

THE LOCAL AUTHORITIES ORDINANCE, 1996
THE LOCAL AUTHORITIES (CLEANLINESS) BYLAWS, 1999
[Swk. L.G. 41/99]

ARRANGEMENT OF BYLAWS

PART I

PRELIMINARY

Bylaw

1. Citation, application and commencement
2. Interpretation
3. Role of Chief Administrative Officer
4. Delegation

PART II

CLEANLINESS OF PUBLIC PLACES

5. Chief Administrative Officer to cause public streets to be cleansed
6. Duty of owner and occupier to keep clean private roads, *etc.*, abutting on their premises
7. Refuse bins in public places
8. Damage or unauthorized removal of refuse bin, *etc.*

PART III

COLLECTION AND
REMOVAL OF REFUSE AND WASTE

9. Local authority may apply systems for collection and removal of waste, *etc.*
10. Provision of refuse bins
11. Maintenance of refuse chutes in buildings
12. Occupier of house to remove refuse
13. Dumping refuse on private property

Bylaw

14. Prohibition on use of urine or human excreta, nightsoil as manure
15. Sanitary conveniences and other structure on construction sites
16. Offence against bylaw 15
17. All refuse, *etc.*, collected to be property of local authority

PART IV

OFFENCES IN RESPECT OF
UNCLEANLINESS IN PUBLIC PLACES

18. Prohibition against throwing waste, *etc.*, in any public place
19. Building works constituting danger to life, health, *etc.*
20. Prohibition against dumping refuse, *etc.*, in any public place
21. Notice to attend Court

PART V

CLEANLINESS OF
PUBLIC AND PRIVATE PROPERTY

22. Public property
23. Power to order cleansing, painting, *etc.*, of buildings
24. Penalties
25. Power to perform works and recover expenses
26. Prohibition against display of goods on or above footway, *etc.*
27. Derelict vehicles
28. Cleanliness of private property

PART VI

CLEANLINESS OF MARKETS

29. Cleanliness of stalls
30. Waste to be deposited in dustbin, *etc.*
31. Nuisance in market
32. Prohibition against bathing or washing of clothing

Bylaw

33. Offences against this Part
34. Power of closure

PART VII

SANITARY CONVENIENCES AND DRAINS

35. Public toilets or baths
36. Insufficient and defective sanitary conveniences
37. Repairs
38. Sanitary conveniences in work premises or work place
39. Care of sanitary conveniences
40. Inadequate bathroom facilities
41. Construction and maintenance of private drains

PART VIII

DISPOSAL FACILITIES

42. Provision of public disposal facilities
43. No disposal facility to be constructed without permission

PART IX

DISPOSAL AND TREATMENT
OF INDUSTRIAL WASTE

44. Prohibition against disposal of industrial waste in unauthorized places
45. Proper storage of waste
46. Notice requiring periodic removal of waste from premises
47. Furnishing of information on industrial waste
48. Waste brought to public disposal facility to be treated or recycled
49. Toxic waste not to be brought to public disposal facility without permission
50. Excessive production of toxic waste
51. Licensing of persons carrying on business of collection of industrial waste

PART X
MISCELLANEOUS

Bylaw

52. Damage to property of local authority or Government to be made good in addition to penalty
53. Receipts and notices may be given by officer authorized thereunto
54. Furnishing of information required by Chief Administrative Officer
55. Saving of prosecutions under other laws
56. Penalty
57. Inaccuracies in documents
58. Evidence
59. Presumption and duty of owner of vehicle, *etc.*
60. Jurisdiction of Magistrate's Courts
61. Exemption
62. Revocation

SCHEDULE — Anti-litter Bylaws to be revoked.

THE LOCAL AUTHORITIES ORDINANCE, 1996
THE LOCAL AUTHORITIES (CLEANLINESS) BYLAWS, 1999

[Swk. L.G. 41/99]

(Made under sections 91, 93 and 105)

WHEREAS by virtue of sections 91 and 105 of the Local Authorities Ordinance, 1996 *[Cap. 20]*, a local authority may, with the approval of the Yang di-Petua Negeri, make bylaws for any of the matters specified therein in respect of the whole or part of its local authority area:

AND WHEREAS it is provided by section 93 of that Ordinance that the Yang di-Petua Negeri may make, amend or revoke any bylaw for any local authority in Sarawak:

NOW, THEREFORE, in exercise of the powers conferred on a local authority by sections 91 and 105 of the Local Authorities Ordinance, 1996, and vested in the Yang di-Petua Negeri by virtue of section 93 of that Ordinance, the Yang di-Petua Negeri has made the following Bylaws:

PART I

PRELIMINARY

Citation, application and commencement

1.—(1) These Bylaws may be cited as the **Local Authorities (Cleanliness) Bylaws, 1999**, and shall, subject to paragraph (2), apply to all local authorities in Sarawak.

(2) These Bylaws shall come into operation on such date as the Minister may, by notification in the *Gazette**, appoint and the Minister may appoint different dates:

(a) for the coming into operation of these Bylaws in different local authorities;

(b) for the coming into operation of different provisions of these Bylaws; or

* *Date of Commencement Notifications:*

City of Kuching North — 1.7.1999 (*Swk. L.G. 57/99*).

City of Kuching South — 1.7.1999 (*Swk. L.G. 58/99*).

Sibu Municipal Council — 1.9.1999 (*Swk. L.G. 62/99*).

Miri Municipal Council — 1.9.1999 (*Swk. L.G. 62/99*).

Binulu Development Authority— 1.7.2000 (*Swk. L.G. 36/2000*)

Other Local Authorities — 1.5.2000 (*Swk. L.G. 14/2000*).

(c) for the coming into operation of different provisions of these Bylaws in different local authorities.

