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle, package, document or computerized data found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

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

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(a) stop the conveyance and allow the enforcement officer to examine it; and

(b) open all parts of the conveyance for search and take all measures necessary to enable or facilitate the carrying out of the search as the enforcement officer, police officer or officer of customs thinks necessary.

(3) Any person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Power to seize, destroy and dispose of animal or bird, *etc.*

62. (1) If an enforcement officer, a police officer or an officer of customs has reason to believe that any person has committed an offence against this Enactment or any subsidiary legislation made under this Enactment, he may seize any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data in any premises by means of which such offence has been committed and which is a subject matter in relation to the evidence necessary to establish the commission of the offence.

(2) Where under this section any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data has been seized in respect of such offence then the enforcement officer, police officer or officer of customs may retain the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data until the conclusion of such criminal proceedings.

(3) If the Director is satisfied that, and where applicable, any of the said animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package -

(a) is subject to speedy and natural decay;

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(b) is liable to die, deteriorate in quality or spoil within a short time;

(c) is liable to depreciate in value within a short time; or

(d) the custody of which involves unreasonable expense and inconvenience,

he may order the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package to be destroyed or otherwise disposed of in such manner as the Director thinks fit, and the proceeds of sale, if any, shall be kept until the conclusion of such criminal proceedings.

(4) If upon an application, the court is satisfied that any of the animal, bird, animal product, bird product, carcass, dung or any article or substance is found to be imported or exported without any import or export licence or has not complied with any conditions of the licence under this Enactment or from an unknown source or any source not approved under this Enactment, it shall order the animal, bird, animal product, bird product, carcass, dung or any article or substance to be destroyed or disposed of immediately by the enforcement officer.

(5) The owner of the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that has been seized under subsection (1) shall pay such sums as the Director may consider reasonable to cover the expenses connected with the removal to a place of detention and unless such sum is paid within a specified time the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package shall be forfeited.

List of things seized

63. (1) Where any seizure is made under this Enactment or any subsidiary legislation made under this Enactment, the enforcement officer, police officer or officer of custom making the seizure shall prepare a list of the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data seized and the place in which the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance,

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conveyance, receptacle, package, document or computerized data is found and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered immediately to -

(a) the occupier of the premises where the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data seized is found; or

(b) the person in control or in charge of the conveyance, if the seizure is made under section 61.

(3) Where the seizure is made in or from any premises which is unoccupied, the enforcement officer, police officer or officer of custom shall whenever possible post a list of the things seized conspicuously at or on the premises.

Power to seal premises or conveyance

64. (1) Where applicable and by reason of its nature, size or amount, it is not practicable to remove any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that has been seized in or on any premises or to remove any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle, package, document or computerized data seized in any conveyance, the enforcement officer, police officer or officer of customs shall, by any means, seal such premises or conveyance from where the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data was found.

(2) The owner or the occupier of the premises or conveyance shall be responsible for the general care or the welfare of the animal or bird if any, the overall maintenance and safekeeping of the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that has been sealed in the premises or conveyance referred to in subsection (1).

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(3) It shall be an offence for any person without any written permission or lawful authority to break or tamper with the seal mention in subsection (1), or to remove any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data from such premises or any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle, package or document or computerized data from such conveyance or any attempt to do so.

Power to temporarily return animal or bird, *etc.*, to the owner

65. (1) Where under section 62, any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data has been seized and upon a written application by the owner of the same or person entitled to it under any written law, the Director may at his discretion return it to the owner or person entitled to it and shall subject to -

(a) such terms and conditions as he may impose; and

(b) sufficient security being furnished to his satisfaction,

provided that the said owner or person entitled to it shall surrender the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data to the Director on demand being made.

(2) A person who fails to surrender on demand to the Director any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that is temporarily returned to him under subsection (1), or fails to comply with the terms and conditions imposed under paragraph (1) *(a)* commits 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.

Cost of holding animal or bird, *etc.*, seized

66. If any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data

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seized under this Enactment is held in the custody of the Director pending the completion of any proceedings in respect of an offence under this Enactment, the cost of holding it in custody shall, irrespective of whether any prosecution is instituted or otherwise against any person, be a civil debt due to the Government by such person and shall be recoverable accordingly.

