

Undang-undang
Perak



NEGERI PERAK

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF PERAK GAZETTE

PUBLISHED BY AUTHORITY

Jil. 26
Bil. 3

31hb Januari, 1974

TAMBAHAN No. 4
ENAKMEN

Enakmen-Enakmen ini, yang diluluskan di dalam Dewan Perhimpunan Undangan Negeri Perak, pada 14hb, 17hb, 18hb dan 19hb Disember, 1973, diisytiharkan untuk pengetahuan am :

The following Enactments, passed by the Legislative Assembly, Perak, on the 14th, 17th, 18th and 19th December, 1973, are published for general information :

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BETA PERKENANKAN,

(RAJA IDRIS ISKANDAR SHAH),

Sultan Perak

(Mohor Kerajaan)

18hb Januari, 1974.

Suatu Enakmen bagi meminda Waters Enakmen (N.M.B. Bab 146) dalam Negeri Perak.

[01 Feb 1974]

MAKA DENGAN INI ADALAH DIPERBUAT UNDANG-UNDANG oleh Badan Perundangan Negeri Perak seperti berikut:

1. Enakmen ini bolehlah dinamakan Waters Enakmen (Pindaan), 1973 dan akan dikuatkuasakan hanya di dalam Negeri Perak. Tajuk ringkas.

2. Waters Enakmen Bab 146 (di bawah ini disebut sebagai Enakmen utama) adalah dengan ini dipinda dengan memasukkan di antara seksyen-seksyen 7 dan 8 satu seksyen baru seperti berikut: N.M.B. 146.

“Prohibition of pollution of rivers. 7A. (i) Save as may be expressly authorised under the provisions of any written law or the terms of any express grant made by or on behalf of the Ruler in Council no person shall except under and in accordance with the terms and conditions of licence issued under this section cause to enter or discharge into any river—

(a) any poisonous, noxious or polluting matter that will render or is likely to render or contribute to rendering such river or part thereof harmful or detrimental or injurious to public health, safety or welfare, or to animal or vegetable life or health or to other beneficial uses of such river; or

(b) any matter which by virtue of its temperature, chemical or biological content or its effect in discolouring the waters makes or contributes to making such river or part thereof a potential danger to public health, safety or welfare or to animal or vegetable life or health, or affects other beneficial uses of such river; or

(c) any matter which by virtue of its physical nature, or its effect in discolouring waters, makes or contributes to making such water, difficult to treat; or

(d) oil of any nature, used, waste or otherwise.

(ii) For purpose of this section the word "river" shall without prejudice to section 2 be deemed to further include—

(a) any inland waters whether or not such inland waters fall within the definition of "river" in section 2;

(b) any subterranean water resources; and

(c) any water in an estuary or sea adjacent to the coast of the State.

(iii) Whenever any such entry or discharge shall have been made, the owner or occupier of the property from which such entry or discharge originates shall, in the absence of proof to the contrary, be presumed to have made it.

(iv) Licence to enter or discharge into a river any of the matter described in sub-section (i) of this section may be granted by the State Secretary in which the river or part thereof is located.

(v) Every licence granted under this section shall set out the purpose for which the same is granted and shall be for such period and such conditions and restrictions as may be laid down in the licence.

(vi) The State Secretary shall have power at any time without cause assigned to—

(a) refuse to grant a licence; or

(b) revoke any licence issued under this section;
or

(c) alter or vary the period, term and conditions of any such licence.

Provided that where an appeal pursuant to sub-section (vii) (a) is brought against the revocation of any licence or the alteration or variation of the period, term and condition of any such licence made by the State Secretary under the preceding paragraphs (b) and (c), such licence shall remain in force until the appeal is disposed of in accordance with the decision of the appeal board referred to in sub-section (vii) (c).

(vii) (a) Any person aggrieved by the decision of the State Secretary within twenty-one days of the receipt of the notification of such decision appeal to an appeal board in which the application for a licence under this section was originally made.

(b) An appeal board referred to in the preceding sub-paragraph (a) shall comprise the following members from the State of Perak:

- (1) Menteri Besar
- (2) State Legal Adviser
- (3) State Director of Lands and Mines
- (4) State Director of Medical and Health Services
- (5) State Director of Drainage and Irrigation
- (6) Two members to be appointed by the Ruler in Council from nomination made by the manufacturing and planting interests.

(c) Every member appointed under the preceding sub-paragraph (b) (6) above shall, unless he sooner resigns or his office or his appointment revoked, or his office shall otherwise become vacant, hold office for a period not exceeding two years from the date of appointment but shall be eligible for reappointment.

(d) On receipt of an appeal, the appeal board shall convene a meeting and adopt such procedure and make such decision as it deems fit and its decision shall be final.

(viii) No compensation shall be payable to any licensee whose licence is revoked, altered or varied in accordance with sub-section (vi).

