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[Vol. IV

The following Notifications are, by command of the Council of Regency of Perlis, published for general information.

AHMAD BIN HAJI HUSIN,
State Secretary.

No. 96. — The following Enactment passed at a Meeting of the Council of State held on 3rd day of June, 1951, is published for general information:

STATE OF PERLIS

ENACTMENT NO. 3 OF 1370 (1951).

WE ASSENT,

RAJA HAJI AHMAD BIN RAJA ENDUT,
HAJI AHMAD BIN HAJI MOHAMAD,
SYED HUSSAIN BIN SYED ZAIN.

Council of Regency.

31st July, 1951.

27th Shawal, 1370.

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An Enactment to make provisions for the Control of Forests.

IT IS HEREBY ENACTED by the Council of Regency of Perlis, with the advice and consent of the Council of State as follows:

1. This Enactment may be cited as the Perlis Forest Short title. Enactment, 1370 (1951).

PRELIMINARY.

2. In this Enactment, unless the context otherwise requires—

Interpreta-
tions.

(b) "le" includes also elephants, buffaloes, oxen and horses, ponies, mules, asses, pigs, sheep and goats;

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No. 3 of 1370 (1951).

"classification mark" means a mark placed on timber to denote its origin or the agency by which it has been handled;

"forest offence" means an offence punishable under this Enactment, or under any rules made under section 55.

"Forest Officer" means any person appointed under section 3 to be State Forest Officer, Assistant State Forest Officer, District Forest Officer, Assistant District Forest Officer, Forest Ranger, Forester or Forest Guard or to discharge any function of a Forest Officer under this Enactment;

"forest produce" includes—

(a) the following when found in or brought from a reserved forest—that is to say,

guano, peat, rock, sea-sand, river-sand, sea-shells, shell-sand and surface soil;

(b) the following when found in or brought from a reserved forest or State Land—that is to say,

(1) trees and all parts or produce not hereinafter mentioned of trees;

(2) plants including climbers, creepers and grasses, and all parts or produce of such plants;

(3) tusks, horns, silk cocoons, honey, wax and edible birds' nests; and

(c) the following whether found in or brought from a reserved forest, State Land, land reserved for a public purpose or alienated land—that is to say, timber, firewood, charcoal, getah, wood oil, bark, extracts of bark, damar and atap;

"guano" includes the excrement of birds and of bats;

"judicial enquiry" means an enquiry which is legally held in the presence of an accused person and in which the evidence is recorded in the manner prescribed by the Criminal Procedure Code in force for the time being;

"property mark" means a mark placed on timber to denote that, after all purchase money or royalties due to the State have been paid, the person in whose name such mark is registered has or will have a right of property in the timber;

"reserved forest" means every part of a forest declared to be a reserved forest under the provisions of section 13 of this Enactment;

"river" includes also streams, canals, creeks and other channels, natural or artificial;

"State Forest Officer" means the State Forest Officer appointed under section 3 and includes any other officer whom the Ruler in Council may by notification in the *Gazette* declare to be vested with all or any of the powers conferred on the State Forest Officer by this Enactment.

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"State land" includes all land not falling under one or other of the following categories:—

- (a) land being a reserved forest;
- (b) land reserved for a public purpose;
- (c) alienated land;

"timber" includes trees, when they have fallen or been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not;

"tree" includes roots, stumps, stems, branches, brush-wood, palms, canes, rattans and creepers.

3. (1) The Ruler in Council may appoint a State Forest Officer who shall be directly responsible to the Ruler in Council for the administration of the forests of the State and shall have the general superintendence of all matters within the provisions of this Enactment, and such and so many Assistant State Forest Officers, District Forest Officers, Assistant District Forest Officers, Forest Rangers, Foresters and Forest Guards as may be necessary for carrying out the purposes of this Enactment.

Appoint-
ment of
officers.

(2) The appointment of the State Forest Officer and of all other forest officers of higher rank than Forest Ranger shall be notified in the *Gazette*.

