

STATE OF SABAH

I assent,

TUN DATUK HAJI MOHAMMAD ADNAN ROBERT,
Yang di-Pertua Negeri.

19TH DECEMBER, 1983.

No. 10 of 1983

An Enactment to amend various written laws of the State in order to transfer the various powers hitherto exercised by the District Officers of Kota Kinabalu, Sandakan, Labuan and Tawau to the Presidents of the Kota Kinabalu Municipal Council, Sandakan Municipal Council, Labuan Municipal Council and Tawau Municipal Council, Conservator of Forests, Collector of Land Revenue, Permanent Secretaries to the Ministry of Town and Country Development and the Ministry of Welfare Services and the Director of Public Works and to make provisions for the transfer of control and management of assets and the transfer of rights, liabilities and employees of the Government to the Kota Kinabalu Municipal Council, Sandakan Municipal Council, Labuan Municipal Council and Tawau Municipal Council as the case may be consequent upon the abolition of the offices of the District Officers of Kota Kinabalu, Sandakan, Labuan and Tawau.

ENACTED by Legislature of the State of Sabah as follows: -

Short Title and commencement.

1. This Enactment may be cited as the Statute Law Revision Enactment, 1983 and shall come into operation on the 1st day of January, 1984.

Amendment of Cap. 15.

2. The Birds' Nests Ordinance is hereby amended: -
- (1) in subsection (3) of section 4, by deleting the word "nearest" appearing immediately after the words "such contractor or person, the" in line 2; and
 - (2) by inserting immediately after the words "District Officer" whenever they occur the words "or the Conservator of Forests".

Amendment of Cap. 19.

3. The Burials Ordinance is hereby amended: -
- (1) by inserting immediately after section 1 the following new section 1A –
"1A. In this Ordinance –

"President" shall have the same meaning as in the Local Government Ordinance, 1961"; and
 - (2) by inserting immediately after the words "District Officer" whenever they occur the words "or the President".

Amendment of Cap. 21.

4. The Cattle, Grazing and Pounds Ordinance is hereby amended: -
- (1) in section 2, by inserting at the end thereof the following new definition –
"Collector" and "President" shall have the same meaning as in the Land Ordinance (Cap. 68) and the Local Government Ordinance, 1961 respectively";
 - (2) in section 3, by inserting the words "or the President" immediately after the words "District Officer" in line 4;
 - (3) in section 5, by substituting the words "the President" and a comma for the comma appearing immediately after the words "District Officer" in line 3;

- (4) in subsection (2) of section 6, by inserting the word "President" immediately after the words "District Officer" in line 1;
- (5) in the second proviso to paragraph (b) of subsection (2) of section 7, by deleting the comma immediately after the words "District Officer" in line 3 and inserting immediately therein the words "or the Collector" and a comma;
- (6) in subsection (3) of section 10, by inserting the words "or the President" immediately after the words "District Officer" in line 2;
- (7) in section 11, by inserting the words "or the President" immediately after the words "District Officer" in line 2;
- (8) in section 12, by inserting the words "or the President" immediately after the words "District Officer" in line 2;
- (9) in subsection (1) of section 16 –
 - (a) by inserting the words "or the President" immediately after the words "District Officer" in line 3;
 - (b) by inserting a full-stop immediately after the words "in each district" and deleting the words "as shall be determined by the Resident" in line 4;
- (10) in section 18, by inserting the words "or the President" immediately after the words "District Officer" in line 1;
- (11) in section 19, by inserting the words "or the President" immediately after the words "District Officer" in line 3 and 4;
- (12) in section 20, by inserting the words "or the President" immediately after the words "District Officer" in line 1; and
- (13) in section 27-
 - (a) by inserting the words "or the office of the Municipal Council as the case may be" immediately after the words "District Office" in lines 2 and 3 of subsection (5);

- (b) by inserting immediately after the words "District Officer" whenever they occur therein the words "or the President".

Amendment of Cap. 31.

5. Subsection (1) of section 7 of the Cruelty to Animals (Prevention) Ordinance is hereby amended by substituting the words "Collector of Land Revenue" for the words "District Officer" in line 2.

Amendment of Cap. 86.

