

THE NATIONAL PARKS ORDINANCE, 1962

(Ordinance No. 5 of 1962)

THE TUNKU ABDUL RAHMAN NATIONAL PARK REGULATIONS, 1974

In exercise of the powers conferred upon the Board of Trustees under section 27 of the National Parks Ordinance, 1962, the following Regulations are hereby made with the approval of the Minister –

1. These Regulations may be cited as the Tunku Abdul Rahman National Park, Regulations, 1974.
2. In these Regulations –
 - (a) "National Park" means the Tunku Abdul Rahman National Park constituted under section 3 of the National Parks Ordinance, 1962.
 - (b) "Board" means the Sabah National Parks Board of Trustees established under section 17 of the National Parks Ordinance, 1962.
3. No person shall, except as provided by these Regulations, on the island of Pulau Gaya and Pulau Sapi within the National Park –
 - (a) deposit or leave any litter, bottle, broken glass, pottery, plastic, rubbish, refuse or waste material except in an area or receptacle provided by the Board;
 - (b) deposit or leave any mineral or mineral waste;
 - (c) deposit, discharge or leave any offal, filth, dung, dead animal or any noisome, noxious, offensive or polluting substance matter or thing;

- (d) play any radio, tape recorder, record player or musical instrument at a volume that will cause disturbance or annoyance to other users of the National Park.
4. No person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove from the National Park any beach, sand, gravel, or mineral, coral, sea feathers or other marine invertebrates, sea weeds, grasses, whether dead or alive, or any soil, rock, artifacts, stones or other materials.
 5. No person shall cut, carve, injure, mutilate, move, displace or break off any bottom formation or growth.
 6. No rope, wire, chain or other contrivance shall be attached to any coral, rock or other formation, whether temporary or permanent in character or use.
 7. No dredging excavating or filling operations of any kind are permitted within the National Park and no materials of any sort may be deposited in or on the waters thereof.
 8. No person shall dump or deposit in or on the water of the National Park any oily liquids or wastes, acids or other deleterious chemicals, bottles, broken glass, paper, boxes, dirt, rubbish, waste, garbage, refuse or other debris or polluting substance.
 9. No person shall wilfully mark, deface or injure in any way, displace, remove or temper with any national park signs, notices, placards, whether temporary or permanent, or with any stakes, posts or other boundary markers.
 10. Spear fishing, or the possession of spear fishing equipment within the national park is prohibited.
 11. The use of organic or inorganic poisons, electric charges, carbide bombs, or any similar method for the taking or killing of fish or other marine organisms is prohibited.

12. (a) Fishing is permitted with hook and line only, provided no more than two hooks per line are employed.
- (b) where prior to the establishment of the national park, traditional indigenous fishing has been a means of livelihood, fishing by means of non static traps may be permitted provided that non commercial fish are returned to the sea without harm; and provided that the fisherman is a Malaysian citizen and a bumiputra of Sabah. Such persons shall obtain a licence to fish from the Park Warden and all licences are subject to cancellation without notice and without reason assigned at the discretion of the Park Warden.
- (c) No person shall tamper in any way with the traps set by authorised persons or licensed fisherman.
13. (a) No watercraft shall be operated in such a manner as to strike or otherwise cause damage to the natural features of the national park.
- (b) Except in case of emergency endangering life or property, no anchor shall be cast or dragged in such a way as to damage any reef structures. Watercraft remaining stationery over a reef area may secure themselves to buoys provided specifically for this purpose by the Board.
- (c) No watercraft shall operate at a speed greater than four miles per hour when in the vicinity of divers, sightseeing boats or fishermen.
- (d) All watercraft from which diving operations are being conducted shall fly in a conspicuous manner the International Code of Signals Flag 'A', which is recognised as the international Diving Flag. No boat under power shall approach closer than one hundred yards to such a boat displaying the diving flag except at idling speed and with great caution.
- (e) Boats anchored or proceeding at slow speed for fishing or observation shall be approached or passed at such slow speed that wake of the approaching or passing boat does not disturb the fishing or observation boats.

14. No person shall obstruct, threaten, interfere with or refuse to comply with any lawful request or reasonable direction by the Park Warden, Assistant Park Warden, Senior Park Ranger, Assistant Park Ranger, or Serang.

