



THE
SARAWAK GOVERNMENT GAZETTE
PART II

Published by Authority

Vol. LIII

30th September, 1998

No. 42

Swk. L.N. 95

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THE WILD LIFE (EDIBLE BIRD'S NESTS) RULES, 1998

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THE WILD LIFE PROTECTION ORDINANCE, 1998

**THE WILD LIFE PROTECTION (EDIBLE BIRDS' NESTS)
RULES, 1998**

(Made under section 55(1)(j))

In exercise of the powers conferred by section 55(1)(j) of the Wild Life Protection Ordinance, 1998, the Majlis Mesyuarat Kerajaan Negeri has made the following Rules: Cap. 26

1. These Rules may be cited as the Wild Life Protection (Edible Birds' Nests) Rules, 1998, and shall come into force on the 1st day of October, 1998. Citation and commencement.

2. In these Rules— Interpretation.
 “birds’ means birds of the genus *Collocalia*, and includes those of the species *Collocalia fuciphaga* and *Collocalia maxima*;
 “collection” includes the extraction, removal, taking away or transport of birds’ nests from caves or the natural habitat of birds;
 “edible birds’ nests” means the nests of birds which are capable of being consumed by human beings;
 “sell” includes any offer for sale or storage of birds’ nests for the purpose of selling thereof in future, within the State.

3. No person shall collect any edible birds’ nests without a licence issued by the Controller or any other Wild Life Officer authorized in writing by him. Licence for collection.

4. No person shall sell or offer for sale any edible birds’ nests without a licence from the Controller or any other Wild Life Officer authorized in writing by him. Sale of edible birds’ nests/

5. No person shall import into or export from Sarawak edible birds’ nests without a licence from the Controller or any other Wild Life Officer authorized in writing by him.

6. —(1) An application for any licence required under these Rules

shall be made in such form as may be prescribed by the Controller.

(2) A licence issued under these Rules shall be in the appropriate Form prescribed in the First Schedule.

(3) The Controller may specify in the licence terms and conditions for the issuance thereof, including the times during which collection of edible birds' nests may take place.

(4) (a) A licence for the collection or sale of edible birds' nests shall be for a period of not more than one year and may be renewed at the sole discretion of the Controller, for such period of time as he deems fit.

(b) A licence for the import or export of edible birds' nests shall be in respect of each consignment of edible birds' nests to be imported into or exported from Sarawak.

(5) Each licence shall specify the cave or place where the edible birds' nests may be collected.

(6) A licensee shall have the licence in his possession at all times when undertaking the collection of edible birds' nests. A certified true copy of the licence must be in the possession of the employee or servant, if any, assisting him in the collection of edible birds' nests.

7. —(1) A Licence issued under these Rules shall not be transferable.

Prohibition against transfers, subletting, etc.

(2) Where a licence is issued to a company or firm, the transfer of a majority of the shares or interests in the company or firm shall be deemed to be a transfer of the licence.

(3) A licensee shall not sub-let or assign or otherwise confer any benefits under the licence to any other person provided that, subject to rule 9, he may employ or engage such employees or servants as may be allowed under rule 9(2) to assist him in the collection of edible birds' nests.

8. —(1) The issue of any licence under these Rules shall not confer upon the licensee any rights or interests to or over any caves or any land upon which collection of edible birds' nests is permitted under the licence.

No right to caves.

(2) When the cave where the edible birds' nests are located is

within a national park, nature reserve or Wild Life Sanctuary, entry to the cave shall comply with the rules and regulations governing that national park, nature reserve or Wild Life Sanctuary.

9. —(1) A licensee shall submit to the Controller the names, addresses and identity card numbers of all persons employed or engaged by him to assist him in the collection or sale of edible birds' nests. Details of employees of licensee.

(2) No licensee shall, without the approval in writing from the Controller, employ or engage more than three persons to assist him in the collection of edible birds' nests.

(3) For the purpose of this rule and rule 7(3), "persons or engaged" by a licensee shall not be construed to contractor, an assignee or an agent of the licensee.

10. —(1) A licensee shall keep and maintain true and accurate records of the amount and weight of edible birds' nests collected or sold by him, including those sold by his employees or servants, and shall submit such records to the Controller twice annually, that is, on or before 30th June and 31st December of each calendar year. Records

(2) Where a licence expires or is cancelled between the date of the last submission of the records and the date of expiry or cancellation, the licensee shall submit such records kept and maintained up to the date of the expiry or cancellation of the licence, as the case may be.

11. Notwithstanding any term or condition in a licence issued hereunder, the Controller may, from time to time, issue directions to licensees regarding the collection, sale, import or export of edible birds' nests, and the licensees shall give due effect to such directions and comply therewith. Directions.