6. The Native Courts Ordinance is hereby amended: -

- (1) in section 2, by substituting a semi-colon for the full-stop appearing immediately after the words "Ordinance" in the definition of "Native Court" and inserting immediately thereof the following new definition –

"Native Court Officer" means the Deputy President of a Municipal Council;

- (2) in paragraph (b) of subsection (1) of section 5, by inserting the words "or the Native Court Officer" immediately after the words "District Officer" in line 5;

- (3) in section 8 –

- (a) by inserting the words "or the Native Court Officer" immediately after the words "District Officer" in line 2 of subsection (1);

- (b) by deleting the full-stop appearing immediately after the words "District Officer" in line 3 of subsection (2) and inserting immediately therein the words "or the Native Court Officer" and a full-stop;

- (4) in section 9 –

- (a) by inserting the words "or the Native Court Officer" immediately after the words "District Officer" in line 3 of subsection (1);

- (b) by inserting a comma immediately after the words "District Officer" and the word "Native Court Officer" immediately after that comma and deleting the words "respectively" in line 3 of subsection (2);
- (5) in section 10, by inserting the words "or the Native Court Officer" immediately after the words "District Officer" whenever they occur therein
- (6) in section 10A –
 - (a) by inserting the words "or the Native Court Officer" immediately after the words "District Officer" in line 2 and deleting the words "as President" in line 4 of subsection (1);
 - (b) by substituting the word "Judge" for the word "President" in line 2 and inserting the words "or the Native Court Officer" immediately after the words "District Officer" in lines 4, 7 and 8 of subsection (3); and
- (7) in subsection (1) of section 10B by inserting the words "or the Native Court Officer" immediately after the words "District Officer" in line 1.

Amendment of Cap. 132.

- 7. The Rural Administration Ordinance is hereby amended: -
 - (1) in subsection (1) of section 40, by substituting the words "Permanent Secretary to the Ministry of Community Services (hereinafter referred to as the "Permanent Secretary")" for the words "District Officer" in line 5;
 - (2) in paragraph (e) of section 42, by deleting the semi-colon appearing immediately after the words "District Officer" in line 2 and inserting immediately therein the words "or the Local Authority" and a semi-colon;
 - (3) in subsection (2) of section 43, by substituting the words "a Magistrate" for the words "the District Officer" in line 4;
 - (4) in section 53 –

- (a) by substituting the words "the Permanent Secretary" for the words "a District Officer" in line 2 and the words "Permanent Secretary" for the words "District Officer" in lines 5 and 9 respectively of subsection (1);
- (b) by substituting the words "the Permanent Secretary" for the words "a District Officer" in line 1 of subsection (2);
- (5) in section 54, by inserting the words "or the Local Authority" immediately after the words "District Officer" in line 1; and
- (6) in section 55, by inserting the words "or the Local Authority" immediately after the words "District Officer" whenever they occur therein.

Amendment of No. 15 of 1956.

8. The Drainage and Irrigation Ordinance is hereby amended: -

- (1) In section 4 –
 - (a) by inserting the words "or the Collector" immediately after the words "District Officer" in lines 1 and 2 and substituting the words "the Collector and" for the word "all" appearing immediately after the words "district, then" in line 4 of subsection (2);
 - (b) by inserting the words "Collector or the" immediately before the word "District Officer" in line 1 and the words "Collector or" immediately after the words "the Committee, such" in line 2 of subsection (3);
 - (c) by inserting the words "Collector or" immediately after the words "notice board of the" and the words "as the case may be" immediately after the words "District Officer" appearing in line 4 of subsection (5);
- (2) in subsection (2) of section 7, by inserting the words "or the Collector's Office" immediately after the words "District Office" in lines 3 and 4; and
- (3) in the second proviso to section 19, by inserting the words "Collector or" immediately after the words "in the opinion of the" appearing in line 3.

Amendment of Cap. 64.

9. The Interpretation (Definition of Native) Ordinance is hereby amended: -

(1) in section 3 –

(a) by deleting subsection (2) and substituting therefor the following:

"(2) Subject to the provision of subsection (3) of this section, any Native Court referred to in subsection (1) to whom an application is properly made under such subsection shall have exclusive jurisdiction to entertain and determine any such application and to make such declaration as the case requires"; and

(b) by deleting subsection (3) and substituting therefor the following –

"(3) Any declaration of any Native Court made in the exercise of the jurisdiction conferred upon it by subsection (2) shall be subject to review and scrutiny by, and appeal to the District Officer or a Board of officers appointed by the Yang di-Pertua Negeri for the purpose."

Amendment of No. 16 of 1962.