Interpretation

2. In these Bylaws—

“animal waste” means the feathers, skins, bocus, offals, dung or urine of birds, poultry or animals, the carcass of any dead bird, poultry, or animals, and the sweepings or refuse or effluent from any stables, kennels, goat pens, cattle sheds, and poultry houses and any other place used for the keeping or rearing of birds, poultry or animals;

“building” has the same meaning as in the Ordinance;

“construction site” means any place, and includes any public road or private property where building or construction works of whatever nature are carried out or undertaken;

“disposal facility” includes a refuse disposal ground, any place used for the handling, storage, deposit, or dumping of refuse or waste, an incinerator or any plant or apparatus used for the processing, segregation or treatment of refuse or waste;

“dwelling-house” includes any building or tenement or any part thereof which is used, constructed or adapted for use for human habitation;

“food” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation or preservation of food or drink or of such products, but does not include—

- (a) live animals or birds;
- (b) fodder or feeding stuffs for animals, birds or fish; or
- (c) articles or substances used only as drugs;

“food establishment” means any place or any premises or part thereof or vehicles, structures, or stall used for the sale, or for the preparation or manufacture for sale, or for the storage or packing for sale, of food, whether cooked or not, intended for human consumption;

“footway” includes the public passage way of any building and verandah-ways at the side of any building or road;

“garden waste” includes leaves, grass, creepers, trees, branches, soil or earth from a garden or compound of any house or building or if there is no dwelling house or building, from any land;

“Government” means the Government of the State of Sarawak or of the Federation, as the case may be;

“house” includes dwellinghouse, warehouse, office, shop, school and any other building in which persons are employed;

“industrial waste” means any waste whether solid, liquid or gaseous produced or generated in the course of or is the waste product of any trade, business, manufacture or building construction, and includes toxic industrial waste and substances or byproducts from any industry or industrial premises;

“latrine” includes bucket latrines, borehole latrines, waterseal latrines and mobile latrines;

“livestock” means a pig, chicken, duck, goose, ostrich, goat, sheep, cattle, buffalo, horse and any other animals or bird as the local authority may, by notification in the *Gazette*, stipulate as a livestock for the purposes of these Bylaws;

“local authority” means a local authority named in the First Schedule to the Ordinance;

“market” has the meaning assigned to that term by the Ordinance;

“nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

“occupier” means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger; and, in relation to any part of any premises, different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part;

“Ordinance” means the Local Authorities Ordinance, 1996 [*Cap. 20*];

“owner”, in relation to—

(a) any premises, means the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the premises were let to a tenant, and includes the person whose name is entered as owner in the Valuation List prepared by the local authority pursuant to section 63(1) of the Ordinance;

(b) any premises where building or construction works are carried out or in progress, includes the developer or persons undertaking such works for the owner or developer thereof; and

(c) the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, includes the management corporation having control of the building, and a managing agent appointed by a management corporation, established under the Strata Titles Ordinance, 1995 [*Cap. 18J*];

“premises” means messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and includes any place or structure, or any part thereof used or intended to be used for human habitation or for any other purpose whatsoever; and the common property of a building sub-divided under the Strata Titles Ordinance, 1995 [*Cap. 18J*];

“private land” or “private property” means any land or property not belonging to the local authority or the Government or any corporate body established or constituted under any written law, and includes any State land or Government building leased to, or which the Government has permitted to be used by, any private organisation, company or person;

“private road” means any street, road, path or footway not being a public road;

“public market” means any market or food establishment owned or maintained by the local authority or the Government;

“public place” means any place whether privately owned or not to which the public has access, and includes a public road, a lane, an alley, a square, a footway, an open space, a public park, the common property in a building subdivided under the Strata Titles Ordinance, 1995 [*Cap. 18J*], and a public drain;

“public road” means any street, road, path or footway, over which the public has a right of way, and includes any street, road, road verge or path vested in or maintained by the local authority;

“sale” includes barter, exchange, import and export, offering or attempting to sell, or causing or allowing to be sold, or exposing for sale, or receiving or sending or delivering for sale, or supplying any food, drink or goods where consideration is to be received by the supplier for such supply either specifically or as part of a service contracted for, or having in possession for sale or having in possession any food, drink or goods knowing that the same is likely to be sold or offered or exposed for sale and the word “sell” shall be construed accordingly;

“sanitary convenience” includes latrines, toilets, urinals, water-closets and bath houses;

“stall” means any table, shed, vehicle or receptacle or any other furniture or structure designed or adapted for the purpose of selling food or goods of any kind and which is used or intended to be used for the aforesaid purposes, and includes any structure affixed thereto by way of roof, support or flooring;

“swimming pool” means any swimming pool—

(a) to which the public has access, whether or not admission is gained by payment; and

(b) managed, operated or run by any hotel, club, association or any other organization;

“toilet” means a facility for urinating and defecating which is water flushed, and which connects, directly or otherwise, with a private sewage disposal system or with the public sewage disposal system;

“toxic industrial waste” means any industrial waste which owing to its nature, composition or quantity constitutes a danger to human health or the environment or which contains or may produce pathogens of transmissible diseases;

“vehicle” means any vehicle whether mechanically propelled or otherwise, and includes a barrow and a cart;

“waste” includes—

(a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process including the cooking or preparation of food or drinks;

(b) any substance or article or fitting which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled;

(c) any debris, material or substance produced or generated from any building or construction works or the demolition, alteration or repairs to any building;

(d) the carcass of any dead animal, bird or fish and for the purposes of these Bylaws anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved;

“workplace” means any premises or place used for any industrial, trade, commercial or manufacturing purposes, and includes all construction sites, work sites and farms.