(3) Notwithstanding anything contained in sub-section (1) the Ruler in Council may delegate to the State Forest Officer the power to appoint Forest Rangers, Foresters or Forest Guards.

(4) All officers appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

PART II.

RESERVED FORESTS.

4. The Ruler in Council may constitute any land a reserved forest in the manner hereinafter provided.

Power to
constitute
reserved
forests.

5. Whenever it is proposed to constitute any land a reserved forest the Commissioner of Lands and Mines shall publish in the *Gazette* a notification—

Notification
of proposal
to consti-
tute
reserved
forest.

- (a) specifying as nearly as possible the situation and extent of such land, and
- (b) declaring that it is proposed to constitute such land a reserved forest.

6. When a notification has been published under section 5, the Commissioner of Lands and Mines shall also publish in convenient places in the vicinity of the said land, and elsewhere as he may deem expedient, a proclamation in the Malay and Chinese languages, and in such other languages as he may deem necessary,

Proclama-
tion by
Commis-
sioner of
Lands and
Mines.

- (a) specifying as nearly as possible the situation and extent of the forest proposed for reservation;
- (b) setting forth the provisions in substance of the next following section;

- (c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and
- (d) fixing a period of not less than three months from the date of the publication of such proclamation, and requiring every person who has any objection to the reservation of such forest or who applies to exercise any privilege which is being or has been exercised in or over any part of the said forest, either to present to the Land Officer in whose district the forest is situate within such period as aforesaid a written notice specifying, or to appear before him within such period and state, the nature of such objection or privilege.

New buildings and cultivation prohibited after proclamation.

7. During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be reserved as hereinafter provided, no new house shall be built or plantation formed and no fresh clearing for cultivation or for any other purpose shall be made on or in any State land mentioned in such proclamation; provided that nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Land Officer or in conformity with the terms of a licence or permit issued by a forest officer in whom the power to issue such licence or permit was vested before the proclamation was published.

Enquiry by the Commissioner of Lands and Mines.

8. The Land Officer shall

- (a) take down in writing all statements made in response to the requirement of section 6 (d);
- (b) enquire into all objections raised and applications made in response to the said requirement and into the propriety of conceding in and over the forest any privilege which is being or has been exercised but in respect of which no application is made;
- (c) consider and record any opinion which the State Forest Officer may express as to any objections that have been raised to the proposed reservation or as to the privileges to be conceded in or over the forest proposed to be reserved;
- (d) forthwith forward the record of his proceedings under this section to the Commissioner of Lands and Mines.

Order by the Ruler in Council.

9. The Commissioner of Lands and Mines shall then with all convenient speed forward to the Ruler in Council a statement of particulars of all objections, privileges and opinions recorded by the Land Officer under section 8. and the Ruler in Council, after such enquiry as he may think necessary, shall make an order admitting or rejecting such objections and conceding, modifying or disallowing the exercise of such privileges, either wholly or in part, as shall seem to him right.

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10. Every order made under section 9 conceding a privilege in respect of forest produce within a forest proposed for reservation shall prescribe, as far as possible, the quantity and nature of forest produce which may be taken or received in exercise of such privilege, and the exercise of such privilege shall be subject to the control of the State Forest Officer and to such orders as he may make with the approval of the Ruler in Council to regulate the local limits within which and the mode in which such forest produce may be taken or received within the reserved forest.

Regulation
of privi-
leges.

11. Should the Ruler in Council consider it expedient to include in a reserved forest any land leased or granted to, or otherwise lawfully occupied by, any person, he may make an order that such land be acquired in accordance with the provisions of the law for the time being in force for the acquisition of land for public purposes and, thereafter such land may be included within the limits of such reserved forest.

Acquisi-
tion of
alienated
land for
inclusion in
a reserved
forest.

12. (1) The Ruler in Council may, at any time before the publication of a notification under section 13, withdraw from a proposal to constitute any land a reserved forest.

