

STATE OF SABAH

HIGHWAYS ORDINANCE (Sabah Cap. 55)

LIST OF AMENDMENTS

<i>Ordinance/Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
G.N.S. 72/1958	1st. Sch.	16-6-1958
G.N.S. 108/1958	1st. Sch.	1-9-1958
11/1980	7, 8	4-12-1980
G.N.S, 49/1983	1st. Sch., 2nd Sch.	1-1-1984

To make provisions for the use of highways.

[16th June, 1947.]

Short title.

1. This Ordinance may be cited as the Highways Ordinance.

Interpretation.

2. In this Ordinance unless there is anything repugnant in the context –

“highway” includes every road, bridle-path, or way belonging to the Government, or every road, bridle-path, or way, over which the public have a right of way;

“vehicle” includes every kind of carriage moving on land whether on wheels or runners when drawn or propelled by means whatsoever, except those moving on rails;

Certain highways only to be used under permit.

3. (1) No vehicle shall proceed along any of the highways set forth in the first column of the First Schedule except under permit in that behalf signed by the officer specified in the second column of the said Schedule or his deputy duly appointed in writing in this behalf.

(2) Such permits may be general or specific and may be withdrawn or cancelled at any time by the officer who issued them.

Certain highways may be closed.

4. (1) It shall be lawful for the officer specified in the second column of the Second Schedule or his deputy duly appointed in writing in this behalf to issue an order closing either generally or to any class of vehicles or subject to any exception, any of the highways set forth in the first column of the said Schedule or any part of any of them.

(2) As long as an order made under this section is in force a notice stating the effect of the order shall be kept posted in a conspicuous manner at each end of the part of the highway to which the order relates and at any point at which it may be necessary for vehicles to diverge from the road.

(3) No portion of any road which runs through the land of any owner shall be closed under this section to the owner of such road.

Provided that any such owner who uses such portion whenever such road is closed and thereby causes damage may be called upon to make good any damage so caused.

Public Works Department officials may close highways for repairs.

5. Any officer of the Public Works Department not below the rank of Assistant Engineer or the District Officer in any district where there is no such Public Works Department officer may, at any time, by notice, restrict or prohibit the use of any highway by vehicles or by vehicles of any particular class or description, where owing to the likelihood of danger to the public or of serious damage to the highway it appears to him necessary that such restriction or prohibition should come into force without delay.

Rules.

6. (1) The Yang di-Pertua Negeri^{*} may make rules for the more effective carrying out of the provisions of this Ordinance.
- (2) Such rules may –
- (a) prescribe fees to be charged in respect of permits issued under this Ordinance;
 - (b) add to or delete from the list of highways and offences empowered in the First and second Schedules.

Penalty.

7. Any person who uses or permits to be used any vehicle in contravention of section 3 or of an order under section 4 or section 5 shall be guilty of an offence under this Ordinance and shall be liable on conviction before a court of competent jurisdiction to a fine of five thousand ringgit or on a second or subsequent conviction to imprisonment for six months and to a fine of ten thousand ringgit.

Trial of offences.

8. Notwithstanding the provisions of any written law to the contrary, the Court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Ordinance or rules made thereunder and to award the full punishment for such offence.

^{*} “Yang di-Pertua Negeri” substituted for “Governor” by virtue of G.N.S. 87 of 1965 and Enactment No. 17 of 1976.

SCHEDULE

	<i>Highways</i>	<i>Officer empowered under Section 3</i>
1.	Tenghilan to Kota Belud as far northwards as the junction with the Pangkalan Abai – Kota Belud road	District Officer, Kota Belud
2.	Melalap - Tenom	District Officer, Tenom
3.	Sapong - Kamabong	District Officer, Tenom
4.	Beaufort – Gadong westwards from Sungei Barkalau	District Officer, Beaufort
5.	Beaufort – Kota Klias westwards from Sungei Barkalau	District Officer, Beaufort
6.	All bridle-paths not otherwise specified	District Officer of the district or where there is no District Officer, the Director of Public Works
7.	Bulus Road, Lahad Datu, from mile 5 ^{3/4} on	District Officer, Lahad Datu
8.	Semporna - Bubol	Assistant District Officer, Semporna
9.	The VHF Driveway, Sandakan	Director of Public Works

SECOND SCHEDULE

	<i>Highways</i>	<i>Officer empowered under Section 4</i>
1.	Tenom Lama -Sapong	District Officer, Tenom
2.	Melalap - Keningau	District Officer, Keningau Interior
3.	Keningau – Apin-Apin	District Officer, Keningau Interior
4.	All earth roads not otherwise specified	District officer of the district
5.	Apas Road, Tawau	Director of Public Works