Role of Chief Administrative Officer

3. The Chief Administrative Officer shall have the superintendence of all matters relating to these Bylaws subject to the general or special directions of the Minister.

Delegation

4. Subject to the approval of the Minister, the Chief Administrative Officer may delegate any powers or duties conferred upon him under these Bylaws to any other officer, and he shall be assisted by such number of officers appointed or engaged under regulations made under the Ordinance.

PART II

CLEANLINESS OF PUBLIC PLACES

Chief Administrative Officer to cause public streets to be cleansed

5. The Chief Administrative Officer shall cause public roads to be properly swept and cleansed and watered so far as is reasonably practicable, and refuse and filth of every sort found thereon to be collected and removed.

Duty of owner and occupier to keep clean private roads, etc., abutting on their premises

6.—(1) The owner and the occupier of any premises abutting upon any private road to which they have access or the right of access from such premises shall cause such portion of the road as fronts, adjoins or abuts on their premises and up to the centre thereof including the footways to be properly swept and cleansed and watered so far as is reasonably practicable and refuse and filth of every sort found thereon to be collected and removed.

(2) The owner and the occupier of any premises shall cause the immediate vicinity of such premises, including the footways and backyards abutting thereon, and the airwells, courtyards and quadrangles thereof to be kept clean and free of refuse, filth or other matter or any accumulation of water.

(3) The Chief Administrative Officer may, by notice in writing, require any person upon whom any duty is imposed under paragraph (1) or (2) to sweep and cleanse and water such road, footway or backyard, and to collect and remove the refuse, filth and other matter found thereon at such time or times as are stated in the notice.

Refuse bins in public places

7.—(1) The local authority may cause any number of refuse bins or other convenient receptacles wherein refuse may be temporarily deposited to be provided and placed in proper and convenient locations in any public place and in such other places as it may think fit, and shall arrange for the collection of refuse contained therein.

(2) No person shall deposit, or cause or permit to be deposited any human excreta, industrial waste, animal waste or garden waste in any such refuse bins or receptacle, except that such garden wastes comprising grass, small twigs and the like as may be reasonably accommodated in those refuse bins or receptacles may be placed therein.

Damage or unauthorized removal of refuse bin, etc.

8.—(1) Any person who, without permission of the Chief Administrative Officer, removes, damages or destroys any refuse bins or other receptacles provided or placed by the local authority pursuant to bylaw 7(1), shall be guilty of an offence: Penalty, a fine of two thousand ringgit or imprisonment for six months or both fine and imprisonment.

(2) Any person who, without permission of the Chief Administrative Officer, rakes or grubs in or spills or scatters any of the contents of a refuse bin or other receptacles provided or placed by the local authority pursuant to bylaw 7(1) shall be guilty of an offence: Penalty, a fine of one thousand ringgit.

PART III

COLLECTION AND REMOVAL OF REFUSE AND WASTE

Local authority may apply systems for collection and removal of waste, etc.

9.—(1) The local authority may, with the approval of the Minister, determine or establish or maintain a system for the collection, removal and disposal of waste of every description from all premises within the area of jurisdiction of the local authority.

(2) The owner or occupier of every premises shall use the service provided under the system for the collection, removal and disposal of any refuse or waste generated from the premises, and to pay such fees, rates or other charges as the local authority may determine, with the approval of the Minister, for the provision of such service.

(3) Subject to the approval of the Minister, the local authority may appoint any company or person to undertake or provide the service of collection, removal and disposal of waste under the system referred to in paragraph (1). The local authority shall also comply with the Local Authorities Financial Regulations, 1997 [*Swk. L.G. 68/97*], in making any such appointment.

(4) (a) The local authority may, from time to time, issue to owners or occupiers of premises under its area of jurisdiction, directions, not contrary to the provisions of the Ordinance or these Bylaws, on the manner in which waste from the premises should be handled, prepared or deposited for collection and removal under these Bylaws.

(b) Such directions may be made applicable to the whole area under the jurisdiction of the local authority or to any part thereof or to any type or class of premises.

Provision of refuse bins

10.—(1) The local authority shall, subject to paragraph (2), supply to the owner or occupier of any premises within its area of jurisdiction such number of refuse bin or receptacle of such size, specification and quality as the local authority shall determine.

(2) The owner or occupier of any premises supplied with the refuse bin or receptacle shall pay to the local authority the costs thereof which, if not paid, may be recovered by the local authority as a civil debt or in such manner as may be provided in the Ordinance.

(3) Without prejudice to paragraphs (1) and (2), the local authority may, by notice in writing, require the owner or occupier of any premises to provide, construct or reconstruct at the expense of the owner or occupier and within such period as may be specified in the notice—

(a) refuse bins or other convenient receptacles, which shall conform to such specifications as the local authority may require, to be placed in appropriate locations within the premises of the owner or occupier as the local authority thinks fit for the deposit of refuse and waste from those premises; and

(b) refuse bin centres or refuse bin compartments, which shall conform to such specifications as the local authority may require, to be sited in appropriate locations within the premises as the local authority thinks fit, and wherein or whereon shall be placed the refuse bins and other receptacles referred to in subparagraph (a).

(4) Where the owner or occupier of any premises fails to provide the refuse bins or receptacles as required under paragraph (3), the local authority may supply refuse bins or receptacles and charge the owner or occupier of such premises an amount equivalent to the costs of such refuse bins or receptacles.

(5) Without prejudice to paragraph (4), any person who fails to comply with the notice served upon him under paragraph (3) shall be guilty of an offence: Penalty, a fine of two thousand ringgit.