Abandon-
ment of
proposal to
reserve.

(2) When such withdrawal is determined on, the Commissioner of Lands and Mines shall publish a notification accordingly in the *Gazette*, and shall also publish a proclamation in the same places and in the same manner in which the proclamation under section 6 was published announcing that the proposed reservation has been abandoned.

(3) On the publication of such proclamation the provisions of section 7 shall cease to apply to such land.

13. (1) When the following events have occurred—
namely

Notification
declaring
reserved
forest.

(a) the period fixed under section 6 (d) has elapsed and all objections and applications, if any, made within such period have been disposed of by the Ruler in Council, and

(b) all lands, if any, to be included in the forest proposed for reservation which the Ruler in Council has, under section 11 elected to acquire have vested in His Highness the Raja,

the Commissioner of Lands and Mines shall with the approval of the Ruler in Council publish in the *Gazette* a notification specifying the land which it is intended to reserve, declaring the same to be reserved from a date fixed by such notification, mentioning the privileges conceded in respect of such land and stating the special conditions, if any, governing the reservation thereof.

(2) From the date so fixed such land shall be a reserved forest and shall together with all the produce thereof and things found therein be deemed to be the property of the State, to be maintained and controlled by the State Forest Officer, subject only to the privileges and conditions mentioned in such notification.

Publication of notification prior to operation thereof.

14. The Commissioner of Lands and Mines shall before the date fixed by the notification under section 13, cause the said notification to be published in the manner prescribed for the proclamation under section 6.

Rescission and notification of privileges and conditions.

15. (1) The Ruler in Council may at any time rescind, modify or add to any privilege conceded or any condition governing the reservation of a forest, and the Commissioner of Lands and Mines shall publish a notification accordingly in the *Gazette*.

(2) No person shall be entitled to compensation in respect of anything done under the provisions of subsection (1).

Acquisition of special rights.

16. No right of any description in or over a reserved forest or any part thereof shall be acquired except under a grant or contract in writing made by the Mentri Besar with the approval of the Ruler in Council.

Prohibition of transfer of privileges.

17. Notwithstanding anything hereinbefore contained, no privilege conceded by notification under section 13 shall be transferred by way of grant, sale lease, charge or otherwise, except with the authority of the Ruler in Council.

Rights and privileges created under previous orders may be rescinded or modified.

18. Notwithstanding anything contained in any previous order, every right admitted or privilege conceded in any *Gazette* notification constituting a reserved forest under any such previous order may be rescinded or modified under section 15 of this Enactment by the Ruler in Council and a notification thereof shall be published in the *Gazette*, in the same way and to the same extent as if such right or privilege were a privilege conceded by notification published in the *Gazette* under section 13 of the Enactment.

Power to stop way or watercourse in a reserved forest.

19. The State Forest Officer may from time to time, with the previous sanction of the Ruler in Council, stop any public or private way or watercourse in a reserved forest; provided that for the way or watercourse so stopped another way or watercourse which, in the opinion of the Ruler in Council, is equally convenient already exists or has been provided or constructed by the State Forest Officer.

Acts prohibited in a reserved forest.

20. Subject to the provisions of section 22, no person shall in a reserved forest

- (a) graze cattle or permit cattle to graze; or
- (b) fell, cut, ring, mark, lop or tap any tree, or injure by fire or otherwise or remove any tree or timber; or

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- (c) cause any damage by negligence in felling any tree or cutting or dragging any timber; or
- (d) search for, collect, subject to any manufacturing process or remove any forest produce or minerals; or
- (e) clear or break up any land for cultivation or any other purpose; or
- (f) poison or dynamite water, or hunt, shoot fish or set traps or snares; or
- (g) trespass in any manner not in this section hereinbefore prohibited.

21. Subject to the provisions of section 22, no person shall kindle, keep or carry any fire, or leave any fire burning, whether within or without a reserved forest, in such a manner as to endanger such reserved land. Prohibition as to fire.

