

STATE OF SABAH

RURAL ADMINISTRATION ORDINANCE (Sabah Cap. 132)

LIST OF AMENDMENTS

<i>Ordinance/ Enactment</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
53	1,3 (5), 17 (1), 44, 46	13-2-1953
23/1954 (Cap. 167)	2 (definitions of "Resident" and "District Officer")	1-11-1954
17/1957	2 (definitions of "township" and "Township Council"), 3 (2), 6, 10 (5), 13 (1), (2), (3), 14 (1), (2), (3), 28 (1)	1-1-1958 (G.N.S. 146/1957)
23/1959	2 (definition of "local area"), 37 (1), (2), 40 (1) (a), (c), (2), (3), 47, 56 (1) (b)	17-12-1959
7/1960	15 (1) paras, (29), (30), (31), (35), (36), (37), (38), (39), (40)	1-1-1961 (G.N.S. 156/1960)

11/1961	Long title, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 48, 49, 50, 51, 52, 56, 57, 58, 58, Sch.	1-1-1962 (G.N.S. 134/1961)
G.N.S. 87/1965	37 (2), 42 (f), 54	16-9-1963
19/1966	36, 40 (1), 55 (3)	28-12-1966
5/1968	35, 36	23-8-1968
20/1978	40 (1), 42 (c), 53, 54, 55 (1), (2), (3)	1-1-1979
10/1983	40 (1), 42 (e), 43 (2), 53 (1), (2), 54, 55	1-1-1984

To make provisions for the administration of rural areas and the powers, duties and responsibilities of Native Chiefs and Headmen.

[6th December, 1951.]

Short title.

1. This Ordinance may be cited as the Rural Administration Ordinance.

PART I
PRELIMINARY

2. (Repealed).

PART II
ESTABLISHMENT, CONSTITUTION AND PROCEEDINGS OF
LOCAL AUTHORITIES

3-12. (Repealed).

PART III
POWERS AND DUTIES OF LOCAL AUTHORITIES

13-23. (Repealed).

PART IV
FINANCE AND TAXATION

24-34. (Repealed).

PART V
POWERS AND DUTIES OF NATIVE CHIEFS AND HEADMEN

35-36. (Repealed).

Duty to assist Native Chiefs and Headmen.

37. (1) It shall be the duty of every native, when thereto required by any Native Chief or Headman having jurisdiction over him, to assist in carrying out the duties imposed upon such Native Chief or Headman by this or any other written law or native custom for the time being in force; and every native so required by a Native Chief or Headman shall be deemed to be empowered to do all that may be reasonably necessary to give effect to any lawful order given by such Native Chief or Headman.

(2) In this section and in sections 38 and 40 the word "native" shall have the meaning assigned thereto in the Interpretation (Definition of Native) Ordinance [Cap. 64.] and shall further include any person within Sabah one at least of whose parents is or was a member of a people indigenous to Brunei, Sarawak, the States of Malaya, Singapore, the

Cocos-keeling Islands, Indonesia or the Sulu group of the Philippine Islands.

Duty to attend before Government officers and others when so directed.

38. (1) It shall be the duty of every native, when so directed by a Native Chief or Headman having jurisdiction over him, to attend before such Native Chief or Headman or before a Government officer.

(2) Any person who, when lawfully so directed to attend before any such Native Chief or Headman, shall, without reasonable excuse, neglect or refuse to attend as and when directed, may be arrested by or under the order of the Native Chief or Headman and taken before such Native Chief or Headman.

Powers of Native Chiefs and Headmen.

39. Every Native Chief or Headman is empowered—

- (a) to search for, arrest and investigate the case of any person accused of any offence and to send him in custody to the District Officer together with any property concerned which may have been recovered;
- (b) to call upon any person who ordinarily resides within the area of his jurisdiction to assist him in the execution of his duties, due payment for the same being thereafter made.

Powers to give orders to prevent famine.

40. (1) Whenever in the area of the jurisdiction of any Native Chief or Headman there is or is likely to be such shortage of food that in his opinion a famine exists or is likely to ensue, he may, subject to the directions of the Permanent Secretary to the Ministry of Social Services (hereinafter referred to as the "Permanent Secretary"), issue orders within the local limits of his jurisdiction-

- (a) (Repealed);
- (b) requiring any native to move to such place as he may direct in order that such native may be more conveniently fed;

(c) (Repealed);

(d) prohibiting or regulating the removal of foodstuffs from the area of his jurisdiction and the movement of foodstuffs within such area.

(2) If a Native Chief or Headman shall accompany any natives required under this section to move to a place where they can be more conveniently fed, such Native Chief or Headman shall continue to exercise his authority over such natives.

(3) (Repealed)

Arrival and departure of non-residents to be notified.

41. (1) If any person shall come to stay in a village in which he is not a resident, he and the person in whose premises or boat he is living shall immediately on his so coming report to the Native Chief or Headman his arrival, name and occupation and the name of the place where he last resided, and the departure of such person whose arrival shall have been so reported shall also be reported, immediately upon such departure, to the Native Chief or Headman by the person in whose house or boat he has been dwelling.

(2) No person unless he be a resident of a village shall build any house, hut or enclosure or take up his residence in such village without the permission of the Native Chief or Headman and the approval of the Local Authority or, where no such Authority has been established, of the District Officer.