No costs or damages arising from seizure to be recoverable

67. No person shall, in any proceedings before any court in respect of the seizure of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data seized in the exercise or the purported exercise of any power conferred under this Enactment, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Obstructing officers in the execution of their duties

68. Any person who, without lawful excuse, obstructs or impedes or assists in obstructing or impeding any enforcement officer, police officer or officer of customs in the exercise of his duty under this Enactment or any subsidiary legislation made under this Enactment commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three months or to both.

Power to require attendance of person acquainted with case

69. (1) An enforcement officer making an investigation under this Enactment may, by order in writing, require the attendance before himself of any person who appears to the enforcement officer to be acquainted with the fact and circumstances of the case, and such person shall attend as so required.

(2) If the person refuses or fails to attend as so required, the enforcement officer may report the such refusal or failure to a court who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

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Examination of person acquainted with case

70. (1) An enforcement officer making an investigation under this Enactment may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to the case put to him by the enforcement officer, but he may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) The enforcement officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any correction he may wish.

Admissibility of statements in evidence

71. (1) Except as provided in this section, no statement made by any person to an enforcement officer in the course of an investigation under this Enactment shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by that witness to the enforcement officer in the course of the investigation under this Enactment and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [*Act 56*].

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(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within section 27 or paragraph 32 (1)*(a)*, *(i)* and *(j)* of the Evidence Act 1950.

(5) When any person is charged with any offence in relation to -

(a) the making; or

(b) the contents,

of any statement made by him to the enforcement officer in the course of an investigation made under this Enactment, that statement may be used as evidence in the prosecution's case.

Forfeiture of animal, bird, *etc.*, seized

72. (1) Any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that has been seized, or any proceeds of sale under this Enactment or any subsidiary legislation made under this Enactment shall be liable to forfeiture.

(2) An order for the forfeiture or for the release of animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that had been seized in exercise of any power conferred under this Enactment or any subsidiary legislation made under this Enactment or the proceeds of sale of it shall be made by the court before which the prosecution with regard thereto has been held and an order for its forfeiture shall be made if its is proved to the satisfaction of the court than an offence against this Enactment or any subsidiary legislation made under this Enactment has been committed and it was the subject matter of or was used in the commission of the offence, notwithstanding that no person has been convicted of such offence.

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(3) No order of forfeiture shall be made in respect of a conveyance unless the owner, if his name and place of residence is known, shall have had an opportunity of appearing to show cause why such order should not be made.

(4) Any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale forfeited under this section shall be disposed of in accordance with the directions of the court.

Any animal, bird, *etc.*, seized in respect of which there is no prosecution

73. (1) If there is no prosecution with regard to any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data that had been seized in exercise of any power conferred under this Enactment or any subsidiary legislation made under this Enactment or the proceed of sale of it, it shall be taken and deemed to be forfeited at the expiration of thirty days from the date of service of a notice to the last known address of a person from whom the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data was seized indicating that there is no prosecution in respect of such animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data unless before the expiration of that period a claim to it is made in the manner set out in subsections (2), (3), (4) and (5).

(2) Any person asserting that he is the owner of the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package referred to in subsection (1) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the Director in whose possession such animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package is held that he claims the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any

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article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package.

(3) On receipt of the notice referred to in subsection (2), the Director may direct that the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package be released or may direct the enforcement officer to refer the matter to the court.

(4) The court to whom a matter is referred under subsection (3) shall issue a summons requiring the person asserting that he is the owner of the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package and the person from whom it was seized to appear before the court, and when the owner of the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package appears or fails to appear, due service of the summons having been proven, the court shall proceed to the examination of the matter.

(5) If it is proved that an offence has been committed and that the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package referred to in subsection (4) was subject matter of or was used in the commission of such offence, the court shall order the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or the proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package to be forfeited, and shall, in the absence of such proof, order its release.

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(6) Any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data or proceeds of sale of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package forfeited or deemed to be forfeited shall be disposed of in such manner as the Director thinks fit.

Enforcement officer may seek assistance to examine things relating to offence

74. An enforcement officer may seek the assistance from any person who has the necessary qualifications to examine animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle or package seized or detained under this Enactment for the purposes of an investigation under this Enactment.