22. Nothing in sections 16, 20, 21 or 27 shall be deemed to prohibit or render punishable Acts excepted from sections 16, 20, 21 & 27.

- (a) the exercise in accordance with the orders, if any, made under section 10, of any privilege conceded by notification under section 13, to take forest produce in a reserved forest; or
- (b) the exercise of any right created by grant or contract in the manner described in section 16; or
- (c) any act done with the permission in writing of a forest officer empowered under section 53 to grant such permission.

23. (1) The Ruler in Council may direct that from a date to be fixed by notification in the *Gazette* any reserved forest, or any portion thereof, shall cease to be reserved; and the Commissioner of Lands and Mines shall publish a notification in the *Gazette* accordingly. Power to declare forest no longer reserved.

(2) From the date so fixed such forest or portion thereof shall cease to be reserved.

PART III.

PENALTIES AND PROCEDURE.

24. (1) Any forest officer or police officer may without a warrant arrest any person reasonably suspected of having been concerned in a forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or gives a name and residence which there is reason to believe is false or if there is reason to believe that he will abscond. Power to arrest without warrant.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the officer in charge of the nearest police station or, if the offence is compoundable under section 33, before an officer empowered under that section to accept compensation; provided that in the latter case, if the arrested person refuses to compound the alleged offence, such officer empowered under section 33 shall forthwith send such arrested person to the officer in charge of the nearest police station.

Seizure of property the subject of or used in committing a forest offence.

25. (1) Where there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, conveyances and cattle used in the commission of such offence, may be seized by any forest officer or police officer.

(2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, so soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made; provided that, in any case where such property has been seized in connection with an offence dealt with by a forest officer in the exercise of his powers under section 33 or committed by some person unknown or who cannot be found, it shall not be necessary to report to a Magistrate the seizure thereof.

Presumption that forest produce belongs to the State.

26. (1) When in any proceedings taken under this Enactment or in consequence of anything done under this Enactment a question arises as to whether any forest produce is the property of the State, such produce shall be deemed to be the property of the State until the contrary is proved.

Offences in a reserved forest.

27. Subject to the provisions of section 22—

(i) whoever commits an offence against the provisions of paragraphs (b), (d) or (e) of section 20 or against the provisions of section 7 and whoever kindles, keeps or carries any fire burning in contravention of section 21 or of any instructions to ensure the safety of reserved forests which the State Forest Officer may from time to time notify in the manner prescribed by rule under section 55

(2) (u) shall be liable on conviction to imprisonment of either description for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

(ii) whoever commits an offence against the provisions of paragraph (a) or (c) of section 20 shall be liable on conviction to a fine not exceeding one hundred dollars or where the damage resulting from his offence amounts to more than fifty dollars, to a fine amounting to double the amount of such damage, or in default of payment of any such fine to imprisonment of either description for a term not exceeding two months.

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(iii) whoever commits an offence against the provisions of paragraph (f) of section 20 shall be liable on conviction to a fine not exceeding five hundred dollars or in default of payment of such fine to imprisonment of either description for a term not exceeding six months.

(iv) whoever commits an offence against the provisions of paragraph (g) of section 20 shall be liable on conviction to a fine not exceeding twenty-five dollars or in default of payment of such fine to imprisonment of either description for a term not exceeding fourteen days.

28. (1) Any person found in possession of any forest produce upon which the royalty or other payment to the Government due in respect of such forest produce has not been paid or made shall be liable on conviction to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Unlawful possession of forest produce.

(2) In any prosecution under this section the onus of proving that the royalty or other payment in respect of such forest produce has been paid or made shall be upon the person found in possession of such forest produce.

29. Subject to the provisions of sections 57 and 58 whoever commits a breach of any rule made under section 55, for the breach of which no penalty is expressly provided by rule made under section 55, shall be liable on conviction to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Penalty for breach of rules.

