

WILD LIFE PROTECTION ACT

An Act to make provision for the protection of wild life and for the establishment of wild life sanctuaries 10 of 1978

Commencement: 1st August 1981 S.130/81

PART I

PRELIMINARY

1. This Act may be cited as the Wild Life Protection Act. Short title

2. In this Act, unless the context otherwise requires — Interpretation

“Game Officer” means any officer appointed under section 3 to be Chief Game Warden, Deputy Chief Game Warden, a Game Warden or a Game Ranger;

“State Land” has the meaning assigned to it by the Land Code; Cap. 40

“hunt”, “kill”, “capture”, mean hunting killing or capturing by any method, and includes attempts to kill or capture and the taking or disturbing of nests or eggs;

“protected animal” means any animal specified in the First Schedule;

“shoot” includes shooting at;

“trophy” means the head, horn, tooth, tusk, bore, claw, hoof, skin, hair, feather, egg or any durable portion of any animal or the nest of any animal.

Appointment
of Chief
Game War-
den and other
officers

3. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Chief Game Warden, a Deputy Chief Game Warden and such number of Game Wardens, Game Rangers and other officers as he may consider necessary for the carrying out of the provision of this Act.

(2) All such officers when appointed shall be subject to the direction of the Chief Game Warden.

PART II

WILD LIFE SANCTUARIES

Wild Life
Sanctuaries
and acts
prohibited
therein

4. (1) His Majesty in Council may from time to time by order published in the *Gazette* declare any area in Brunei specified in such declaration to be a Wild Life Sanctuary exclusively reserved for the preservation of animals or birds, and may define or alter the limits of any such area.

(2) Subject to the provisions of section 6, no person shall in a Wild Life Sanctuary —

(a) shoot, hunt, kill, capture or take any animal, bird, fish or reptile or take or disturb the nest or eggs of any bird;

(b) keep or carry any weapon or contrivance of any kind used for the taking, shooting, or killing of any animal, bird, fish or reptile;

(c) be in possession of the trophy or flesh of any mammal, bird, fish or reptile;

(d) cut or remove any vegetable;

(e) quarry stone, burn lime or charcoal, or search for, collect or remove any forest produce or minerals;

(f) erect any building, or clear or break up any land for cultivation or for any other purpose; or

(g) kindle, keep or carry any fire or leave any fire burning.

(3) Whoever does any act in contravention of paragraph (a) of subsection (2) shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$2,000.

(4) Whoever does any act in contravention of paragraph (b), (c), (d), (e), (f) or (g) of subsection (2) shall be guilty of an offence: Penalty, imprisonment for 6 months and a fine of \$1,000.

(5) Nothing in this section shall be deemed to prohibit or render punishable any act done with the permission in writing of the Chief Game Warden.

5. Any area declared to be a sanctuary under the provisions of section 4 shall be deemed to be land reserved for public purpose.

Status of
Land in
sanctuary or
game reserve

6. A Wild Life Sanctuary may include the whole or any part of a Forest Reserve or a Protected Forest, in which case nothing herein contained shall prohibit or restrict the management of the Forest or Protected Forest.

Wild Life
Sanctuary
may include a
Forest Re-
serve, etc:

PART III

GENERAL PROVISIONS FOR THE PROTECTION OF WILD LIFE

7. No person shall hunt, kill or capture any protected animal otherwise than under and in accordance with the conditions of a licence issued under this Act: Penalty, imprisonment for one year and a fine of \$2,000.

Protected
animals

Protected
animals not
to be sold or
kept

8. (1) No persons, other than the holder of an appropriate licence issued under this Act shall sell or offer for sale or have in his possession any protected animal or any trophy or flesh thereof; unless the same has been lawfully acquired: Penalty, imprisonment for 6 months and a fine of \$1,000.

(2) In any prosecution under this section, the onus of proving lawful acquisition shall be upon the person in possession of the protected animal or trophy or flesh thereof.

(3) The Director of Museums shall be exempted from the provisions of this section and of section 9 in respect of acts done by him in good faith for a scientific purpose.

Export of
wild animals

9. No person shall export any animal specified in the First Schedule, except under and in accordance with the conditions of a licence issued under this Act: Penalty, imprisonment for one year and a fine of \$2,000.