Maintenance of refuse chutes in buildings

11.—(1) The owner of a building or part thereof served by a refuse lift which is wholly or partly used for the conveyance of refuse or by a refuse chute or chute chamber shall be responsible for the maintenance, repair or replacement of the refuse lift, refuse chute or chute chamber.

(2) The local authority may, by notice in writing, require the owner of a building or part thereof served by a refuse lift, refuse chute or chute chamber to maintain, repair or replace the refuse lift, refuse chute or chute chamber or both, or to change the dimensions of such refuse lift, refuse chute or chute chamber as the local authority may consider necessary.

(3) Any person who fails or neglects to comply with the notice under paragraph (2) shall be guilty of an offence: Penalty, a fine of three thousand ringgit or imprisonment for nine months or both fine and imprisonment.

(4) Notwithstanding paragraph (3), the local authority may, by notice in writing, direct any person who fails to comply with a notice issued under paragraph (2) or if he is of the opinion that any refuse lift, refuse chute or chute chamber is not properly maintained or whose conditions is likely to cause injury to health or is a nuisance to persons occupying the building or any adjoining premises, to close or seal off the refuse lift, refuse chute or refuse chamber.

Occupier of house to remove refuse

12.—(1) The occupier of any dwellinghouse or premises who—

(a) keeps or allows to be kept otherwise than in a proper receptacle, wastes or any noxious or offensive matter in any part of such house or premises;

(b) allows any receptacle to be in a filthy or noxious state; or

(c) neglects or fails to remove the wastes or noxious or offensive matter from such receptacle and to cleanse the same,

shall be guilty of an offence: Penalty, a fine of one thousand ringgit.

(2) The receptacle referred to in paragraph (1) shall be placed at such times and places as may be directed by the local authority.

Dumping refuse on private property

13.—(1) The owner or occupier of any private land shall not use or permit the use of his land for the depositing or dumping of any refuse or waste of any kind.

(2) No person shall deposit or place any refuse or waste of any kind on any land not belonging to him.

(3) Any person who contravenes this bylaw shall be guilty of an offence: Penalty, a fine of two thousand ringgit or imprisonment for six months or both fine and imprisonment.

Prohibition on use of urine or human excreta, nightsoil as manure

14.—(1) No land shall be manured with urine, nightsoil or human excreta.

(2) If any urine, nightsoil or human excreta is found in any place collected in pits or receptacles of any kind such as would in the ordinary course be used for preparing such nightsoil or human excreta for purposes of manuring, this shall be deemed conclusive evidence that the land on which such pits or receptacles are situated or land in the same occupation adjoining or contiguous thereto has been manured with nightsoil or human excreta.

(3) The owner and the occupier of any land which is manured with urine, nightsoil or human excreta shall both be guilty of an offence: Penalty, a fine of one thousand ringgit.

(4) The Chief Administrative Officer may by notice in writing require the owner or occupier of such land to remove such nightsoil or receptacles or to fill up such pits, as the case may be.

Sanitary conveniences and other structure on construction sites

15.—(1) No person shall commence building works or related activities on any construction site unless he has provided for the use of all workers, visitors or invitees to such site, latrines or other sanitary convenience of the type and specifications approved by the local authority.

(2) The latrine or other sanitary convenience shall not be removed from the construction site and shall be maintained by the owner or developer thereof:

(a) until the completion of the building works on the construction site;

or

(b) unless the removal of such latrine or other sanitary convenience is permitted by the local authority in writing.

(3) The local authority may, by notice in writing, exempt any person from compliance with paragraph (1) or (2) if it is satisfied that:

(a) there are already latrines or other sanitary convenience on the construction site for use by the owner, workers, visitors or invitees to such site; or

(b) there is a public toilet in the immediate vicinity of the construction site.

(4) No shed or structure or building, other than the building or structure covered by a plan approved under the Buildings Ordinance, 1994 [*Cap. 8*], or bylaws made thereunder, may be built or constructed on a construction site except—

(a) a temporary building or structure for the use as a site office; or

(b) a temporary structure or shed for use by watchmen or security guards employed by the owner of the construction site or any person undertaking building works thereon; or

(c) where the construction site is outside the area of jurisdiction of a City Administration or Municipal Council, a shed or building for the temporary accommodation of workers;

(d) provided always that such building, structure or shed must be of the type and specification approved by the local authority.

Offence against bylaw 15

16. Any person who fails to comply with bylaw 15(1), (2) or (4) shall be guilty of an offence: Penalty, a fine of three thousand ringgit and, in the case of continuing offence, a further fine of two hundred ringgit for each day the offence continues.

All refuse, etc., collected to be property of local authority

17.—(1) All refuse or waste of every sort and any matter or thing collected by the employees, contractors or agents of the local authority from streets, buildings or any premises or place or brought by any person to any public disposal facility, shall be the property of the local authority, which may sell or dispose of the refuse, waste and filth or matter as it thinks fit.

(2) No person shall, without the prior written permission of the local authority, remove any refuse, waste or filth or any other matter or thing brought into any public disposal facility for disposal or treatment.

PART IV
OFFENCES IN RESPECT OF
UNCLEANLINESS IN PUBLIC PLACES

Prohibition against throwing waste, etc., in any public place

18.—(1) No person shall—

(a) deposit, drop, place or throw any dust, dirt, paper, ash, carcase, refuse, box, barrel, bale or any other article or thing in any public place;

(b) keep or leave any article or thing whatsoever in any place where it or any particle therefrom has passed or is likely to pass into any public place;

(c) dry any article of food or any other article or thing in any public place;

(d) place, scatter, spill or throw any blood, brine, noxious liquid, swill or any other offensive or filthy matter of any kind in such manner as to run or fall into any public place;

(e) beat, clean, shake, sieve or otherwise agitate any ash, hair, feather, lime, sand, waste paper or other substance in such manner that it is carried or is likely to be carried by the wind to any public place;

(f) throw or leave behind any bottle, can, food container, food wrapper, glass, particles of food or any other article or thing in any public place; or

(g) spit or expel mucous from the nose or mouth upon or onto any public place.