30. (1) Whoever, being a forest officer or police officer, vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Enactment shall be guilty of an offence and shall be liable on conviction to imprisonment of either description for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

Penalty for wrongful seizure.

(2) Any fine imposed under the provisions of sub-section (1) or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.

31. Whoever with intent to cause wilful damage or injury to the public or to any person or to cause wrongful gain as defined by the Penal Code,

Penalty for counterfeiting or defacing, or possessing implements for counterfeiting marks on trees and timber and altering boundary marks.

(a) knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, a mark used by forest officers to indicate that such tree or timber is the property of the State or of some person or that it may lawfully be felled or removed by some person; or

(b) unlawfully or fraudulently affixes to any tree or timber a mark used by forest officers or registered in the name of another person; or

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- (c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a forest officer; or
- (d) alters, removes, destroys or defaces any boundary mark of a reserved forest or of any land proposed to be included in a reserved forest;

shall be guilty of an offence and shall be liable on conviction to imprisonment of either description for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Double
penalty in
certain
cases.

32. If a breach of any of the provisions of this Enactment or of any rule made thereunder is committed—

- (a) after sunset and before sunrise; or
- (b) after preparation for resistance to the execution of any law or any legal process; or
- (c) after a previous conviction for a like offence;

the convicting Court may inflict double the penalty prescribed for such offence.

Power to
compound
forest
offences.

33. (1) The State Forest Officer and any forest officer empowered thereunto, by name or office, by the Ruler in Council by notification in the *Gazette*,

- (a) may accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 30 or 31, a sum of money not exceeding one hundred dollars by way of compensation for the offence which such person is suspected of having committed; and
- (b) when any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer;

and all sums so received shall be credited to revenue.

(2) On the payment of such sum of money or such value or both, as the case may be, the suspected person, if in custody shall be discharged, the property, if any, shall be released and no further proceedings shall be taken against such person or property.

(3) Any power vested in a forest officer by notification under sub-section (1) may at any time be withdrawn by the Ruler in Council by notification in the *Gazette*.

Compensa-
tion for
damage
caused by
commission
of a forest
offence.

34. (1) When any person is convicted of removing, felling, cutting, ringing, marking, lopping or tapping any tree or timber or of injuring them by fire or otherwise, in contravention of this Enactment, the convicting Court may in addition to any other penalty which it may award, order such person to pay to the State such compensation for such tree or timber, in respect whereof the offence was committed, not exceeding twice the value thereof, as it deems just.

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(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting Court may, unless after hearing such other person it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (1).

35. (1) When any person is convicted of a forest offence, all forest produce which is not the property of the State and in respect of which such offence has been committed, and all tools, boats, conveyances and cattle used in the commission of such offence shall be liable by order of the convicting Court, to confiscation.

Confiscation of property the subject of or used in committing a forest offence.

(2) Such confiscation may be in addition to any other penalty prescribed for such offence.

36. When the trial of any forest offence is concluded any forest produce in respect of which such offence has been committed, shall, if it is the property of the State or has been confiscated be delivered to such forest officer as the Court may order, and in any other case, may be disposed of in such manner as the Court may order,

Disposal of produce the subject of offences.

37. (1) Where there is reason to believe that a forest offence has been committed by a person who is unknown or cannot be found, all property seized in respect thereof under section 25 shall, unless it has been disposed of under section 36, to be taken possession of, and may be disposed of, by a forest officer expressly empowered in that behalf under section 53; but no such property shall be sold or otherwise disposed of until the expiration of one month from the date of seizure of such property or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim.

Power to take possession of and dispose of property the subject of or used in the commission of a forest offence where the offender is unknown or cannot be found.

(2) When possession is taken of any property under sub-section (1), the forest officer so taking possession shall either cause a notice thereof to be served upon any person whom he has reason to suspect to be interested in the property or publish such notice in any way he thinks fit.