Licences

10. (1) Licences to perform any act mentioned in sections 7, 8 and 9 shall be in the form in the Third Schedule and may be issued in his absolute discretion by the Chief Game Warden or any officer authorised in that behalf by him, and, subject to the direction of the Chief Game Warden, by the Deputy Chief Game Warden or a Game Warden, and shall be subject to such special conditions, if any, as the officer issuing the licence may subject to any such direction, think fit to impose.

(2) Licences shall not be valid for a period exceeding one year or such shorter period as the issuing officer may, in any particular case, determine and shall not be transferable.

(3) Subject to the provisions of section 11 fees at the rates specified in the Second Schedule shall be payable when such licence is issued, and no fee shall be refunded if the act authorised by such licence is not performed.

(4) The holder of any licence under this Act shall carry such licence on his person when performing any act authorised by it, and shall produce it for inspection at the demand of any Game Officer.

(5) Any licence issued under this Act shall be available only for the locality specified therein.

(6) The holder of any licence issued under this Act shall, as soon as such licence expires or is otherwise determined, return it to the Game Officer at the place where it was issued.

(7) When a licence to hunt, kill, capture, sell or export expires or is otherwise determined, the licence-holder shall, before returning it to the Game Officer, endorse upon it the number and kinds of animals killed, captured, sold or exported.

(8) Any person who contravenes the provisions of subsection (4), (6) or (7) or fails to comply with any special condition imposed under this section, shall be guilty of an offence: Penalty, imprisonment for 3 months and a fine of \$500.

11. Licences authorising any act mentioned in section 7 may be issued only for a scientific purpose and no fee shall be charged therefor.

Licences in respect of protected animals

12. Nothing in this Act shall be deemed to affect the right of any person to act in defence of his person, or the person of others, or in the defence of the property of that person or others.

Right of person and property

13. The Game Officer or any person authorised by him may —

Destruction of dangerous or wounded animals

(a) hunt, kill or capture any animal which the Chief Game Warden has declared to be dangerous to life or property; and

(b) hunt, kill or capture any animal in order to prevent unnecessary suffering on the part of such animal.

Trophies and
young
animals
found

14. (1) Any person finding the trophy of a protected animal shall as soon as may be deliver or give notice of the finding of such trophy or flesh to the nearest Game Officer and such trophy or flesh shall be disposed of in such manner as the Chief Warden may direct.

(2) Any person who, upon finding the progeny of any protected animal, has reason to believe that this progeny should still be under the care of its mother but that such care is not being afforded, shall be as soon as may be either deliver the animal to the nearest Game Officer or furnish him with all such particulars as may be necessary to enable the Game Officer to effect capture, and the animal be disposed of in such manner as the Chief Game Warden may direct.

(3) The contravention of any provisions of this section shall constitute an offence: Penalty, imprisonment for 3 months and a fine of \$500.

PART IV

PROVISION AS TO PROCEDURE AND TRIALS

Power of
arrest and
search

15. (1) Any Game Officer or Police Officer may, without warrant, arrest any person reasonably suspected of having been concerned in an offence against this Act if such person refuses to give his name and address, or gives a name and address which such officer has reasonable grounds for believing to be false, or if such officer has reasonable grounds for believing that, unless such person is arrested, he may escape, or that an unreasonable amount of delay, trouble or expense in making him answerable to justice will ensue.

(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 to an officer empowered to compound the offence in accordance with section 17.

(3) Whenever a Game Officer or Police Officer has reasonable cause to suspect that an offence under this Act has been committed, he may enter upon any land or premises for the purposes of carrying out the provisions of this Act, or for the purpose of preventing or detecting offences against this Act, and may search any vessel, vehicle, building, enclosure or place under the control of the person suspected, his agents or servants.

16. (1) Any Game Officer not below the rank of Game Warden may, by notice in writing, require the attendance before him for purposes of investigation, at a time and place to be specified in the notice, of any person suspected of being concerned in offence under this Act.

Power to
hold inquiry
and
attendance

(2) If any such person refuses to attend as so required the Game Officer may report the refusal to a magistrate who may thereupon if he thinks fit, issue a summons or warrant to secure the attendance of that person as required by that notice.

17. (1) Any Game Officer not below the rank of Game Warden may accept from any person who has committed an offence under this Act a sum of money, not exceeding \$100, in compensation for the offence committed:

Power to
compound
offences

Provided that no offence against the provisions of paragraph (a) of subsection (2) of section 4 or section 7 shall be so compounded without the approval of the Chief Game Warden.

