

STATE OF SABAH

CATTLE, GRAZING AND POUNDS ORDINANCE (Sabah Cap. 21)

LIST OF AMENDMENTS

<i>Enactment No</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
G.N.S. 87/1965	7 (2), 13, 14 (2), 24	16-9-1963
19/1966	11	28-12-1966
11/1967	27 (2) ("Kota Kinabalu" substituted for "Jesselton")	30-12-1967
Act 160	14 (3), 22 (1), 25	29-8-1975
20/1978	11, 18, 20, 27 (5)	1-1-1979
10/1983	2, 3, 5, 6 (2), 7 (2) (b), 10 (3), 11, 12, 16 (1), 18, 19, 20, 27 (2), (4), (5)	1-1-1984

To regulate the law relating to cattle, grazing and pounds.

[10th December, 1952.]

Short title.

1. This Ordinance may be cited as the Cattle, Grazing and Pounds Ordinance.

Interpretation.

2. (1) In this Ordinance the term "cattle" shall include buffaloes but not horses, ponies, goats or sheep, and the term "animal" shall include goats, sheep, pigs, horses, ponies, mules and asses;

"Collector" and "President" shall have the same meaning as in the Land Ordinance [Cap. 68.] and the Local Government Ordinance, 1961 [Ord. 11/1961.] respectively.

Cattle only to be led or driven along roads, etc., with District Officer's or the President's permission and to be controlled.

3. No cattle shall be led or driven along any road unless under efficient control, nor along any bridle-path except under such control and with the previous permission in writing of the District Officer or the President obtained in such behalf.

Cattle not complying with section 3 liable to be impounded.

4. Any cattle found on any road and not so controlled, or upon any bridle-path without being so controlled and without such permission previously obtained, and any pigs found upon a bridle-path without such permission may be dealt with in the manner provided by section 14.

Savage cattle to be destroyed.

5. The owner of any savage cattle shall forthwith destroy the same, and in the event of such owner failing so to do any person may report the matter to a District Officer, the President, headman or police officer who may destroy such cattle if he shall find the same to be dangerous.

Liability of owner or person in charge for damage done.

6. (1) The owner or person in charge of cattle or pigs shall be liable for all damage done by the same arising from such cattle or pigs not being properly penned or tethered as the case may be, or otherwise kept under control.

(2) A certificate by the District Officer, President or by any person deputed by him in writing for such purpose, shall be prima facie evidence of the amount of damage done.

Penalty.

7. (1) Whosoever damage done by cattle or pigs arises from such cattle or pigs not being properly penned or tethered as the case may be, or otherwise kept under control the owner or person in charge of such cattle or pigs shall be guilty of an offence punishable under section 25.

(2) The Yang di-Pertua Negeri* may declare† any areas within which is shall be lawful for any landowner to destroy—

- (a) any cattle in the act of straying upon his land between the hours of sunset and sunrise;
- (b) any pigs in the act of straying upon his land at any time.

Except as hereinafter provided, the owner of such cattle or pigs shall not be entitled to any compensation for the destruction thereof and shall be liable as aforesaid, civilly and criminally, for damage done by the same:

Provided that the owner shall be entitled to the carcass if claimed within twenty-four-hours:

And provided further that the landowner shall be liable to pay compensation for cattle

* Throughout this Ordinance "Yang di-Pertua Negeri" substituted for "Yang di-Pertua Negara" by virtue of Enactment No. 17 of 1976. Powers delegated to Minister of Agriculture and Fisheries—See G.N.S 171/1963.

† See G.N.S 83/1957.

destroyed if his land, in the opinion of the District Officer or the Collector, is not adequately fenced.

Private grazing grounds to be fenced.

8. Private grazing grounds shall be permissible and in all cases shall be securely fenced by the owner.

Applications.

9. Applications for private grazing grounds shall be dealt with under the land laws in force for the time being.

Communal grazing grounds.

10. (1) Communal grazing grounds for native and other communities may be established in each district in such numbers and places and of such areas as may be deemed necessary.

Collector to decide necessary extent of same.

(2) The Collector shall decide the extent of the grazing ground necessary in the case of native communities in accordance with the land laws for the time being in force.

Fences of same to be kept in good repair by the community.

(3) All communal grazing grounds shall if so required by the District Officer or the President be securely fenced and the fences shall be kept in good repair by the community for whose use the grazing ground has been allotted, and this shall be deemed a work of common benefit under the Land Ordinance.

Pounds to be established.

11. Pounds shall be established at such places as the District Officer or the President may deem advisable.

District Officer or the President to appoint pound-keeper.

12. (1) The keeper in charge of each pound shall be appointed in writing by the District Officer or the President who may also cancel, in his discretion and for good cause shown, such appointment.

(2) Every pound-keeper shall be deemed to be a public servant within the meaning of the Penal Code [*F.M.S. Cap. 45.*].*

Fees.

13. The Yang di-Pertua Negeri may by rule† prescribe the fees to be paid by the owner thereof as hereinafter provided in respect of any such cattle or animal impounded and for the maintenance of any such cattle or animal.

Stray animals to be impounded.

14. (1) It shall be lawful for all persons and it shall be the duty of all police officers to seize any cattle or animal found straying upon any road, street or thoroughfare or trespassing on any ground or property of any person or of the Government and to confine such cattle or animal in any pound established under section 11.

(2) If any cattle or animal so impounded shall not be redeemed by the owner thereof within ten days after such cattle or animal shall have been impounded, by paying to the pound-keeper all pound-fees due under the tariff prescribed by the Yang di-Pertua Negeri in pursuance of section 13, such cattle or animal shall be sold by public auction by order of the District Officer or the President and the proceeds of such sale, after deducting the expenses thereof and the pound-fees due, shall be paid to the owner of the animal upon application being made by him therefor. In default of such balance being claimed within three months after any sale hereunder, it shall be retained by the District Officer or the President and paid to the Treasury of the District.