38. A Magistrate or a forest officer specially empowered in that behalf under section 53 may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 25 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property had it not been sold.

Sale of perishable property seized.

39. Any person claiming to be interested in property seized under section 25 may,

Appeal against act under section 37.

(a) within one month from the date of any order made in respect of such property by a Magistrate under section 35 or section 36 prefer an appeal against such order to the High Court; or

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- (b) within one month from the service of publication of a notice in respect of such property by a forest officer under section 37 prefer an appeal against the taking possession of such property to the State Secretary for the decision of the Ruler in Council; and any order of the Ruler in Council made on such appeal shall be final.

Vesting in the State of property taken possession of. 40. When an order for the confiscation of any property has been made under section 35 or possession has been taken of any property under section 37, and

- (a) the period limited by section 39 for preferring an appeal against such order or such taking possession has elapsed and no such appeal has been preferred, or
- (b) on an appeal against such order or such taking possession the appellate authority confirms such order or such taking possession in respect of the whole or a portion of such property, such property or portion as the case may be shall vest in the State free from all encumbrances.

Power to release property seized and to withdraw charges. 41. Notwithstanding anything hereinbefore contained, any forest officer empowered under section 33 to compound forest offences may at any time direct the release of any property seized under section 25 which is not the property of the State and the withdrawal of any charge made in respect of such property.

Recovery of money due to the State. 42. (1) All money other than fines, payable to the State under this Enactment or on account of the price of any forest produce or of expenses incurred in the execution of this Enactment in respect of any forest produce may, if not paid when due, be recovered in the manner provided by law for the recovery of fines.

(2) When any money becomes recoverable under the provisions of sub-section (1), the State Forest Officer or other forest officer authorised by him in writing may, if the amount does not exceed five hundred dollars apply *ex parte* in a summary way to the Court of a Magistrate of the First Class, and in any other case, to the Court of a Judge, for the levy of the amount due, and such Court shall thereupon proceed to levy such amount, as if it were a fine, under the provisions of section 283 of the Criminal Procedure Code.

(3) If any person whose property has been seized under the authority of sub-section (2) disputes the propriety of such seizure, he may apply to the Court which ordered such seizure for an order to stay the proceedings, and the Court after making such enquiry as may be necessary shall make such order as may seem just.

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43. (1) When any such money as is referred to in section 42 (1) is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by the State Forest Officer or by any forest officer authorised, either specially or generally, by the State Forest Officer in writing in that behalf and may be retained by him until such amount has been paid.

Charge on forest produce for money due to the State.

(2) If such amount is not paid when due, such forest officer may sell the said produce by public auction and the proceeds of sale shall be applied in the first instance in payment of the amount due.

(3) The surplus, if any, if not claimed within two months by the person entitled thereto, shall be forfeited to the State.

44. (1) Timber found adrift, beached, stranded or sunk, or which is not in the possession or under the control of any person, shall be deemed to be the property of the State unless or until any person establishes his right thereto as hereinafter provided.

Unclaimed timber.

(2) Such timber may be collected by any forest officer or other person duly authorised under this Enactment and may be brought to any convenient place pending action under section 45.

45. (1) Public notice of timber collected under section 44 shall, from time to time, as occasion may require, be given by a forest officer expressly empowered under section 53.

Public notice of timber collected under section 44.

(2) Such notice shall contain a description of the timber and shall require any person claiming the same to make his claim to the State Forest Officer within a period of not less than one month from the date on which such notice is given.

46. (1) When any such claim is made as aforesaid the State Forest Officer may, after making such enquiry as he thinks fit, either reject the claim after recording his reasons for so doing or deliver the timber to the claimant.

Procedure on claim to timber.

(2) If such timber is claimed by more than one person, the State Forest Officer may either deliver the same to any of such person as he deems to be entitled thereto or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

47. (1) Where no claim is made within the period prescribed by section 45, or where such claim has been made and rejected, the ownership of such timber shall vest in the State free from all encumbrances or, when such timber has been delivered to another person under section 46, in such other person free from all encumbrances not created by him.