15. No person shall, without the consent in writing of the Board or the Park Warden previously obtained and subject to such conditions as the Board may from time to time determine, within the National Park: -

- (a) sell or attempt to sell or hire, expose for sale or hire or solicit for sale or hire any article, thing or service to any person, or conduct or cause to assist the operation of any amusement, entertainment, instruction or performance for money of any kind whatsoever;
- (b) carry on any scientific research work or similar activity;
- (c) erect any boarding, or notice, or display any commercial or political advertising matter, sign, bill or poster.
- (d) deviate from any existing ride, drive, road, track or trail so as to establish or assist in the establishment of any additional ride, drive, road track or trail;
- (e) dam, divert or pollute the water in any stream, pond, bog, spring, tank, dam, pipe or reservoir.

16. No person in a state of intoxication shall enter or remain within the national park and any person trespassing or causing annoyance or inconvenience therein or refusing to comply with any lawful direction of the Park Warden, Assistant Park Warden, Senior Park Ranger, Park Ranger, Assistant Park Ranger or Serang may be removed by any such officer or any other officer authorised by the Park Warden in that behalf.

17. The Board may set apart areas for the purpose of camping, mooring, docking, landing, accommodation and services and may impose such charges and conditions of use of such areas or the amenities affixed thereto as it may from time to time determine.

18. The Board may set apart areas for the purpose of swimming and other aquatic sports and may exclude water-craft from such areas.

19. No person shall erect or cause to be erected any tent or other structure or utilise any part thereof for the purpose of camping or residing therein except in an area set apart for camping with the permission of the Park Warden, Assistant Park Warden, Senior Park Ranger, Park Ranger, or Assistant Park Ranger and subject to such conditions and payments as the Board may from time to time determine.

20. The Park Warden, Assistant Park Warden, Senior Park Ranger, Park Ranger or Assistant Park Ranger may order the occupier or person responsible for or owner of any cabin, tent or structure within the national park to demolish and remove the same and clear the area forthwith and in default any such officer or person authorised by him in that behalf may demolish and remove the said cabin, tent or structure at the expense of the occupier or person responsible therefor or the owner thereof.

21. The Park Warden, Assistant Park Warden, Senior Park Ranger, Park Ranger or Assistant Park Ranger may impound any domestic animal found straying without lawful authority within the National Park. Such impounded animal may be released to its owner upon payment of such maintenance fee as may be determined by the Board for every day or part of a day that the animal has been impounded. A notice of all animals, impounded shall be displayed at all National Park entrances and at the District Office of the district in which the animals were found.

22. The National Park shall be open at all times except as provided in Regulations 23.

23. The Board or the Park Warden may close the whole or any part of the National Park for such period or periods as it or he may from time to time determine and exhibit by a notice affixed or set up in a conspicuous position at or near any entrance to or within the National Park. No person shall enter or be or remain upon or within any closed area unless with the consent of the Park Warden, Assistant Park Warden, Senior Park Ranger, Park Ranger or Assistant Park Ranger.

24. All persons wishing to travel within the National Park away from any established path, track, trail or road, or undertake exploration, bushwalking, skin diving or venture of a similar nature which may involve his safety or the safety of others must first obtain the written approval of the Park Warden and be subject to such conditions as are laid down in the written approval.

25. All tracks, paths, roads or ways of any description that enter or cross any part of the National Park shall be under the control of the Park Warden and he may at his discretion –

- (a) close such tracks, paths, roads or ways;
- (b) control the passage of vehicles and pedestrians along such tracks, paths, roads or ways and impose such conditions as he may from time to time require for the use and enjoyment of such tracks, paths, roads or ways;
- (c) erect any gate or barrier which he deems necessary for the proper control of such tracks, paths, roads or ways.

26. Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred dollars.

27. (1) The Park Warden, Assistant Park Warden, or any officer authorised by the Board in writing may, if he is satisfied that any person is guilty of an offence under these Regulations summarily demand from such person a fine in respect of such offence not exceeding one hundred dollars.

(2) Any person from whom a fine has been demanded under this Regulation may elect to admit his liability and pay such fine or dispute his liability and await prosecution, and he shall be so informed at the time by the Park Warden, Assistant Park Warden or any officer, authorised by the Board in writing, making the demand.

(3) The payment forthwith, or within such time as the Park Warden, Assistant Park Warden or any officer authorised by the Board in writing may specify, of a fine demanded under this Regulation shall operate as a bar to any further penal proceedings against the person making such payment in respect of the offence concerned.

(4) Should the person from whom a fine is demanded under this Regulation fail to pay such fine forthwith, or within the time specified, as the case be, such summary demand shall not in anyway relieve such person of any liability which he may have incurred or be a bar to his conviction and punishment by a competent Court in respect of the offence alleged.

Dated at Kota Kinabalu, this 13th day of July, 1974.

DATUK HAJI KASSIM BIN OTHMAN,
Chairman,
Board of Trustees.