PART IX

MISCELLANEOUS

Offences by body corporate and by agents and servants

75. (1) If a body corporate commits an offence under this Enactment or any subsidiary legislation made under this Enactment, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management –

(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(b) if the body corporate is found to have committed of the offence, shall be deemed to commit that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves –

(i) that the offence was committed without his knowledge, consent or connivance; and

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(ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) If any person would be liable under this Enactment or any subsidiary legislation made under this Enactment to any punishment or penalty for his act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employer of the agent, if the act, omission, neglect or default was committed –

(a) by that person's employee in the course of his employment;

(b) by the agent when acting on behalf of that person; or

(c) by the employee of the agent in the course of his employment by the agent or otherwise on behalf of the agent acting on behalf of that person.

General penalty

76. (1) Any person who commits an offence under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) Any body corporate which commits an offence under this Enactment for which no penalty is expressly provided, shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit.

Compounding of offences.

77. (1) The Director may compound any offence committed by any person under this Enactment or any subsidiary legislation made under this Enactment and prescribed to be a compoundable offence by making a written offer to such person to compound the offence upon payment to the Director of such amount not exceeding fifty per centum of the amount of the maximum fine for that offence within such time as may be specified in the offer.

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(2) 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.

(3) If the amount specified in the offer made under subsection (1) 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 after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of such offence against the person to whom the offer to compound was made and any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data seized under this Enactment or any subsidiary legislation made under this Enactment or the proceeds of sale under it the Director or any veterinary authority may destroy, forfeit or release the animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, conveyance, receptacle, package, document or computerized data in a manner as he may thinks fit subject to such terms and conditions as the Director thinks fit to impose in accordance with the conditions of the compound.

Prosecution

78. No prosecution for any offence under this Enactment or any subsidiary legislation made under this Enactment shall be instituted except by or with the consent in writing of the Public Prosecutor.

Protection against suit and legal proceedings

79. (1) No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintain in any court against -

(a) the Director, a veterinary authority or an enforcement officer; and

(b) any other person for or on account of or in respect of any act done or purported to be done by him under the order, direction or instruction of the Director, a veterinary authority or an enforcement officer,

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if the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provision of this Enactment.

Identification marks applied to animal, *etc.*

80. (1) Any person who has charge of any animal or bird shall ensure that the animal or bird bears any mark of identification which the Director may, by order, prescribe.

(2) Any person who fails to comply with the order made under subsection (1) commits an offence.

(3) A veterinary authority may, if he deems it necessary for purposes of identification, brand, label or otherwise mark either permanently or temporary any animal, bird, animal product or bird product.

(4) Any person who counterfeits, copies, alters, defaces or erases any identification mark applied by the veterinary authority commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

Veterinary Health Certificate

81. A veterinary authority may, upon payment of a prescribed fee, issue to any person a Veterinary Health Certificate certifying that -

(a) Sabah is free from disease affecting animal or bird; or

(b) any animal, bird, animal product, bird product or carcass is free from diseases or specified animal or bird diseases or any symptoms thereof.

Death Certificate

82. A veterinary authority may, upon payment of a prescribed fee, issue a certificate of death of any animal or bird certifying the death of such animal or bird.

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Importation of noxious insects or pests

83. (1) No person shall import into Sabah or shall have in his possession any living disease bearing insect or any living disease pathogen or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds unless he holds a licence.

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

Regulations

84. (1) The Minister may make regulations as may be necessary or expedient for the purpose of carrying out the provisions of this Enactment.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations -

(a) to prescribe all matters relating to licenses, permits and certificates;

(b) to regulate the landing of any animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance from conveyance;

(c) to prescribe the examination of any animal, bird, animal product, bird product, carcass, dung or any article or substance on importation, the procedures to be applied and the measures to be taken;

(d) to prescribe the cleansing or disinfection of buildings, sheds, places or conveyance in which diseased animal or bird or contaminated animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle or package have been kept or carried;

(e) to prescribe the cleansing or disinfection of markets, sale yards, railway premises and railway vans or trucks wherein any diseased animal or bird or any contaminated animal product, bird product,