Disposal of unclaimed timber.

48. (1) No person shall be entitled to recover possession of any timber collected as aforesaid until the amount of any reasonable expenses incurred in collecting, moving, storing and disposing of the timber has been paid to the forest officer or other person entitled to receive the same.

Payment to be made by claimant before delivery of timber.

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(2) If any dispute arises as to the amount of expenses payable under sub-section (1), the matter shall be referred to the Mentri Besar, whose decision thereon shall be final.

Forest produce not removed by licensee to become the property of State.

49. Forest produce cut or collected under a licence or permit issued in accordance with the provision of this Enactment or of any rules made thereunder shall, unless removed from the area to which the licence or permit applies within a period of one month from the expiry of such licence or permit or within such further period as the State Forest Officer may in any particular case allow, become the property of the State free from all encumbrances.

Forest officers not to trade.

50. No forest officer shall, as principal or agent, trade in forest produce or be or become interested in any lease of or charge on any forest or forest produce or in any contract for working any forest.

The State not liable for loss or damage in respect of certain forest produce.

51. The State shall not be responsible for any loss or damage which may occur in respect of any forest produce while at a checking station or while detained elsewhere for the purposes of or under the provisions of this Enactment or in respect of any timber collected under section 44.

Forest officers who may prosecute.

52. The prosecution before any court of any person charged with a forest offence may be conducted by the State Forest Officer or by any forest officer authorised by him either generally or specially in writing in that behalf.

Ruler in Council may invest forest officer with certain powers.

53. (1) The Ruler in Council may invest any forest officer either specially or generally with all or any of the following powers to be exercised within the State for the purposes of this Enactment, namely

- (a) power to compel the attendance of witnesses and production of documents;
- (b) power to issue such search warrants as may be issued by courts under the Criminal Procedure Code in force for the time being;
- (c) power to hold judicial enquiries into forest offences and in the course of such enquiries to receive and record evidence;
- (d) power to grant any permission referred to in sections 22 and 58;
- (e) power to give public notice under section 45 of timber collected under section 44;
- (f) power to take possession of and dispose of property under section 37;
- (g) power to direct the sale of perishable property under section 38;

and may withdraw any of the said powers from any forest officer invested therewith under this sub-section.

(2) All or any of the powers specified in paragraphs (a) to (g) inclusive of sub-section (1) may be exercised by the State Forest Officer in any part of the State.

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54. Evidence recorded by a forest officer in a judicial enquiry shall be admissible in any subsequent enquiry or trial before a Magistrate or Court.

Record in
judicial
enquiry
to be
admissible
in evidence.

PART IV.

RULES.

55. (1) The Ruler in Council may make rules to carry out the objects and purposes of this Enactment. Rules,
Sec. 62, N. 5/52.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may

- (a) regulate or prohibit the kindling of fires on State land and prescribe the precautions to be taken to prevent the spreading of fires;
- (b) regulate by licensing or otherwise, or prohibit the felling, cutting, ringing, marking, lopping, tapping, or injuring by fire or otherwise, of any trees or timber, the sawing, conversion or removal of timber, and collection and removal of other forest produce; provided that in the case of land which now is or may hereafter be alienated no licence shall be issued except to the owner of such land or with his consent;
- (c) regulate or prohibit the manufacture of bark or the burning of charcoal;
- (d) regulate the free grant or the grant at reduced rates of forest produce;
- (e) regulate by licensing or otherwise the sale, purchase or storage of forest produce;
- (f) prohibit any dealings in specified kinds of forest produce and make it an offence to be found in possession thereof;
- (g) prescribe the routes by which alone forest produce may be imported into, exported from or moved within the State;
- (h) prohibit the collection or removing of forest produce without a pass from an officer authorised to issue the same or otherwise than in accordance with the conditions of such pass and provide for the issue, production and return of such passes;
- (i) in the case of timber formed into a raft or fastened to the sea-shore or any river bank, prohibit the loosening or setting adrift of such timber by any person not the owner thereof or not acting on behalf of the owner or of the State;
- (j) provide for the stoppage, reporting, examination and marking of forest produce in transit;