(ix) The Ruler in Council may for the purpose of determining the conditions and restrictions to be prescribed on licences issued under sub-section (iv) appoint a committee consisting of such persons as may be prescribed.

(x) The Ruler in Council in appointing such Committee shall take into consideration the need to protect public health, safety and welfare and animal and vegetable health and life as well as the need to promote industrial growth and to protect other beneficial uses of rivers."

Pindaan
kepada sek-
syen 9(i).

3. Seksyen 9 (i) Enakmen utama dengan ini dipinda dengan memasukkan satu proviso seperti berikut:

“Provided that the provisions in this sub-section shall not apply to the revocation, alteration or variation of a licence issued under section 7A of this Enactment”.

Pindaan
kepada
seksyen 15.

4. (a) Seksyen-kecil (ii) seksyen 15 Enakmen utama adalah dengan ini dipinda dengan memotong perkataan “or” selepas perkataan-perkataan “section 5” dan menggantikan dengan satu comma dan menambahkan selepas perkataan-perkataan “section 7” dengan perkataan-perkataan “or section 7A”.

(b) Dengan memotong perkataan-perkataan “one thousand dollars” dan digantikan dengan perkataan-perkataan “two thousand dollars”.

(c) Seksyen-kecil (iii) seksyen 15 Enakmen utama adalah dengan ini dipinda dengan menambahkan proviso seperti berikut:

“Provided that this provision in this sub-section shall not apply in respect of any offence in contravention of section 7A”.

Pindaan
kepada
seksyen 16.

5. Seksyen 16 Enakmen utama adalah dengan ini dipinda:

(a) dengan memotong perkataan “or” selepas perkataan-perkataan “section 5” dalam seksyen-kecil (i) seksyen itu dan menggantikan dengan satu comma dan menambahkan selepas perkataan-perkataan “section 7” perkataan-perkataan “or section 7A”;

(b) dengan menggantikan satu comma untuk noktah di hujung seksyen-kecil (ii) seksyen itu dan menambahkan selepas itu perkataan-perkataan “and any pollution in a river to be removed or abated in a manner as may be directed by the State Secretary”;

(c) dengan memotong perkataan “or” selepas perkataan-perkataan “section 5” dalam seksyen-kecil (iii) seksyen itu dan menggantikannya dengan satu comma dan menambahkan selepas perkataan-perkataan “section 7” perkataan-perkataan “or section 7A”.

6. Seksyen-kecil (i) (b) seksyen 18 Enakmen utama adalah dengan ini dipinda seperti berikut :

Pindaan
kepada
seksyen 18.

(a) masukkan perkataan-perkataan "State Secretary" di antara perkataan-perkataan "by" dan "District" di barisan satu seksyen-kecil itu;

(b) gantikan perkataan "and" yang terdapat di barisan tiga di dalamnya dengan satu comma; dan

(c) gantikan comma bernoktah yang terdapat di hujung seksyen-kecil tersebut dengan berikut "and section 7 (A)";

Diluluskan pada 18hb Disember, 1973.

[PSUK. Pk. (AM) 30132.]

(MOHD. RAZALI BIN KHALID),

Setiausaha,

Dewan Perhimpunan Undangan Negeri,
Perak

I ASSENT,

(RAJA IDRIS ISKANDAR SHAH),

Sultan of Perak

(State Seal)

18th January, 1974.

An Enactment to amend the Waters Enactment Cap. 146.

[01 Feb 1974]

IT IS HEREBY ENACTED by the Legislature of the State of Perak as follows:

1. This Enactment may be cited as the Waters (Amendment) Enactment, 1973 and shall apply to the State of Perak only. Short title.
2. The Waters Enactment Cap. 146 (hereinafter referred to as "the principal Enactment") is hereby amended by inserting between sections 7 and 8 thereof the following new section: F.M.S. Cap. 146.

"Prohibition
of pollution
of rivers.

7A. (i) Save as may be expressly authorised under the provisions of any written law or the terms of any express grant made by or on behalf of the Ruler in Council no person shall except under and in accordance with the terms and conditions of licence issued under this section cause to enter or discharge into any river—

(a) any poisonous, noxious or polluting matter that will render or is likely to render or contribute to rendering such river or part thereof harmful or detrimental or injurious to public health, safety or welfare, or to animal or vegetable life or health or to other beneficial uses of such river; or

(b) any matter which by virtue of its temperature, chemical or biological content or its effect in discolouring the waters makes or contributes to making such river or part thereof a potential danger to public health, safety or welfare or to animal or vegetable life or health, or affects other beneficial uses of such river; or

(c) any matter which by virtue of its physical nature, or its effect in discolouring waters, makes or contributes to making such water, difficult to treat; or

(d) oil of any nature, used, waste or otherwise.