(2) No person shall drop, deposit or throw any waste, refuse or any other matter or thing, including animal waste, in any channel, drain, lake, reservoir, river, stream or watercourse or upon the bank of any of the same or in any part of the sea abutting on the foreshore.

(3) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence: Penalty, a fine of one thousand ringgit for the first offence and, in the case of a second or subsequent offence, a further fine of two thousand ringgit or imprisonment for six months or both such fine and imprisonment.

Building works constituting danger to life, health, etc.

19. Any person who, during the erection, alteration, construction or demolition of any building or at any time whatsoever, fails to take reasonable precautions to prevent danger to the life, health or wellbeing of persons using any public place from flying dust or falling fragments or from any other material, thing or substance shall be guilty of an offence.

Prohibition against dumping refuse etc., in any public place

20.—(1) Any person who drops, scatters, spills or throws any dirt, sand, earth, gravel, clay, manure, refuse, sawdust, shavings, wood, stone, straw, animal waste or human excreta or any other matter or thing in any public place, whether from a moving or stationary vehicle or in any other manner shall be guilty of an offence.

(2) The Chief Administrative Officer may, by notice in writing, require any person carrying out any construction or earth works to provide or construct any device or facilities as the Chief Administrative Officer may think fit for the removal of dirt, earth, sand or other particles from any vehicle used in connection with the construction and earthworks.

(3) Where any vehicle is used in disposing or dumping of refuse, waste or any other article in any public place, other than a public disposal facility or a disposal facility established with the permission of the local authority under bylaw 42(1), the vehicle may be seized by any police officer or any officer authorized in writing in that behalf by the Chief Administrative Officer and may be removed to and detained in any police station or depot or other place as may be approved by the local authority at the risk of the owner for the purposes of proceedings under these Bylaws.

(4) A court on convicting any person of an offence under paragraph (1) shall, on the written application of the Public Prosecutor, or any person authorized to conduct prosecution under section 377(b) of the Criminal Procedure Code [*Act 593*], make an order for the forfeiture of the vehicle which has been used in the commission of the offence notwithstanding that no person may have been convicted of that offence.

(5) An order for the forfeiture or for the release of a vehicle liable to forfeiture under paragraph (4) may be made by the court before which the prosecution with regard to an offence under paragraph (1) has been or will be held.

(6) If there be no prosecution with regard to an offence under paragraph (1), the vehicle seized under that paragraph shall be forfeited at the expiry of three months from the date of the seizure unless a claim thereto is made before that date. Any person asserting that he is the owner of such vehicle may personally, or by his agent authorized in writing, give written notice to the Chief Administrative Officer that he claims the vehicle.

(7) Upon receipt of a notice under paragraph (6), the Chief Administrative Officer may direct that the vehicle be released or may refer the matter for information to a Magistrate.

(8) The Magistrate shall, on receipt of an information under paragraph (7), or on the written application of the Public Prosecutor, or any person authorized to conduct prosecution under section 377(b) of the Criminal Procedure Code [*Act 593*], hold an inquiry and proceed to determine the matter and shall, on proof that the vehicle was used in the commission of an offence under paragraph (1), order the vehicle to be forfeited, or may in the absence of such proof order its release.

(9) No person shall, in any proceedings in any court, in respect of the seizure of any vehicle seized in the exercise or the purported exercise of any power conferred under paragraph (3), be entitled to the costs of such proceedings or to any damages or other relief, other than an order for the return of the vehicle, unless the seizure was made without reasonable or probable cause.

(10) For the purposes of paragraph (1)—

(a) where the matter or thing is dropped, scattered, spilt or thrown from a vehicle, the owner or driver or person having charge or control of the vehicle shall be deemed to have committed the offence, unless the offence is committed by a person other than the owner or driver or person having charge or control of the vehicle and the identity of that person who committed the offence can be established; and

(b) where the driver of a motor vehicle is alleged or is suspected to be guilty of the offence—

(i) the owner of the motor vehicle shall give such information as he may be required to give by a police officer, health officer or by any other officer authorized in writing in that behalf by the local authority as to the identity and address of the person who was driving the motor vehicle at or about the time of the alleged offence and such other information as the police officer, health officer or other officer may require, and if he fails to do so within fourteen days of the date on which the information was required from him, he shall be guilty of an offence unless he proves to the satisfaction of the court

that he did not know and could not with reasonable diligence have ascertained the information required; and

(ii) any other person who was or should have been in charge or in control of the motor vehicle shall, if so required, give any information which it is in his power to give, and which may lead to the identification of the driver, and if, within fourteen days of the date on which the information was required from him, he fails to do so, he shall be guilty of an offence.

Notice to attend Court

21.—(1) Any person who commits an offence under bylaw 18, 19 or 20 may be arrested without warrant by any police officer, a health officer or any other officer authorized in writing in that behalf by the local authority and taken before a Magistrate's Court and shall be liable, on conviction, to a fine not exceeding one thousand ringgit and, in the case of a second or subsequent offence, to a further fine not exceeding two thousand ringgit or imprisonment for six months or to both fine and imprisonment.

(2) Notwithstanding paragraph (1) or any other written law, any police officer, a health officer or any other officer authorized by the local authority who, having effected an arrest in accordance with this bylaw, is satisfied as to the identity, name and place of residence of the person arrested, may, instead of taking that person before a Magistrate's Court or to a police station, serve upon that person a notice in such form as may be prescribed by these Bylaws requiring the person to attend at the Magistrate's Court described at the hour and on the date specified in the notice.

