

STATE OF SABAH

SEED PEARLS ORDINANCE (Sabah Cap. 134)

LIST OF AMENDMENTS

<i>Ordinance/ Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
G.N.S. 87/1965	4(1), 6(2), 9, 11, 13	16-9-1963
Act 160	3(2), 12	29-8-1975

To provide for the control of the seed pearl industry.

[1st June, 1917.]

Short title.

1. This Ordinance may be cited as the Seed Pearls Ordinance.

Interpretation.

2. In this Ordinance the expression "seed pearls" means pearls found in shells locally known as "selisip" and "bilung".

Licence to be obtained.

3. (1) No person shall approach or enter any seed pearl bank, village or district in order to work, trade in or take seed pearls or seed pearl shells therefrom without having previously obtained a licence therefor from a Customs or District Officer in the form prescribed in the First Schedule.

- (2) The fee for such licence shall be one ringgit for each person per month.

Agent may be appointed.

4. (1) The Yang di-Pertua Negeri* may appoint agents, chiefs or other persons to supervise, work or take seed pearl shells from any oyster bank or bed in the territory and every person so appointed shall declare the names of all persons working, trading or taking seed pearl shells within his jurisdiction and shall be responsible for the due performance by each such person of the provisions of this Ordinance.

Fee for licence.

- (2) Licences shall be issued for every person so declared on payment of the prescribed fee and shall expire at the end of each current month and all agents, chiefs or other persons appointed under subsection (1) shall account to the Customs or District Officer for all such licences at the end of the seed pearl season or at any other time on demand by any Government officer.

Remuneration.

5. Remuneration at the rate of ten per cent of the value of such licences shall be payable to any such agent, chief or other person duly appointed.

Government royalty.

6. (1) Ten per cent of the value of all seed pearls and seed pearl shells shall be reserved to Government as royalty and shall be paid into the public revenue.

Right to lease.

- (2) The Yang di-Pertua Negeri shall have the right to lease to another the collection of such royalty on such terms as he may deem fit.

* Throughout the Ordinance "Yang di-Pertua Negeri" substituted for "Yang di-Pertua Negara" by virtue of Enactment No. 16 of 1976.

Conditions of licence.

7. Every licensed worker shall—
- (a) work only when and where permitted;
 - (b) declare on demand to any Government officer or agent duly authorised in such behalf the total quantity of seed pearls and seed pearl shells gathered or worked by him;
 - (c) pay to such Government officer or agent the share reserved to Government.

Permit for removal of seed pearls or shells.

8. (1) Upon declaration being made to the Government officer or agent duly authorised at the seed pearl bank or village of the quantity of seed pearls or seed pearl shells gathered by or purchased from licensed workers such agent shall issue a removal permit in the form in the Second Schedule authorising the removal of such seed pearls or seed pearl shells and the same shall forthwith be taken together with the permit to the nearest Customs or District Office.

Sales on production of permit.

- (2) On such permit being produced to the Customs or District Officer thereat the seed pearls or seed pearl shells may be sold to any trader or other person provided that such trader or other person shall on exporting the same make further declaration to such officer and pay any export duty leviable thereon under the Customs Act, 1967 [Act 235.] in force for the time being.

Sale of undeclared pearls prohibited.

- (3) No person shall sell and no trader or other person shall buy or receive any seed pearls or seed pearl shells not so declared at the Customs or District Office.

Transactions to be in legal currency.

9. No person shall gamble in or exchange or barter goods for seed pearls or seed pearl shells and all transactions in or purchases of the same shall be made in the legal currency of

Sabah.

Young shells to be returned.

10. When working or gathering seed pearl shells only matured shells shall be taken and all young or half grown shells taken shall be returned forthwith to the banks.

Native reserves.

11. The Yang di-Pertua Negeri may declare* that certain areas containing beds of seed pearl oysters shall be native reserves for the purposes of this Ordinance and such areas may be excluded from any concession which may be granted to prospect for or work pearl oyster or other shell.

Penalties.

12. Any person –

- (a) knowingly making a false declaration as to the quantity or number of seed pearls and shells gathered or purchased;
- (b) offending against any of the provisions of this Ordinance;

shall commit an offence and shall be liable to a fine of five hundred ringgit and to imprisonment for six months.

Rules.

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

* See Declaration – G.N. 141/1917 as amended by G.N.S. 459/1947.

FIRST SCHEDULE

LICENCE TO WORK SEED PEARLS

(Section 3)

.....of

is hereby authorised to enter trade work or take seed pearls at (name of seed pearl bank or village).

Fee paid RM 1.00.

This licence expires on

Date of issue

.....Customs

District Officer

SECOND SCHEDULE

REMOVAL PERMIT

(Section 8)

..... of

is hereby authorised to remove seed pearls and shells from the seed pearl bank or village at to Government station at

Date 19

..... Agent