(ii) For purpose of this section the word "river" shall without prejudice to section 2 be deemed to further include—

- (a) any inland waters whether or not such inland waters fall within the definition of "river" in section 2;
- (b) any subterranean water resources; and
- (c) any water in an estuary or sea adjacent to the coast of the State.

(iii) Whenever any such entry or discharge shall have been made, the owner or occupier of the property from which such entry or discharge originates shall, in the absence of proof to the contrary, be presumed to have made it.

(iv) Licence to enter or discharge into a river any of the matter described in sub-section (i) of this section may be granted by the State Secretary in which the river or part thereof is located.

(v) Every licence granted under this section shall set out the purpose for which the same is granted and shall be for such period and such conditions and restrictions as may be laid down in the licence.

(vi) The State Secretary shall have power at any time without cause assigned to—

- (a) refuse to grant a licence; or
- (b) revoke any licence issued under this section;
or
- (c) alter or vary the period, term and conditions of any such licence.

Provided that where an appeal pursuant to sub-section (vii) (a) is brought against the revocation of any licence or the alteration or variation of the period, term and condition of any such licence made by the State Secretary under the preceding paragraphs (b) and (c), such licence shall remain in force until the appeal is disposed of in accordance with the decision of the appeal board referred to in sub-section (vii) (c).

(vii) (a) Any person aggrieved by the decision of the State Secretary within twenty-one days of the receipt of the notification of such decision appeal to an appeal board in which the application for a licence under this section was originally made.

(b) An appeal board referred to in the preceding sub-paragraph (a) shall comprise the following members from the State of Perak:

- (1) Menteri Besar
- (2) State Legal Adviser
- (3) State Director of Lands and Mines
- (4) State Director of Medical and Health Services
- (5) State Director of Drainage and Irrigation
- (6) Two members to be appointed by the Ruler in Council from nomination made by the manufacturing and planting interests.

(c) Every member appointed under the preceding sub-paragraph (b) (6) above shall, unless he sooner resigns or his office or his appointment revoked, or his office shall otherwise become vacant, hold office for a period not exceeding two years from the date of appointment but shall be eligible for reappointment.

(d) On receipt of an appeal, the appeal board shall convene a meeting and adopt such procedure and make such decision as it deems fit and its decision shall be final.

(viii) No compensation shall be payable to any licensee whose licence is revoked, altered or varied in accordance with sub-section (vi).

(ix) The Ruler in Council may for the purpose of determining the conditions and restrictions to be prescribed on licences issued under sub-section (iv) appoint a committee consisting of such persons as may be prescribed.

(x) The Ruler in Council in appointing such Committee shall take into consideration the need to protect public health, safety and welfare and animal and vegetable health and life as well as the need to promote industrial growth and to protect other beneficial uses of rivers."

Amendment
to section
9(i).

3. Section 9 (i) of the principal Enactment is hereby amended by inserting the following proviso thereto:

"Provided that the provisions in this sub-section shall not apply to the revocation, alteration or variation of a licence issued under section 7A of this Enactment".

Amendment
to section
15.

4. (a) Sub-section (ii) of section 15 of the principal Enactment is hereby amended by deleting the word "or" after the words "section 5" and substituting therefor with a comma and by adding after the words "section 7" the words "or section 7A".

(b) By deleting the words "one thousand dollars" and substituting therefor the words "two thousand dollars".

(c) Sub-section (iii) of section 15 of the principal Enactment is hereby amended by adding the following proviso thereto:

"Provided that this provision in this sub-section shall not apply in respect of any offence in contravention of section 7A".

Amendment
to section
16.

5. Section 16 of the principal Enactment is hereby amended:

(a) by deleting the word "or" after the words "section 5" in sub-section (i) thereof and substituting therefor with a comma and adding after the words "section 7" the words "or section 7A";

(b) by substituting a comma for the full-stop at the end of sub-section (ii) thereof and adding thereafter the words "and any pollution in a river to be removed or abated in a manner as may be directed by the State Secretary";

(c) by deleting the word "or" after the words "section 5" in sub-section (iii) thereof and substituting therefor with a comma and adding after the words "section 7" the words "or section 7A".

6. Sub-section (i) (b) of section 18 of the principal Enactment is hereby amended as follows: Amendment to section 18.

(a) insert the words "State Secretary or" between the words "by" and "District" in line one thereof;

(b) for the word "and" occurring in line three thereof substitute a comma; and

(c) for the semi-colon occurring at the end of the said sub-section substitute the following "and section 7(A);".

Passed this 18th December, 1973.

[PSUK. Pk. (AM) 30132.]

(MOHD. RAZALI BIN KHALID),
Clerk of the Assembly, Perak

IPOH

DICETAK OLEH PENOLONG PENGARAH DAN DITERBITKAN DENGAN PERINTAH PADA
31HB JANUARI, 1974

Harga: 65 sen