(2) On the payment of such sum of money the person shall be discharged and no further proceedings shall be

taken against him, and such property, if any, (other than any protected animal or trophy or flesh thereof) which has been confiscated as provided in this Part shall be disposed of in such manner as the officer concerned shall think fit.

(3) All sums of money received compensation under this section shall be credited to the general revenue of Brunei.

Power to
seize
property

18. (1) When there is reason to believe that an offence under this Act has been committed, any animal or trophy or flesh thereof, together with all weapons, instruments and contrivances used in the commission of such offence, may be seized by any Game 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 it has been so seized, and shall, without unnecessary delay, make a report of such seizure to a magistrate having jurisdiction to try the offence in respect of which the seizure has been made:

Provided that, in any case where such property has been seized in connection with an offence compounded under section 17, it shall not be necessary to report to a magistrate the seizure thereof, and such property shall be disposed of in such manner as the officer concerned shall think fit.

Seizure of
property
when
offender
cannot be
found

19. Where there is reason to believe that an offence under this Act has been committed by a person who is unknown or cannot be found, all property seized under section 18 in respect of the offence shall be taken possession of by a Game Officer not below the rank of Game Warden who shall report the seizure to a magistrate, and the magistrate shall deal with the property as if it were the subject of a report to him under section 363 of the Criminal Procedure Code.

Cap. 7

20. When the trial of any offence under this Act is concluded, any property that has been seized under the provisions of this Act shall be disposed of as the Court may order.

Disposal of
property by
Court

21. Prosecutions in respect of offences committed under this Act or any rule made hereunder may be conducted by a Game Officer or by any other person specially authorised in writing in that behalf by the Chief Game Warden.

Who may
prosecute

22. The Court of a Magistrate shall have jurisdiction over all offences under this Act and, notwithstanding anything to the contrary which may be contained in the Criminal Procedure Code, shall have power to impose the full penalty.

Jurisdiction
Cap. 7

23. (1) Except as hereinafter provided, no witness in any proceeding under this Act shall be obliged or permitted to disclose the name and address of any informer or the substance of the information received from him, or to state any matter which might lead to his discovery.

Protection of
informers
from
discovery

(2) If any books, document or papers which are in evidence or liable to inspection in any proceeding under this Act contain any entry in which an informer is named or described, or which might lead to his discovery, the Court shall cause that entry to be concealed from view or be obliterated, but only to the extent that is necessary to protect the informer from discovery.

(3) If, in a trial for any offence against this Act or any rule made hereunder, the Court after full inquiry, believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true or, if the Court is of the opinion that justice cannot be done without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

24. Where, in any proceedings under this Act, any fine is imposed, the court may award any sum or sums not exceeding one-half the total fine collected to any informer or informers:

Reward for informers

Provided that no such sum may be awarded to any police officer or to any person appointed to assist in the administration of this Act.

PART V

SCHEDULES AND RULES

Power to make rules and orders

25. (1) His Majesty in Council may make rules generally for carrying out the provision of this Act, and, in particular, such rules may provide for:

- (a) a close season for any kind of wild life;
- (b) maturity standards for taking, hunting, killing or capturing any kind of wild life;
- (c) controlling the keeping of any kind of wild life in captivity;
- (d) controlling the import or export of wild life;
- (e) the type of weapons, instruments and contrivances which may be used in taking, shooting or killing of wild life;
- (f) granting exemption from anything provided by such rules;
- (g) appeal against or review of the exercise of any discretion vested by the rules in any Game Officer; and

—(h) anything which requires to be provided for by the rule.

(2) His Majesty in Council may, by order signified in the *Gazette*, amend any of the Schedules.

FIRST SCHEDULE

(Sections 2, 7, 8 and 9)

LIST OF ANIMALS

PART A: PROTECTED ANIMALS

English Name	Scientific Name	Native Name
1. Long-nosed monkey	<i>Nasalis Larratus</i>	Bangkatan (Malay) Orang Belanda (Malay)
2. Orang Utan	<i>Pongo Pygmeaus</i>	Mayas (Malay) Orang Utan (Malay)
3. Rhinoceros	<i>Rhinoceros sumatrensis</i>	Badak Kerbau (Malay)
4. Earless Monitor Lizard	<i>Lanthanotus Borneonis</i>	Kukang (Malay)
5. Tarsier	<i>Tarsius bancanus</i>	Tempelileh (Malay) Ingkat (Iban)
6. Clouded Leopard	<i>Neofelis nebulosa</i>	Harimau dahan (Malay) Rimau dahan
7. Slow Loris	<i>Nycticebus coucang</i>	Ukang (Malay) Rengkang (Iban)
8. Reef Egret	<i>Egretta Sacrs</i>	Ujoh Laut (Malay)
9. Cattle Egret	<i>Bubulcus Coromandus</i>	Kenawai (Malay) Burong Apuh (Iban)
10. Storm's stork	<i>Ciconia Stormi</i>	Bangau (Malay)
11. Lesser Adjutant Stork	<i>Leptoptilos javanicus</i>	Burong Botak (Malay) Luhong
12. White-bellied Sea Eagle	<i>Haliacetus Leucogaster</i>	Helang Laut (Malay)

