



**THE
SARAWAK GOVERNMENT GAZETTE
PART I
("A" Series)**

Published by Authority

Vol. XXII (NS)

10th June, 2014

No. A1

The following Ordinances passed by the Dewan Undangan Negeri on 6th and 8th May, 2014, and assented to by Tuan Yang Terutama Yang di-Pertua Negeri on 23rd May, 2014, are published pursuant to Article 26(3) of the Constitution of the State:

Chapter No.

Short Title

Chapter A163	...	Sarawak Biodiversity Centre (Amendment) Ordinance, 2014
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LAWS OF SARAWAK

Chapter A163

SARAWAK BIODIVERSITY CENTRE (AMENDMENT) ORDINANCE, 2014

**SARAWAK BIODIVERSITY CENTRE (AMENDMENT)
ORDINANCE, 2014**

Date Passed by Dewan Undangan Negeri 	6th May, 2014
Date of Assent 	23rd May, 2014
Date of Publication in <i>Gazette</i> ...	10th June, 2014

LAWS OF SARAWAK**Chapter A163****SARAWAK BIODIVERSITY CENTRE (AMENDMENT)
ORDINANCE, 2014**

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. This Ordinance may be cited as the Sarawak Biodiversity Centre (Amendment) Ordinance, 2014, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

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

(a) by substituting the definitions of “biological resources” and “Chief Executive Officer” therein with the following new definitions:

“ “biological resources” includes genetic resources, organisms or microorganisms or parts thereof, population and any other biotic components of an ecosystem with actual or potential use or value for humanity and derivatives therefrom, and information in relation thereto;

“Chief Executive Officer” means the Chief Executive Officer of the Council appointed under section 7(1), and includes his Deputy or any person temporarily discharging the duties of his office;”;

(b) by inserting after the definition of "Deputy Chairman", the following new definition:

" "derivatives" includes a naturally occurring chemical compound derived, developed or synthesized, from a biological resource or resulting from the genetic expression or metabolism of the biological or genetic resource, or part, tissue or extract, whether it contains functional units of heredity or otherwise, and information in relation to the chemical compound;";

(c) by inserting after the definition of "financial year", the following new definition:

" "genetic resources" means any material of plant, animal, microbial or other origin that contains functional units of heredity and that has actual or potential use or value for humanity;"; and

(d) by inserting after the definition of "premises", the following new definition:

" "research and development" includes any form of study, analysis, evaluation, isolation, testing, experiment, examination or screening of biological resources to determine their medicinal, pharmaceutical, therapeutic, nutritional, industrial, agricultural properties or qualities, or their functional ingredient for any purpose including potential commercial development;".

Amendment of section 5

3. Section 5 of the Principal Ordinance is amended—

(a) by substituting for the words " , study or screening for bioactive compounds or their pharmaceutical, medicinal, therapeutic or nutritional properties, or for agricultural purposes" the words "and development" immediately after the word "research" in line three of paragraph (c);

(b) in paragraph (f)—

(i) by deleting the words "studies," and inserting the words "and development" immediately after the word "research" in the first line thereof;

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“ “biological resources” includes genetic resources, organisms or microorganisms or parts thereof, population and any other biotic components of an ecosystem with actual or potential use or value for humanity and derivatives therefrom, and information in relation thereto;

“Chief Executive Officer” means the Chief Executive Officer of the Council appointed under section 7(1), and includes his Deputy or any person temporarily discharging the duties of his office;”;

(b) by inserting after the definition of “Deputy Chairman”, the following new definition:

“ “derivatives” includes a naturally occurring chemical compound derived, developed or synthesized, from a biological resource or resulting from the genetic expression or metabolism of the biological or genetic resource, or part, tissue or extract, whether it contains functional units of heredity or otherwise, and information in relation to the chemical compound;”;

(c) by inserting after the definition of “financial year”, the following new definition:

“ “genetic resources” means any material of plant, animal, microbial or other origin that contains functional units of heredity and that has actual or potential use or value for humanity;”;

(d) by inserting after the definition of “premises”, the following new definition:

“ “research and development” includes any form of study, analysis, evaluation, isolation, testing, experiment, examination or screening of biological resources to determine their medicinal, pharmaceutical, therapeutic, nutritional, industrial, agricultural properties or qualities, or their functional ingredient for any purpose including potential commercial development;”.

