



LAWS OF SARAWAK

Chapter A220

SARAWAK BIODIVERSITY CENTRE (AMENDMENT) ORDINANCE, 2025

**SARAWAK BIODIVERSITY CENTRE (AMENDMENT)
ORDINANCE, 2025**

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ORDINANCE, 2025**

An Ordinance to amend the Sarawak Biodiversity Centre Ordinance, 1997 [Cap. 24].

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Enacted by the Legislature of Sarawak—

Short title and commencement

1.—(1) This Ordinance may be cited as the **Sarawak Biodiversity Centre (Amendment) Ordinance, 2025**, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into force of different parts or provisions of this Ordinance.

Amendment to section 2

2. Section 2 of the Sarawak Biodiversity Centre Ordinance, 1997 [*Cap. 24*] (“the Principal Ordinance”) is amended by—

(a) inserting the following new definition of “microorganism” after the definition of the “Government”:

““microorganism” means any organism of microscopic size and parts of organism of microscopic size, including sterile organisms, viruses and viroids;”;

(b) substituting the definition of “Minister” with the following new definition:

““Minister” means the Minister for the time being charged with the responsibility for the Biodiversity Centre;”;

(c) inserting the following new definition of “native” before the definition of “premises”:

““native” shall have the same meaning as assigned to it under the Interpretation Ordinance, 2005 [*Cap. 61*];”.

Amendment to section 5

3. Section 5 of the Principal Ordinance is amended by—

(a) deleting the word “and” after the word “State” in subsection (i);

(b) substituting the full stop in subsection (j) with the words “; and”; and

(c) inserting the following new subsection (k):

“(k) providing facilities for commercial or any other purposes incidental to the powers of the Council.”

Amendment to section 6

4. Section 6 of the Principal Ordinance is amended by—

(a) deleting the word “and” in subsection (m);

(b) substituting subsection (n) with the following new subsection:

“(n) to apply for and seek loans, grants, funds and other financial assistance from the Government of Malaysia and other corporation, institution or body, whether within or outside Sarawak, for the purposes of this Ordinance;” and

(c) inserting the following new subsections (o), (p), (q) and (r) immediately after subsection (n):

“(o) to create, develop, apply for, own and hold intellectual property rights arising out of research and development under this Ordinance, including those intellectual property rights transferred to and vested in the Council, and to enter into arrangements with any person,

organization or institution for the commercial application of such intellectual property rights on such terms as to royalty, commission, fee, profit sharing scheme, or other tangible benefits or rewards as the Council may deem fit or to be commercially advantageous to the Council;

(p) to license the use, whether for commercial or non-commercial purposes, of any intellectual property rights, whether belonging to the Council or the Government, as may be authorized by the Government, on such terms and conditions as the Council deems fit;

(q) to provide or develop facilities for research and development for scientific, commercial or any other purposes incidental to the functions of the Council; and

(r) to discharge such other functions as may be assigned to the Council by the Majlis Mesyuarat Kerajaan Negeri.”

New section 6A

5. The Principal Ordinance is amended by inserting the following new section 6A immediately after section 6:

“Power to incorporate company

6A.—(1) The Council may, with the approval of the Minister, incorporate a company and subsidiaries thereof, by such name as the Council thinks fit, under the Companies Act 2016 [*Act 777*]—

(a) to perform any of its functions, carry out or exercise any of its powers; and

(b) to carry out and have the charge, conduct and management of any activity which has been planned or undertaken by the Council in the performance of its functions or the discharge of its duties.

(2) The company incorporated by the Council under this section shall be managed in accordance with such regulations and directions as may, from time to time, be made by the Council or written law.”

Amendment to section 15

6. Section 15 of the Principal Ordinance is amended by inserting the words “including any monetary benefits obtained from a benefit sharing agreement” after the words “or raised”.

Amendment to section 22

7. Section 22 of the Principal Ordinance is amended by substituting section 22 with the following new section:

“22. Any person who, without a permit from the Council, collects or removes any protected resources from their habitat or place where they are found or grown for the purpose of research and development, or takes such resources out of the State, shall be guilty of an offence and shall, upon conviction, be liable;

(a) where such person is an individual, to a fine of not less than fifty thousand ringgit and not exceeding five hundred thousand ringgit or to imprisonment for a term of not less than two years and not exceeding ten years, or to both; or

(b) where such person is a body corporate, to a fine of not less than one million ringgit and not exceeding five million ringgit.”

Amendment to section 28

8. Section 28 of the Principal Ordinance is amended by—

(a) substituting subsection (3) with the following new subsection:

“(3) Any goods, tools, equipment, documents, materials or other things seized, removed or detained under subsection (1) may be disposed of by the Chief Executive Officer, as he deems fit, or otherwise disposed of as the Court may order, and the proceeds of the disposal shall be held to abide by the result of any prosecution.”; and

(b) inserting new subsection (4) with the following new subsection:

“(4) Where any thing has been seized under this Ordinance, an authorized person may, subject to terms and conditions as the Chief Executive Officer deems fit to impose, temporarily release such thing to the owner upon application and upon security (as assessed by the Chief Executive Officer) being furnished that such thing shall be surrendered to him on demand or to produce it before a Court of competent jurisdiction”.

New section 29A

9. The Principal Ordinance is amended by inserting the following new section 29A immediately after section 29:

“Where person may be released on personal bond

29A. Any person arrested under this Ordinance or any regulations made hereunder, unless remanded, may be released on a personal bond with or without surety by the Chief Executive Officer or any person authorized by him.”

New section 33A

10. The Principal Ordinance is amended by inserting the new section 33A immediately after section 33:

“Financial Penalty

33A.—(1) The Council may impose a financial penalty for any breach or non-compliance of any provisions under this Ordinance or any regulations made hereunder, an amount not exceeding twenty million ringgit, and in the case of a second or subsequent breach or non-compliance, an amount of ten times of the financial penalty which was imposed for the first breach or non-compliance.

(2) Any unpaid financial penalty under this section may be recovered as a civil debt due to the Council in a court of competent jurisdiction and the Court may order for a payment of a penalty for

late payment up to an amount equivalent to twice the amount of the financial penalty unpaid and costs of recovering the amount including any costs of legal proceedings.

(3) The financial penalty paid under this section shall be deposited into the State Consolidated Fund.”

Amendment to section 34

11. Section 34 of the Principal Ordinance is amended by substituting the words “one half” with the words “two third”.

Amendment to section 35

12. Section 35 of the Principal Ordinance is amended by substituting paragraph (b) in subsection (2) with the following new paragraph:

“(b) may provide for the imposition of a penalty:

(i) where such person is an individual, to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding ten years, or to both; or

(ii) where such person is a body corporate, to a fine not exceeding five million ringgit.”