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer, health officer or other officer authorized by the local authority may require the person to furnish such evidence of identity as he may consider necessary.

(4) A duplicate of the notice referred to in paragraph (2) shall be prepared by the police officer, health officer or authorized officer, as the case may be, and produced by him to the Magistrate's Court, if so required by the Court.

(5) On an accused person appearing before a Magistrate's Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of paragraph (1).

(6) If a person upon whom a notice under paragraph (2) has been served fails to appear before a Magistrate's Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person.

(7) Upon a person arrested in pursuance of a warrant of arrest issued under paragraph (6) being produced before a Magistrate's Court, the Court shall proceed as though he was produced before it under paragraph (1) and shall at the conclusion of the proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding two thousand ringgit as the Court thinks fit or may commit him to prison for a term not exceeding six months.

(8) Upon the conviction of any person under paragraph (1), the local authority may recover from the person the costs and expenses incurred by the local authority in cleaning the public place except that where an offence was committed by any person in the course of his employment, the local authority may recover the costs and expenses from the employer of such person.

PART V

CLEANLINESS OF PUBLIC AND PRIVATE PROPERTY

Public property

22.—(1) No person shall, unless with the written permission of the Chief Administrative Officer,—

(a) write, draw, spray, mark, scribble, scratch or inscribe any word, figure, slogan, caricature, symbol, or any thing on any property belonging to the local authority or the Government;

(b) affix, post up, exhibit or display any poster, placard, showboard, bill, notice or banner on any property of the local authority or the Government;

(c) nail, tie or chain anything onto the property of the local authority or the Government;

(d) remove, dismantle or take away any property of the local authority or the Government;

(e) spit, urinate or defecate in or on any property of the local authority or the Government, unless in a place provided by the local authority or Government for that purpose;

(f) cut, dig, remove, uproot or damage any tree, plant or vegetation grown or cultivated by the local authority in any public place; or

(g) pollute, contaminate or throw refuse or waste onto any pool, lake, fountain or swimming pool belonging to or maintained by the local authority or the Government.

(2) Any person who contravenes any of the provisions under paragraph (1) shall be guilty of an offence: Penalty, a fine of one thousand five hundred ringgit for the first offence, and a further fine of three thousand ringgit or imprisonment for nine months for each subsequent offence.

(3) Any person who contravenes any of the provisions under paragraph (1) shall pay the local authority all costs incurred by the local authority for carrying out the provisions of paragraph (4) and shall compensate the local authority or the Government for any damage done to the property of the local authority or the Government.

(4) Without prejudice to paragraph (2), the Chief Administrative Officer may—

(a) cause to be removed anything hung, tied, chained, nailed, affixed, displayed or exhibited on any property of the local authority or the Government in contravention of this bylaw; or

(b) obliterate any writing, drawing, painting, mark, scribble, scratch or inscription on any property of the local authority or the Government in contravention of this bylaw.

Power to order cleansing, painting, etc., of buildings

23. The Chief Administrative Officer or any other officer authorized by him may, at all reasonable times, enter and inspect all houses, buildings or premises and by an order in writing direct the owner or occupier to cause all or any part thereof including any perimeter wall or fencing to be internally or externally cleansed, whitewashed, colourwashed or painted within such time to be stated in the order and in such manner and such colour, if any, as may be specified in the order.

Penalties

24. If the owner or the occupier of any building on whom an order made under bylaw 23 has been served, without reasonable cause, fails or refuses to comply with the terms thereof within the time specified therein, he shall be guilty of an offence, and shall, on conviction, be liable to a fine of five hundred ringgit and a further fine of one hundred ringgit for each day after conviction until the order is complied with.

Power to perform works and recover expenses

25. Notwithstanding bylaw 24, the local authority may, if in its opinion the circumstances so warrant, take or do thereon or therein any of the measures or works required by the said order to be taken or done and any costs or expenses thereby incurred shall be recoverable from the person against whom the order is made, in the same manner as a civil debt.

Prohibition against display of goods on or above footway, etc.

26.—(1) No person shall place, put, display, store or hang on or above any footway, any goods, article or thing, whether for sale or otherwise.

(2) No person shall, on any footway,—

(a) cook or prepare any food; or

(b) without the permission of the local authority, serve, or cause to be served, any food or drinks.

(3) Any person who contravenes this bylaw shall be guilty of an offence: Penalty, a fine of one thousand five hundred ringgit for a first offence and, for second subsequent offence, a further fine of three thousand ringgit or imprisonment for nine months or both fine and imprisonment.

(4) The Chief Administrative Officer or any person authorized by him may seize, remove and detain any goods, article, things food or apparatus for the cooking or preparation or service of food which are used or related to the commission of an offence under this bylaw.

(5) (a) Any goods, articles or food seized pursuant to paragraph (4) which are of a perishable nature may be sold or disposed of or destroyed in such manner as the Chief Administrative Officer may direct. In the event of a sale, the proceeds thereof shall be credited to the Local Authority Fund administered by the local authority pursuant to section 40(1) of the Ordinance, pending the conclusion of proceedings or action taken against the person for the commission of the offence.

(b) Where goods, food, articles or apparatus of a non-perishable nature are seized under paragraph (4), the same shall be detained by the Chief Administrative Officer or any person authorized by him, pending the disposal of the proceedings or action taken against any person for the commission of the offence, and shall be dealt with and disposed of in the manner ordered by the Court or in the absence of such Order pursuant to the direction of the Chief Administrative Officer.

Derelict vehicles

27.—(1) No person shall leave, deposit or place on any road or place or any private land any derelict or unwanted vehicle or the parts of any such vehicle.