* The Penal Code No. 3 of 1959 was repealed by Act A327 which extended to Sabah F.M.S. Cap. 45.

† See G.N.S. 4/1954.

(3) Any person taking any cattle or animal out of a pound without the knowledge and consent of the pound-keeper shall be liable to a penalty of one hundred ringgit.

Removing cattle.

15. In the event of cattle or pigs being removed from private or communal grazing grounds the owner or person in charge of such cattle or pigs shall keep them securely tethered or confined between sunset and sunrise next following such removal.

Government brand.

16. (1) A distinctive brand of the description specified in section 27 for Government cattle shall be provided and kept in Charge of the District Officer or the President for use in each district or for such area in each district.

Government district brand.

(2) A distinctive brand of the description specified by rule* thereunder and known as a District Brand shall be provided for use by all such owners of cattle as do not possess a private brand.

Branding necessary before one year old.

(3) All cattle not already marked with a private brand shall be branded with one or other of such Government brands on or before attaining the age of one year.

Private brands allowed and to be used on or before cattle attaining one year.

17. (1) Every cattle owner may have a distinctive private brand to be approved and registered in the manner provided in section 27.

(2) All cattle shall be branded with such brand on or before attaining the age of one year.

* See G.N.S. 276/1915.

Register of cattle owners.

18. In any district the District Officer or the President may direct that a register of owners and cattle shall be kept in the form of the First Schedule.

Annual returns of all cattle may be required.

19. An annual return shall, if required, be given by each owner either verbally or in writing of all cattle in his possession and such return shall be made to the District Officer or the President at such time and place as shall be appointed after due notice by him.

Birth, death and transfer to be notified.

20. In any district the District Officer or the President may direct that every birth, death or transfer, whether by sale or otherwise, shall be notified by the owner or transferor to the Registrar of the District and in case of transfer the full name of the transferee and district shall be entered in the register, and in case of the transfer being made to another district a description of the animal, its brand and the name of the transferee shall be forwarded to the Registrar of such other district together with the name of the transferor.

Pass necessary for buying, selling, slaughtering or transferring cattle.

21. (1) No cattle shall be bought, sold, slaughtered or transferred from one owner to another in the Kota Belud and Tuaran Districts, and the Langkon sub-district of Kudat unless the disposer thereof produces a printed pass in the form of the Second Schedule, duly signed by a Native Chief or other person authorised by the District Officer.

(2) Three copies of the form prescribed by the Second Schedule shall be prepared and one copy shall be delivered to the purchaser or recipient and one shall be forwarded to the officer in charge of the district to which the cattle are being removed.

Unbranded cattle may be impounded, etc.

22. (1) Any cattle more than one year old found unbranded may be seized and impounded and the owner thereof shall be liable to a fine of twenty-five ringgit and if the same be not claimed within twenty-one days they shall become the property of the

Government.

(2) It the event of a valid claim to such being proved within such period they shall be restored to the owner:

Provided that he shall first have paid the prescribed fees for impounding the same in addition to any fine so imposed.

Native Chiefs and headmen to report unbranded cattle.

23. Every Native Chief or headman shall report the presence of any unbranded cattle in his district or of any cattle belonging to another district, the acquisition of which has not been duly reported.

Power to make rules.

24. The Yang di-Pertua Negeri may appoint* officer to be styled Registrars to carry out the provisions of this Ordinance and make rules† for more effectually carrying out the purposes of this Ordinance.

Penalty.

25. Any persons contravening or attempting to contravene any of the provisions of this Ordinance for breach whereof no penalty is otherwise provided shall be liable upon conviction to a fine of five hundred ringgit and to imprisonment for six months.

Communal grazing grounds.

26. Communal grazing land shall, if possible, consist of a reasonable proportion of swamp, grass and jungle, and shall ordinarily contain an average of one and a half to two acres per head of cattle having the right to graze thereon.

* See G.N.S. 92/1959.

† G.N.S. 49/1953, 117/1953, 4/1954.

Brands.

27. (1) All brands shall be of a skeleton pattern and not less than two inches in height.

(2) A register of private brands shall be kept in Kota Kinabalu by an officer duly appointed for that purpose and no brand shall be used until it has been registered. The officer in charge of this register shall forward to the District Officer or the President a list of all private brands registered for use in his district.

(3) The brand for Government cattle shall consist of a triangle; the Government Brand shall consist of a triangle with a number below it, thus, \triangle , such number denoting the district.

(4) For the purpose of branding or compiling the register the District Officer or the President may order cattle to be rounded up at such places and times as he shall deem convenient after due notice of not less than seven days has been given through the Native Chiefs or headmen.

(5) Private brands, unless specially allowed by the District Officer or the President to be kept otherwise, shall be kept at the District Office or the office of the Municipal Council as the case may be and a person appointed by the Government shall on payment of the fees prescribed brand cattle when called on to do so.

(6) (a) The use of all former brands which are not in accordance with these rules is hereby prohibited;

(b) animals already branded before the coming into force of this Ordinance shall require only to be registered and need not be-re-branded.

(7) The Government brand shall be stamped on the left shoulder and the private brand on the left hip.

FIRST SCHEDULE
REGISTER
(Section 18)

District Kampung

Owner's Name	Private or District Brand	Added (bought, born received)	Subtracted (died, lost slaughtered, sold, given)	Remarks

SECOND SCHEDULE
PASS
(Section 21)
(Triplicate)

..... of Kampung in the District,
is hereby authorised to the following head of cattle as
described hereunder to of

Description	District/Private Brand	Marks

.....
Native Chief or Authorised Person.

Date