	English Name	Scientific Name	Native Name
13.	Grey-headed Fishing Eagle	Ichthyophaga ichthyaetus	Helang (Malay)
14.	Black-naped Tern	Sterna Sumatrana	Tara2 (Malay) Burong Laut Entala Puteh
15.	Brown-Winged Tern	Sterna Anaetheta	Burong Laut Entala Hitam (Malay)
16.	Pied Imperial Pigeon	Ducula Bicolor	Peragam Burong (Malay) Rawa (Iban)
17.	Storked Billed Kingfisher	Pelargopsis Capensis Fraseri	Burong Raja Undang (Malay)
18.	Ruddy Kingfisher	Halcyon Coromando Minor	Bekaka (Malay)
19.	Black Capped Kingfisher	Halcyon Pileata	Bekaka Burong Buaya (Malay)
20.	Great Argus Pheasant	Argusianus Argus Grayi	Keruai (Malay)
21.	Bulwer's Pheasant	Lophura bulwari	Ayam Hutan (Malay)
22.	Malaysian Peacock Pheasant	Polyplectron Malacense	Merak (Malay and Iban)
23.	White-Crested Hornbill	Berenicornis Comatus	Sentuku (Iban)
24.	Bushy-Crested Hornbill	Anorrhinus Galeritus	Kekalua (Iban)
25.	Wrinkled Hornbill	Aceros leucoccephalus Corrugatus	Alau buloh (Malay) Kejakoh (Iban)
26.	Wrethed Hornbill	Aceros Undulatus	Alau sangoh (Malay) Undan (Iban)
27.	Black Hornbill	Anthracoceros Malayanus	Alau babi (Malay) Likap Gagak/Rengak (Iban)
28.	Pied Hornbill	Anthracoceros Coronatus	Alau Pedada (Malay) Bruic (Iban)
29.	Rhinoceros Hornbill	Buceros rhinocedros borneonsis	Loklang/Sangang (Malay) Kenyalang (Iban)

	English Name	Scientific Name	Native Name
30.	Helmeted Hornbill	Rhinoplax vigil	Lantudon (Malay) Tajai (Iban)
31.	Dugong	Dugong dugon	Doyung (Malay) Duyong (Iban)
32.	Green (or Edible Turtle)	Chelonia mydas	Penyu Palua (Malay) Penyu emegit
33.	Hawksbill Turtle	Eretmochelys imbricata	Penyu sisik (Malay)
34.	Leatherback Turtle	Dermochelys coriacea	Penyu timbo (Malay)

PART B: OTHER ANIMALS THE EXPORT OF WHICH IS FORBIDDEN EXCEPT UNDER LICENCE

- (i) Apes and monkey
- (ii) Bears
- (iii) Deer

SECOND SCHEDULE

(Section 10 (3))

FEEES

- A. Fee for a licence to export animals specified in the First Schedule..... \$50.00 per head.
- B. Fee for a licence under section 9..... \$30.00 per month.

THIRD SCHEDULE

(Section 10)

FORM OF LICENCE

(Not transferable)

Permission is hereby given to
of (address).....
to hunt, kill or capture/possess/sell/export* the following animal, name-
ly:

the kind

the number

within the District of

subject to the provisions of the Wild Life Protection Act, and any rules
made thereunder, and to the following special conditions, namely:

.....
.....

Date of Issue

Valid to (date)

Fee \$ (paid)

.....
Chief Game Warden/Game Warden.

*Delete as appropriate.

N.B.: Where the licence is to kill, capture, sell or export, this licence is to be returned
to the Chief Game Warden or Game Warden on expiration endorsed with the
number of....., killed, captured, sold or exported*.

*Delete as appropriate.

NOTE: This licence must be carried on the person of the licensee when he is engaged in
performing the acts authorised.