(2) Any person who wishes to discard or abandon any derelict or unwanted vehicle or any parts thereof shall do so only by—

(a) handing the same to any person who is authorized or licensed by the local authority to collect and dispose of the wreck of any vehicle of such nature;

(b) depositing the same at such place designated by the local authority to receive derelict or unwanted vehicles.

(3) (a) The Chief Administrative Officer may by notice in writing direct any person on whose land a derelict or unwanted vehicle or the parts of such vehicle is found, to remove the same to a disposal facility or to a person authorized or licensed to collect the wrecks of such vehicle.

(b) Where the person against whom a notice is issued under subparagraph (a) fails to comply therein, then, without prejudice to paragraph (4) (b), the Chief Administrative Officer may cause the derelict or unwanted vehicle to be removed and charge the costs of such removal to that person.

(4) Any person who—

(a) contravenes paragraph (1); or

(b) fails to comply with a notice issued by the Chief Administrative Officer under paragraph (3),

shall be guilty of an offence: Penalty, a fine of three thousand ringgit.

(5) For the purposes of this bylaw, a derelict or unwanted vehicle includes a vehicle without any proper or valid register number, or evidence of payment of road tax, and an abandoned vehicle.

Cleanliness of private property

28.—(1) The owner or the occupier of any private land shall cut, trim and maintain any vegetation on his property to the satisfaction of the local authority and to avoid causing nuisance to the public or the owner or occupier of any adjoining property.

(2) Where the owner or the occupier of any private land fails or neglects to cut, trim or maintain the vegetation thereon and such failure or neglect has, in the opinion of the local authority, caused nuisance to the public or the owner or the occupier of any adjoining property or which is likely to cause their land to be breeding ground for, or is likely to harbour pests or disease bearing insects, the local authority shall, after service of a written notice on the owner or the occupier to cut or trim the vegetation and the owner or the occupier fails or refuses to comply therewith, cut or trim such vegetation and charge the costs and expenses thereby incurred on the owner of the private land. Such costs and expenses, if unpaid, may be recovered by the local authority as a civil debt or in such manner as may be prescribed by the Ordinance.

(3) For the purpose of this bylaw, “private property” includes any area or land outside the fence or perimeter fencing of that property which is not part of any road or government reserve; and “vegetation” includes grass, plants, trees, hedges, bushes, undergrowth, creepers, weeds, ferns and any form of plant life.

(4) (a) No person shall, except with the written authorization of the local authority or in accordance with the terms of a licence issued under the Natural Resources and Environment (Control of Livestock Pollution) Rules, 1996 [Swk. L.N. 93/96], rear, keep or maintain any livestock on any land or premises belonging to or occupied by him.

(b) Any person who contravenes this bylaw shall be guilty of an offence: Penalty, a fine of two thousand ringgit and, in the case of continuing offence, a further fine of one hundred ringgit for each day during which the offence continues.

(c) Any livestock found on any land or premises in contravention of this bylaw may be seized and disposed of or sold by the local authority and the proceeds of sale shall be dealt with in the manner provided in bylaw 26(5)(a).

PART VI

CLEANLINESS OF MARKETS

Cleanliness of stalls

29. Every stall holder in a market shall keep any passage, space or avenue immediately in front of, behind or by the side of his stall or pitch and the vicinity thereof in a state of cleanliness to the satisfaction of the local authority.

Waste to be deposited in dustbin, etc.

30.—(1) No stall holder or person shall deposit or cause or permit to be deposited any garbage, refuse, waste or thing discarded by him in the course of his business except in such refuse bins or receptacles provided by the local authority for that purpose.

(2) No stall holder or person shall cause or permit to be deposited, spilled, scattered or thrown any blood, brine, waste, liquid or other offensive matter into any drain or on the floor of a public market, except in places designated for such purpose by the local authority.

(3) Every stall holder shall ensure that all refuse which is accumulated in the course of his business is deposited from time to time in a refuse bin or receptacle provided by the local authority.

(4) If in any proceeding for any contravention of the provisions of this bylaw, it is shown that any garbage, refuse, waste or thing is not deposited in a refuse bin or receptacle provided by the local authority but in or on any passage way, space, avenue or drain or place immediately in front of, behind or by the side of a stall or pitch, it shall be presumed, unless the contrary is proved, that the same was deposited thereon or therein by, or with the permission of the stall holder whose stall or pitch is nearest to such garbage, refuse, waste or thing.

Nuisance in market

31. No person shall in a market—

(a) commit a nuisance;

(b) spit onto the floor, stall or other parts of the market;

(c) throw any vegetable, animal waste or parts of any animal, offal, garbage, or other matter or thing onto any stall, passage way, stairways or part of the market, except into a refuse bin or receptacle provided by the local authority;

(d) keep any dog or other animals or take into a market a dog or other animal on a leash or otherwise or knowingly allow a dog or other animal to follow him into the market; and

(e) slaughter any livestock except in such areas as may be expressly designated by the local authority for the slaughter of livestock.

Prohibition against bathing or washing of clothing

32. No person shall use water provided for any public market for bathing or the washing of clothes.

Offences against this Part

33. Any person who contravenes any of the provisions of this Part shall be guilty of an offence: Penalty, a fine of one thousand ringgit for the first offence, and a fine of two thousand ringgit or imprisonment for six months or both fine and imprisonment for the second or subsequent offence.

Power of closure

34.—(1) Where the local authority is of the opinion that the condition or state of any market is such as is likely to be prejudicial to public health or cause nuisance to the public, it may order the closure of the market.

(2) Such an order shall be served on persons having stalls in the market, and upon receipt of such order, the stall holders shall immediately cease carrying on business thereat and remove all his goods and belongings therefrom.

