

STATE OF SABAH

NATIVE RICE CULTIVATION ORDINANCE (Sabah Cap. 87)

LIST OF AMENDMENTS

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
G.N.S. 87/1965	3, 6	16-9-1963
Act 160	7(1)	29-8-1975
14/1977	7(1)	30-9-1977

To provide for the proper cultivation of native rice lands.

[19th April, 1939.]

Short title.

1. This Ordinance may be cited as the Native Rice Cultivation Ordinance.
2. In this Ordinance –

“Native Court” means a Native Court as defined in the Native Courts Enactment, 1992*

* “Native Courts Enactment, 1992” substituted for “Native Courts Ordinance” by virtue of Enactment No. 3 of 1992.

[En. 3/1992.];

†“Chief” means a Native Chief as defined by the Rural Government Ordinance [Cap.132.]; and

‡“Native Authority” means a Local Authority or Village Council as defined by the Rural Government Ordinance [Cap.132.].

Interpretation.

3. It shall be lawful for the Yang di-Pertua Negeri‡ to declare§ all or any land held under Native Title or registered in the names of natives lying within the jurisdiction of the Chief or Native Authority specified in such declaration to be native rice land:

Provided that a declaration under this section shall not apply –

- (a) to alienated land the title to which has been issued subject to terms and conditions inconsistent with the use of such land for the cultivation of rice;
- (b) to such land as was, at the date of the declaration, used for the cultivation of a crop other than rice; and
- (c) to such land alienated after the date of the declaration the alienation of which is approved for any other specific purpose than that of rice cultivation.

Duty of owner or occupier of native rice land.

4. (1) The owner or occupier of any native rice land shall cultivate the whole of such land with rice at least once during each calendar year reckoned from January to December unless he is excused from that duty in writing under the hand of the Chief or Native Authority.

† The definitions of “Native Chief”, “Local Authority” and “Village Council” under section 2 of the Rural Government Ordinance were repealed by section 109(2)(c) of Ordinance No. 11 of 1961.

‡ Throughout the Ordinance “Yang di-Pertua Negeri” substituted for “Yang di-Pertua Negara” by virtue of Enactment No. 17 of 1976.

§ See G.N.5. 72/1956.

(2) When the owner or occupier of any native rice land is excused from cultivating such land for any year in accordance with the preceding subsection the Chief or Native Authority so excusing him may appoint some other person to cultivate the land for that year and to take such portion of the crop produced as it may direct.

Chief or Native Authority to fix date for planting operations when so directed.

5. (1) Chiefs or Native Authorities referred to in any declaration under section 3 may fix the dates on which all owners or occupiers of native rice land lying within their respective jurisdictions shall in each year –

- (a) commence and complete individually –
 - (i) the putting in order of division ridges between their rice fields,
 - (ii) the establishment of their rice nurseries;
 - (iii) the fencing of their rice fields;
 - (iv) the transplanting of seedlings from their nurseries to their fields;
 - (v) the weeding of their growing rice;
- (b) give their labour jointly for –
 - (i) the clearing of undergrowth likely to harbour vermin;
 - (ii) the repair of dams and water courses; and
- (c) individually or jointly take any other measures which in the opinion of the Chief or Native Authority are necessary in connection with the cultivation of rice.

(2) The Chief or Native Authority shall give reasonable notice of the dates fixed to all owners or occupiers of native rice land within his or its area.

(3) Any owner or occupier of native rice land who fails to carry out any of the operations set out in subsection (1) in accordance with the dates fixed by the Chief or Native

Authority shall be liable to the penalty hereinafter provided for failure to comply with the provisions of this Ordinance.

Rules.

6. The Yang di-Pertua Negeri may make rules for more effectually carrying out the purposes of this Ordinance.

7. (1) Any owner or occupier of native rice land who fails to comply with any of the provisions of this Ordinance shall, on conviction before a Native Court, be liable to a maximum fine of five hundred ringgit.

Court may allow cultivation by another person.

(2) When it appears to the Native Court before which any person is convicted under this Ordinance that it is improbable that he will finish planting the land in respect of which he has been convicted within a reasonable time the Native Court may order that such land may be planted by some other specified person who when the crop is harvested shall receive such portion thereof as the Native Court shall decide.

Owner or occupier not to interfere with person granted cultivation rights.

8. When any owner or occupier of native rice land is convicted under the preceding section or excused under section 4 and some other person is authorised by the Native Court or by the Chief or Native Authority to cultivate or plant his land the owner or occupier shall not in any way interfere with such land for a period of nine calendar months from the date on which such other person is authorised to cultivate or plant his land except with the previous consent of the Native Court, the Chief or Native Authority.

Transfer of land not to affect planting rights.

9. Any rights to plant or cultivate granted under section 4 or 7 shall not be affected by any transfer of the land in respect of which such rights are granted.