12. Any licence issued hereunder may be cancelled or suspended by the Controller on any of the following grounds: Cancellation and suspension.

(a) the Controller is of the opinion that it is in the interest of the birds or for the protection of the bird population at any place where collection of edible birds' nests is permitted under a licence, that the collection thereof should either cease completely or for such period of time as he deems necessary; or

(b) there has been a breach of any of the provisions of these

Rules, or of the terms or conditions of the licence or of any direction issued by the Controller under rule 11; or

- (c) the collection of edible birds' nests could endanger the life or safety of the licensee or any of his employees or servants; or
- (d) the licensee or any of his employees or servants or any persons purportedly acting on his behalf has been convicted of a criminal offence in connection with the collection, sale, import or export of edible birds' nests; or
- (e) the licensee or his employees or servants have caused damage to the caves where the edible birds' nests are found, or have damaged monuments or archaeological articles inside such caves; or
- (f) the death, liquidation or winding up of the licensee or the incapacity, as a result of illness or otherwise, of a licensee to undertake the activities covered by the licence; or
- (g) that it is not in the interest of the State for health or any other reasons, to allow the import, export or sale of edible birds' nests.

- 13. Any person aggrieved by the decision of the Controller to cancel or suspend a licence under rule 12 may appeal to the Minister whose decision shall be final and shall not be questioned or reviewed in any court. Appeal.
- 14. All licences issued under these Rules shall be subject to the payment of such fees as prescribed in the Second Schedule. Fees
- 15. Any licence for the collection, sale, import or export of edible birds' nests, issued under any written law or regulation edible birds' nests at subject to prior to the date of coming into force of these Rules and which is still current, shall continue to be in force until the expiry of such licence, and shall be deemed to be a licence issued under and subject to these Rules and be regulated hereunder. Existing licence.
- 16. Any breach or contravention of any of the provisions these Rules or any direction issued by the Controller under rule 11 shall be offence and shall, if no penalty is provided for the same offence in the Ordinance, be punishable with a fine of three thousand ringgit or imprisonment for six months or both fine and imprisonment. Offence and penalty.

FIRST SCHEDULE

FORM 1

THE WILD LIFE PROTECTION (EDIBLE BIRDS' NESTS)
RULE, 1998

LICENCE TO *COLLECT/ SELL EDIBLE BIRDS' NESTS

(Issued under rule 6(2))

Licence No. :

Licence is hereby granted to of

.....
(address)

to *collect/sell

edible birds' nests at subject to
(place)

the Wild Life Protection Ordinance, 1998, and these Rules, and to the following special conditions, namely—

.....
.....
.....

2. This licence is not transferable and shall not be sub-let, sub-licensed, assigned nor any benefit hereby granted be conferred on any other person.

Date of issue

Valid to (date)

Fees RM (paid)

Renewed to:

.....
(Signature, name and designation of Wild Life Officer)

N.B. (1) This licence is to be returned to the Controller or a duly authorized Wild Life Officer on expiration, cancellation or withdrawal of the licence.

(2) 'This licence must be displayed at the address stated above or carried by the licensee or his employee or servant, if he is hereby licensed to collect edible birds' nests.

* Delete where inapplicable.

FORM 2

**THE WILD LIFE PROTECTION (EDIBLE BIRDS' NESTS)
RULE, 1998**

LICENCE TO *EXPORT/ IMPORT EDIBLE BIRDS' NESTS

(Issued under rule 6(2))

Licence No. : _____

Licence is hereby granted to of
.....
(address)

to *import/export the quantity/weight of
edible birds' nests specified below *from/to
(place)

subject to the Wild Life Protection Ordinance, 1998, and these Rules, and to the following special conditions,
namely—

.....
.....
.....

2. This licence is not transferable and shall not be sub-let, sub-licensed, assigned nor any benefit
hereby granted be conferred on any other person.

Date of issue

Quantity/weight

of edible birds' nests

imported/exported

Fees RM (paid)

.....
(Signature, name and designation of Wild Life Officer)

* Delete where inapplicable

SECOND SCHEDULE

(Rule 14)

FEES

1. Fees for a licence –
 - (a) to collect edible birds' nests RM100 per annum or part thereof.
 - (b) sell or deal r edible birds' nests RM100 per annum or part thereof.
 - (c) to import unprocessed edible birds' nests RM2 per kilogram.
 - (d) to export processed edible birds' nests RM50 per kilogram.
 - (e) to import processed edible birds' nests RM50 per kilogram.

2. Fee for a duplicate licence. RM5 per copy

Made by the Majlis Mesyuarat Kerajaan Negeri this 23rd day of September, 1998.

KIT SU LEN.

Clerk to Majlis Mesyuarat Kerajaan Negeri