General duties of Native Chiefs and Headmen.

42. Within his jurisdiction every Native Chief or Headman shall-

(a) communicate forthwith to the District Officer any information which he may obtain respecting-

(i) the presence of any person whom he may reasonably believe to be an escaped convict, proclaimed offender or notoriously bad character;

(ii) the occurrence of any death of a sudden or suspicious character;

- (iii) the commission of or attempt or intention to commit any offence;
- (iv) any disaffection, disturbance or outbreak of contagious or infectious disease;
- (b) assist generally the officers of the Government and of the Local Authority in the execution of their duties, and in particular in the preservation of the peace, the prevention and punishment of crime, the detection and arrest of offenders, and the prevention and suppression of disease and vice;
- (c) aid in the collections of revenue and moneys due to the Government and to the Local Authority as and when required by the District Officer or Local Authority;
- (d) generally assist all Government officers and all officers of the Local Authority in the execution of their duties;
- (e) keep such official records as may be directed by the District Officer or the Local Authority;
- (f) perform any other duties imposed on him by the Yang di-Pertua Negeri* for the good government or defence of Sabah.

PART VI
LEGAL PROCEDURE, ETC.

Powers to arrest.

43. (1) Subject to the provisions of subsection (3) any police officer. Native chief or Headman may arrest without warrant any person who commits any offence against the provisions of this Ordinance or of any by-law made thereunder.

(2) Subject to the provisions of subsection (3) any servant of a Local Authority in uniform, or wearing any visible badge of office and authorised in writing for the purpose by a Magistrate of the area of jurisdiction of the Local Authority, may arrest without warrant any

* Throughout the Ordinance "Yang di-Pertua Negeri" substituted for "Yang di-Pertua Negara" by virtue of Enactment No. 17 of 1976.

person who in his presence commits any such offence and may detain such person for such time as may be reasonably necessary to deliver him into the custody of a police officer, village constable, Native Chief or Headman or to take him before a court to be dealt with according to law.

(3) The powers conferred by subsections (1) and (2) shall only be exercised if the person proposing to arrest or detain any such person has reasonable grounds for believing that such person will not attend a court in response to any process issued against him.

Offences.

44. Where any matter or thing is by this Ordinance or by any by-law, order or notice made and published under the authority thereof, directed or prohibited to be done, or where any authority is given by this Ordinance, or by any by-law made thereunder, to any person to direct or prohibit any matter or thing to be done, and such act so directed to be done remains undone or such act so prohibited to be done, is done, then in every such case every person offending against such direction or prohibition shall be guilty of an offence against this Ordinance and shall be liable on conviction therefor to a fine of one hundred ringgit and imprisonment for two months.

Offence to obstruct.

45. (a) Any person who wilfully obstructs any member, officer, or servant of a Local Authority or any Native Chief or Headman in the execution of his duty as such;

(b) any occupier of premises who prevents the owner of such premises from complying with any of the requirements of a Local Authority;

(c) any occupier of premises who, on demand, refuses or wilfully omits to disclose or wilfully mis-states the name of the owner of such premises;

shall be guilty of an offence and shall be liable, on conviction therefor, to a fine of two hundred ringgit or to imprisonment for three months.

46-50. (Repealed).

PART VII
POWERS OF CENTRAL GOVERNMENT IN RURAL AREA

51-52. (Repealed).

Power of Permanent Secretary in relation to orders which may be issued by Native Chiefs and Headmen.

53. (1) Whenever in the opinion of the Permanent Secretary any order should be issued which a Local Authority, Native Chief or Headman is empowered to issue by virtue of the provisions of section 40, the Permanent Secretary may direct the Local Authority, Native Chief or Headman to issue and enforce any such order, and if such Authority, Native Chief or Headman shall neglect or refuse to issue the order when so directed, the Permanent Secretary may himself issue such order, and thereupon such order shall have the same force and effect as if it had been issued by such Authority, Native Chief or Headman.

(2) Whenever the Permanent Secretary is of opinion that any order issued by a Local Authority, Native Chief or Headman should not have been issued or should not be enforced, he may direct such Authority, Native Chief or Headman to revoke such order or to refrain from enforcing such order, or may himself revoke such order.

Power of District Officers and Local Authorities to impose fines for certain offences.

54. A District Officer or the Local Authority may with the Yang di-Pertua Negeri's sanction previously obtained impose fines on all or a section of the inhabitants of any specified area if after due enquiry he shall be satisfied that any of the said inhabitants have-

- (a) colluded with or harboured criminals;
- (b) suppressed or attempted to suppress evidence in any criminal case;

and may award a portion of any fine so imposed as compensation to any person shown to have suffered damage resulting therefrom.

Powers to require certain persons to remove from place of residence.

55. (1) When a District Officer or the Local Authority has reason to believe on the report of a Native Chief or Headman or otherwise that a person residing in any place is in the habit of harbouring, aiding or abetting criminals or has taken up his residence in any place for the purpose of such harbouring, aiding or abetting he may with the approval of the State Secretary require such person to leave that place within a reasonable time and prohibit him from returning thereto.

(2) A District Officer or the Local Authority may order any person to leave any village or area of which he is not a resident and may prohibit him from returning to such village or area, without a permit in writing from the State Secretary.

(3) (Deleted).

56-59. (Repealed).

SCHEDULE

(Omitted).