10. The Animals Ordinance, 1962 is hereby amended: -

(1) in section 2, by inserting immediately after the definition of "port officer" the following new definition –

"President" shall have the same meaning as in the Local Government Ordinance, 1961";

(2) in subsection (2) of section 17, by inserting the words "or the President" immediately after the words "District Officer" in line 6;

(3) in subsection (3) of section 21, by inserting the words "or the President" immediately after the words "District Officer" in line 2;

- (4) in subsection (1) of section 22, by inserting the words "or the President" immediately after the words "District Officer" in line 5; and
- (5) in subsection (1) of section 33, by inserting the words "or the President" immediately after the words "District Officer" in line 4.

Amendment of No. 2 of 1968.

11. The Forest Enactment, 1968 is hereby amended: -

- (1) in section 2, by inserting immediately after the definition of "authorised officer" the following new definition –

"Collector" shall have the same meaning as in the Land Ordinance (Cap. 68);
- (2) in section 8, by inserting immediately after the words "District Officer" whenever they occur therein the words "or Collector";
- (3) in section 9, by inserting immediately after the words "District Officer" whenever they occur therein the words "or Collector";
- (4) in section 10, by inserting the words "or Collector" immediately after the words "District Officer" in line 2;
- (5) in subsection (2) of section 11, by inserting the words "or Collector" immediately after the words "District Officer" in line 3; and
- (6) in subsection 5 of section 12, by inserting the words "or Collector" immediately after the words "District Officer" in line 2.

Amendment of No. 11 of 1977.

12. The Antiquities and Treasure Trove Enactment, 1977 hereby amended: -

- (1) in section 2, by deleting the definition of "occupier" and substituting therefor the following: -

"Occupier" and "President" shall have the same meaning as in the Local Government Ordinance, 1961; and

- (2) by inserting immediately after the words "District Officer" whenever they occur the words "or the President".

Amendment of No. 13 of 1977.

13. The National Parks Enactment, 1977 is hereby amended: -

- (1) in section 2, by inserting immediately after the definition of "Board" the following new definition –

"Collector" shall have the same meaning as in the Land Ordinance (Cap. 68);
and

- (2) by inserting immediately after the words "District Officer" whenever they occur the words "or the Collector".

Amendment of No. 5 of 1982.

14. The Old Age Assistance Scheme Enactment, 1982 is hereby amended: -

- (1) in section 2, by inserting immediately after the definition of "Minister" the following new definition –

"President" shall have the same meaning as in the Local Government Ordinance, 1961"; and

- (2) in subsection (1) of section 4, by inserting the words "or the President" immediately after the words "District Officer" in line 3.

Amendment of No. 11 of 1961.

15. The Local Government Ordinance is hereby amended -

- (1) in section 2, by inserting the words "or Deputy President" immediately after the word "President" in line 1 of the definition of "Chairman"; and

- (2) in subsection (1) of section 13, by deleting the full-stop after the words "Vice-Chairman" and inserting immediately therein the words "to be styled Deputy President in the case of a Municipal Council".

Succession to property.

16. Subject to any directions by the Government all property, movable or immovable, and assets vested in the Government which fall under or within the areas of jurisdiction of the District Officers of Kota Kinabalu, Sandakan, Labuan and Tawau shall, on the commencement of this Enactment, be used, controlled and managed by the Kota Kinabalu Municipal Council, Sandakan Municipal Council, Labuan Municipal Council and Tawau Municipal Council as the case may be.

Right, liabilities and obligations.

17. All rights, liabilities and obligations of the Government pertaining to any matter or thing which fall under or within the areas of jurisdiction of the District Officers of Kota Kinabalu, Sandakan, Labuan and Tawau shall, on the commencement of this Enactment, become the rights obligations and liabilities of the Kota Kinabalu Municipal Council, Sandakan Municipal Council and Tawau Municipal Council as the case may be.

Existing employees.

18. (1) All employees in the employ or in the service of the Government who were under the jurisdiction of the District Officers of Kota Kinabalu, Sandakan, Labuan and Tawau shall have the right to opt within three months from the commencement of this Enactment to be in the employ or in the service of the Kota Kinabalu Municipal Council, Sandakan Municipal Council, Labuan Municipal Council or Tawau Municipal Council.

(2) Where the right to opt under subsection (1) of this section is exercised such employees shall become the employees in the employ or in the service of the Kota Kinabalu Municipal Council, Sandakan Municipal Council, Labuan Municipal Council or Tawau Municipal Council as the case may be on the same terms and conditions of service as those on which they were employed by the Government.

FOR REFERENCE ONLY (August 2010)

CERTIFIED by me to be a true copy of the Bill passed by the Assembly on Monday, 12th December, 1983.

DATUK HAJI MOHD. SUNOH MARSO,
Speaker.

Sabah LawNet