- (k) establish checking stations to which forest produce is to be brought by the person in charge of it for examination or for the realisation of money due to the State in respect thereof on in order that a mark may be affixed thereto for the purposes of this Enactment, and prescribe the conditions under which forest produce is to be brought to, detained at, and removed from, such checking stations;
- (l) provide for the management and control of such checking stations;
- (m) prohibit, absolutely or subject to conditions, either generally or within specified limits, the establishment of saw-mills and saw-pits, the converting, cutting, burning, concealing, or marking of timber, the altering or effacing of any property marks on the same, and the possession of marking hammers or other implements used for making timber;
- (n) regulate the use of marks for timber and the registration of such marks, authorise the refusal or cancellation of the registration of such marks, prescribe the time for which the registration of such marks is to hold good and limit the number of such marks which may be registered by any one person;
- (o) provide for the issue of licences to be in possession of marking hammers;
- (p) regulate the collection and disposal of timber mentioned in section 44;
- (q) regulate the manner of publication of public notice under section 45;
- (r) declare by what forest officer or class of forest officers the powers or duties conferred or imposed by or under this Enactment or any rules made under this section are to be exercised or performed;
- (s) regulate the procedure of the Commissioner of Lands and Mines and Land Officers under Part II of this Enactment;
- (t) regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Enactment or under any rules made under this section or from the State Treasury;
- (u) prescribe the manner of notifying instructions of the State Forest Officer under section 27 (1);
- (v) prescribe the fees, royalties and payments for forest produce, and the manner in which such fees, royalties or other payments are to be levied whether in transit or partly in transit or otherwise;

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- (w) prescribe fees for passes under paragraph (h) hereof, for registration of marks under paragraph (n) hereof and for licences issued under this Enactment or under any rule made under this section;
 - (x) generally prescribe fees payable under this Enactment or under any rule made under this section;
 - (y) prescribe the language and forms to be used in the keeping of any books required under rules made under this section;
 - (z) prescribe the penalties with which the contravention of any rules made under this section shall be punishable, but so that such penalties shall not exceed those prescribed by section 29.
- (3) Any rules made under this section may provide that any specified rule or rules shall not apply to any particular class of forest produce or to any particular part of the State.
- (4) All rules made under this section shall be published in the *Gazette*.

56. No rule made under paragraphs (b), (c), (d), (e), (m), (v), (w) and (x) of section 55 (2) shall, except as may be expressly provided therein, extend to prohibit, regulate or authorise any act done within the limits of any reserved forest.

Certain rules not to extend to acts done within a reserved forest.

57. The Ruler in Council may make rules to regulate and define the grant to subjects of the State of special privileges in respect of forest produce for their own use from State land or, with the written permission of the owner, from alienated land. Such rules may prohibit or regulate the cutting and removal of any specified form of forest produce or prohibit or regulate the cutting and removal of all or any forest produce in any specified locality.

Special provisions in favour of subjects of the State.

58. Nothing in any rule made under section 55 shall be deemed to prohibit any act done with the permission in writing of a forest officer expressly empowered under section 53 to grant such permission.

Saving of acts done by permission of a forest officer.

59. From and after the commencement of this Enactment

(a) All notifications or appointments made under any written law; and

(b) Any permits or licences issued or purporting to have been issued under any written law,

which would have been validly and properly made or issued if the provisions of this Enactment had been in force shall, for all purposes, be deemed to have been validly and properly made or issued, as the case may be.

Passed in the Council of State this 3rd day of June, 1951.

[S. S. Ps. 260/49].

MOHD. SA'AID BIN PILUS,
Clerk of Councils, Perlis.