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carcass, fodder, litter, dung or article or substance, receptacle or package have been kept or carried;

(f) to prescribe the disinfection of animal, bird, animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle or package which have been in an infected area;

(g) to prescribe the disinfection of persons and the clothing of persons who have been in contact with or employed about diseased or suspected of disease animal or bird or contaminated animal product, bird product, carcass, fodder, litter, dung or any article or substance, receptacle or package;

(h) to prescribe the seizure, disinfection and, if expedient, the destruction, with or without compensation, of fodder or litter, or other articles which have been in contact with any diseased animal or bird or any contaminated animal product, bird product or carcass or which are reasonably suspected of being a vehicle for spreading disease;

(i) to provide the placing of conveyance carrying any animal, bird, animal product, bird product, carcass, dung or any article or substance in quarantine;

(j) to regulate the movement of animals or birds within the State;

(k) to prescribe fees and charges payable under this Enactment;

(l) to regulate the packing or canning activities of meat, milk or egg;

(m) to regulate the tannery activities;

(n) to regulate the cold storage facilities for animal product or bird product;

(o) to prescribe the licensing and control of the slaughterhouses, meat processing plants, milk processing plants or egg processing plants;

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(p) to regulate procedures for veterinary inspection of meat, milk, egg or animal product or bird product in slaughterhouses, processing plants, packing plants or canning plants;

(q) to provide the management of any establishment processing solid waste or waste water originating from animals or birds or rendering of wastes;

(r) to prescribe the licensing, control, supervision and inspection of the livestock farms, breeding centres, hatcheries and places in which animals or birds are kept in captivity for sale, export, exhibition or other purposes;

(s) to regulate the licences, control, supervision, and inspection of places in which animals or birds are or may be kept in captivity for sale, export or exhibition, recreation or sports, research or scientific experiments and such rules may -

(i) prescribe the conditions to which animals or birds may be so kept;

(ii) specify the authorities by which such licences may be issued; and

(iii) prescribe the circumstances in which such licences may be suspended or revoked;

(t) to prescribe the improvement of disease control measures;

(u) to prescribe the licensing, control and supervision of the establishment of animal artificial breeding centres;

(v) to prescribe the offences that may be compounded; and

(w) to all matters and things required or authorized by this Enactment to be prescribed or provided, for the carrying out of, or giving full effect to, the provisions of this Enactment.

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(3) Any regulations made under this Enactment may provide any act or omission in contravention of the regulation to be an offence and may provide penalties of a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Amendment of Schedule

85. The Minister may, after consultation with the Director, amend the Schedule by order published in the *Gazette*.

PART X

REPEAL, SAVINGS AND TRANSITIONAL

Repeal

86. The Animal Ordinance 1962 (*No. 16 of 1962*) is repealed.

Savings and transitional

87. (1) Notwithstanding the repeal under section 86 or any provision of this Enactment to the contrary, every person who, immediately before the appointed date holds a valid licence issued to him under the repealed Ordinance shall on the appointed date be deemed to be licensed under this Enactment until the expiry of the licence and shall be subject to the terms and conditions as the Director may impose.

(2) The provisions of this Enactment relating to the suspension, revocation and renewal of licences shall apply to all persons deemed to be licensed under subsection (1).

(3) Any application for a licence under this Enactment by a person who is deemed to have been licensed by virtue of subsection (1) shall be treated as a fresh application and not an application for renewal of the licence.

(4) All appointments, regulations, rules, by-laws, exemptions, directions and orders made, all registers kept and all permits and certificates granted or having effect under the repealed Ordinance and in force or having effect at the commencement of this Enactment, shall (without prejudice to the power of the Minister to amend the regulations,

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rules and by-laws or to amend, revoke or withdraw the exemptions, directions, permits or certificates by order or direction made under the appropriate provision of this Enactment and subject to such modifications as may be necessary to bring the regulations, rules, by-laws, exemptions, directions or orders in conformity with this Enactment) continue to be in force and have effect as if they had been made, kept, or granted under this Enactment, until otherwise provided for under this Enactment.