Amendment of section 5

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(a) by substituting for the words “, study or screening for bioactive compounds or their pharmaceutical, medicinal, therapeutic or nutritional properties, or for agricultural purposes” the words “and development” immediately after the word “research” in line three of paragraph (c);

(b) in paragraph (f)—

(i) by deleting the words “studies,” and inserting the words “and development” immediately after the word “research” in the first line thereof;

(ii) by deleting the words “studies and research” in the last line thereof;

(c) by deleting the words “the screening of bioactive compounds and molecular” and inserting the words “and development” immediately after the word “research” in line two of paragraph (h); and

(d) by substituting for the words “on or to develop pharmaceutical, medicinal, therapeutic, nutritional or agricultural products” the words “and development” immediately after the word “research” in line three of paragraph (i).

Amendment of section 6

4. Section 6 of the Principal Ordinance is amended—

(a) by substituting for the word “on” the word “out” immediately after the word “carry” in the first line of paragraph (a);

(b) by substituting for paragraph (b) the following new paragraph:

“(b) to undertake the collection of biological resources for research and development, and for the establishment of a library of extracts of biological resources for the purposes referred to in section 5(c);” and

(c) by inserting the following new paragraph immediately after paragraph (b):

“(bb) to ensure that prior informed consent is obtained from the natives where traditional knowledge associated with a biological resource is accessed and an agreement that includes benefit sharing based upon mutually agreed terms is entered into;”.

New section 15A

5. The Principal Ordinance is amended by inserting immediately after section 15 the following new section:

“Investment of moneys

15A. All moneys not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Council may be invested in any bank or financial institution licensed under the Financial Services Act 2013 [*Act 758*] or Islamic Financial Services Act 2013 [*Act 759*], or in such other investments or securities as may from time to time be approved by the Council.”

Substitution of section 16

6. The Principal Ordinance is amended by substituting for section 16 the following new section:

“Application of the Fund

16. The moneys standing to the credit of the Fund may be applied for the following purposes:

- (a) the payment of the expenses of, or connected with, the administration of the Council;
- (b) the administration, management and operation of the Biodiversity Centre;
- (c) the salaries, fees, provident fund contributions, superannuation allowances and gratuities of the officers and employees of the Council;
- (d) the granting of loans to the officers and employees of the Council;
- (e) the repayment of loans made to the Council; and
- (f) the payment of all expenses necessary for carrying out the provisions of this Ordinance.”

Amendment of section 21

7. Section 21 of the Principal Ordinance is amended—

(a) in subsection (1)(a)—

(i) by inserting the words “and development” immediately after the word “research”;

(ii) by inserting a comma and the word “industrial” immediately after the word “therapeutic”;

(iii) by inserting the words “or their functional ingredients” immediately after the words “or agricultural”;

(b) in subsection (1)(b), by inserting the words “and development” immediately after the word “research”; and

(c) in subsection (2) by substituting for the words “scientific study or experiment or for medicinal or pharmaceutical or therapeutic research or development” the words “research and development”.

Substitution of section 22

8. The Principal Ordinance is amended by substituting for section 22 the following section:

“Penalty for collection of protected resources

22. Any person who, without a permit from the Council, collects or takes away any protected resources from their habitat or place where they are found or grown for the purpose of research and development or take such resources out of the State, shall be guilty of an offence: Penalty, (a) where such person is an individual, to a fine of not less than fifty thousand ringgit and not more than two hundred thousand ringgit, or to imprisonment for a term of not exceeding five years or to both; (b) where such person is a body corporate, to a fine of not less than one hundred thousand ringgit and not more than five hundred thousand ringgit.”.

Amendment of section 22B

9. Section 22B is amended—

(a) by substituting the shoulder note with the following new note:

“Delivery of report of research and development on biological resources in Sarawak”;

(b) by deleting the words “scientific study or” wherever they appear; and

(c) by inserting the words “and development” immediately after the word “research” in the second and fifth lines thereof.

Amendment of section 26

10. Section 26 of the Principal Ordinance is amended by inserting the words “such land or” immediately after the words “occupier of” in the proviso thereof.

Amendment of section 31

11. Section 31 of the Principal Ordinance is amended by inserting immediately after the word “circumstances” at the end of the section, the words “and shall, on conviction, be liable to the penalty applicable to an individual”.

Amendment of section 35

12. Section 35 of the Principal Ordinance is amended—

(a) by substituting subsection (1)(d) thereof with the following new paragraph:

“(d) the terms and conditions for access to and use of biological resources (including protected resources) of the State or such resources, data, exhibit, information or materials kept, stored or maintained in the Biodiversity Centre”; and

(b) by substituting subsection (2)(b) thereof with the following new paragraph:

“(b) may provide for the imposition of a penalty, (i) where such person is an individual, to a fine of not less than fifty thousand ringgit and not more than two hundred thousand ringgit, or to imprisonment for a term of not exceeding five years or to both; (ii) where such person is a body corporate, to a fine of not less than one hundred thousand ringgit and not more than five hundred thousand ringgit.”.



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