SCHEDULE

[Subsection 40 (1)]

Notifiable Diseases

1. African Horse Sickness
2. African Swine Fever
3. Anaplasmosis
4. Anthrax
5. Athropic Rhintis
6. Aujeszky's Disease (Pseudorabies)
7. Avian Chlamydiosis (Psittacosis Ornithosis)
8. Avian Encephalomyelitis
9. Avian Infectious Bronchitis
10. Avian Leucosis
11. Avian Mycoplasmosis
12. Avian Salmonellosis
13. Avian Spirochaetosis
14. Babesiosis
15. Blackleg
16. Blackquater
17. Bluetongue
18. Botulism

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19. Bovine Leukosis (Enzootic Bovine Leukosis)
20. Bovine Spongiform Encephalopathy (BSE)
21. Bovine Viral Diarrhea
22. Brucellosis
23. Campylobacteriosis
24. Caseous Lymphadenitis
25. Classical Swine Fever
26. Colibacillosis
27. Contagious Agalactia
28. Contagious Bovine Pleuropneumonia
29. Contagious Caprine Pleuropneumonia
30. Contagious Equine Metritis
31. Contagious Ophthalmia
32. Contagious Pustular Dermatitis
33. Cysticercosis
34. Dermatophilosis
35. Dourine
36. Duck Virus Enteritis
37. Duck Virus Hepatitis
38. Eastern Equine Encephalomyelitis
39. Ebola Disease
40. Echinococcosis
41. Enterotoxaemia
42. Enterovirus Encephalomyelitis
43. Epizootic Lymphangitis
44. Equine Coital Exanthema
45. Equine Encephalomyelitis
46. Equine Herpes Virus (Type 1 & 4)
47. Equine Infectious Anemia
48. Equine Influenza
49. Equine Piroplasmosis
50. Equine Rhinopneumonitis
51. Equine Viral Arteritis
52. Foot and Mouth Disease

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53. Foot-rot
54. Fowl Cholera
55. Fowl Pox
56. Fowl Typhoid
57. Glanders and Farcy
58. Goat Pox
59. Hanta Virus Disease
60. Haemorrhagic Septicaemia
61. Heartwater Disease
62. Hendra Virus Disease
63. Highly Pathogenic Avian Influenza (Fowl Plague)
64. Horse Mange
65. Horse Pox
66. Hdaraki Disease
67. Infectious Bovine Rhinotracheitis
68. Infectious Bursal Disease (Gumboro Disease)
69. Infectious Coryza
70. Infectious Laryngotracheitis
71. Japanese Encephalitis
72. Jembrana
73. Johne's (Paratuberculosis)
74. Leishmaniosis
75. Leptospirosis
76. Listeriosis
77. Lumpy Skin Disease
78. Maedi-Visna
79. Malignant Catarrhal Fever
80. Marburg Disease
81. Marek's Disease
82. Melioidosis
83. Myxomatosis
84. Nairobi Sheep Disease
85. New World Screwworm
86. Newcastle Disease

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87. Nipah Virus Disease (Viral Encephalitis)
88. Old World Screwworm
89. Ovine Chlamydiosis
90. Peste Des Petits Ruminants
91. Porcine Cysticercosis
92. Porcine Dermatitis and Nephritis Syndrome (PDNS)
93. Porcine Reproductive and Respiratory Syndrome (PRRS)
94. Post Weaning Multisystemic Syndrome (PMWS)
95. Pullorum Disease
96. Pulmonary Adenomatosis
97. Q Fever
98. Rabbit Haemorrhagic Disease
99. Rabies
100. Rift Valley Fever
101. Rinderpest
102. Salmonellosis
103. Scrapie
104. Sheep Mange
105. Sheep pox
106. Strangles
107. Streptococcosis
108. Surra
109. Swine Erysipelas
110. Swine Vesicular Disease
111. Theileriosis
112. Toxoplasmosis
113. Transmissible Gastroenteritis
114. Trichinellosis
115. Trichomonosis
116. Tuberculosis
117. Tularaemia
118. Ulcerative Lymphangitis
119. Venezuelan Equine Encephalitis
120. Vesicular Stomatitis

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121. Vibriosis
122. West Nile Fever
123. Western Equine Encephalomyelitis
124. Yersiniosis

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