PART VII

SANITARY CONVENIENCES AND DRAINS

Public toilets or baths

35. The local authority may provide and maintain in proper and convenient locations toilets or baths for public use and may charge a fee for the use of any such toilets or baths.

Insufficient and defective sanitary conveniences

36.—(1) If it appears to the local authority that—

(a) any building or part thereof is without sufficient sanitary conveniences; or

(b) any sanitary conveniences provided for or in connection with a building or part thereof to which the public has access are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the local authority may, in its discretion, by notice in writing to the owner of any building or part thereof, require him to reconstruct or re-site any toilet attached thereto.

(2) Any person who fails to comply with the notice issued to him under paragraph (1) shall be guilty of an offence: Penalty, a fine of three thousand ringgit and, in the case of a continuing offence, a further fine of two thousand ringgit for each day during which the offence continues.

Repairs

37. If it appears to the local authority that any sanitary conveniences provided for or in connection with a building or part thereof are in such a state as to be defective or prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the local authority may, by notice in writing, require the owner or the occupier of the building to execute such works or to take such steps by repairing or cleansing the sanitary conveniences or otherwise as may be necessary for that purpose.

Sanitary conveniences in work premises or work place

38.—(1) Any premises which are used as work premises or work place shall be provided with adequate sanitary conveniences sited at such locations as the local authority may think fit, having regard to the number of persons employed in, or in attendance at, the work premises or work place, and where persons of both sexes are employed or in attendance with adequate separate sanitary conveniences for persons of each sex, unless the local authority is satisfied that in the circumstances of any particular case the provision of such separate sanitary conveniences is unnecessary.

(2) If it appears to the local authority that paragraph (1) has not been complied with in the case of any work premises or work place, it shall, by notice in writing, require the owner or the occupier of the work premises or work place, as the case may be, to make such alterations to the existing sanitary conveniences and to provide such additional sanitary conveniences as may be necessary.

Care of sanitary conveniences

39.—(1) The owner and the occupier of every building in or in connection with which a toilet or urinal is provided shall cause the flushing apparatus thereof to be kept supplied with water sufficient for flushing.

(2) Where sanitary conveniences are used in common by the members of two or more families or by members of the public or by employees, the owner, occupier, chief or principal tenant or the person in charge of the building concerned, as the case may be, shall maintain such sanitary conveniences in a clean and hygiene manner without causing any nuisance to sight or smell.

Inadequate bathroom facilities

40. If it appears to the local authority that any building or part thereof to which the public has access is without any bathroom or without adequate facilities for bathing, it may, by notice in writing to the owner of the building, require him to provide the building with one or more bathrooms or with such facilities for bathing as the local authority may consider adequate.

Construction and maintenance of private drains

41.—(1) The local authority may, by notice in writing, require the owner of any land, and at the expense of the owner thereof—

(a) to construct such drain or number of drains as the local authority may consider necessary in accordance with such specifications as it may think fit; and

(b) to maintain and keep in a clean and sanitary condition any drain or drains so constructed or any other existing drain or drains in such land.

(2) For the purpose of ensuring a free flow of water, the local authority may cause one or more drains to be constructed through, across or under any land whatsoever after giving notice in writing in that behalf to the owner thereof, doing as little damage as may be and making full compensation for any damage done.

(3) Any person who constructs, rebuilds or unstops any drain or any appurtenance thereto, which has been ordered by the local authority to be demolished or stopped up or not to be made shall be guilty of an offence.

(4) Where the owner of any land has failed to comply with any notice served on him under paragraph (1), the Chief Administrative Officer or any other person authorized by him may enter upon the land and execute any work required to be executed by the owner of such land and the local authority may recover all expenses or costs incurred in respect of the execution of such work from the owner of the land.

PART VIII DISPOSAL FACILITIES

Provision of public disposal facilities

42.—(1) The local authority may provide, acquire, construct and maintain disposal facilities (referred to in these Bylaws as “public disposal facilities”) for the deposit, treatment or disposal of refuse or waste as it may consider necessary and may make available the facilities to any person upon payment of any fees or charges as may be prescribed.

(2) The local authority may refuse to accept any refuse or waste brought to any public disposal facility without assigning any reason or may accept refuse or waste of such description or kind upon such terms and conditions as it may consider necessary.

(3) For the purpose of these Bylaws, a “public disposal facility” refers to a facility including a land fill site, established by the local authority or by any person authorized by the local authority for the storage, treatment, or disposal of waste collected by the local authority or his agent, or to be deposited thereat with the permission or under the direction of the local authority.

No disposal facility to be constructed without permission

43.—(1) No person shall construct, establish, maintain or operate any disposal facility without the written permission of the local authority.

(2) The local authority may by notice in writing require any owner or occupier of any work place or premises to construct, establish, maintain or operate any disposal facility.

(3) Any person using, working or operating a disposal facility shall use, work or operate such facility in such manner as the local authority may require.

(4) If in any proceedings for a contravention of paragraph (1), and it is shown that any premises are being used as a disposal facility, it shall be presumed, until the contrary is proved, that the occupier of the premises has constructed, established, maintained or operated such disposal facility.

PART IX
DISPOSAL AND TREATMENT
OF INDUSTRIAL WASTE

Prohibition against disposal of industrial waste in unauthorized places

44.—(1) No person shall dispose or cause or permit to be disposed of refuse or industrial waste in or at any place except in or at a public disposal facility or a disposal facility established with the permission of the local authority.

(2) For the purposes of these Bylaws, a person is said to dispose of industrial waste if he burns, sells, gives away, discards, dumps, incinerates, deposits, processes, recycles, throws or treats such waste and “disposal” shall be construed accordingly.

Proper storage of waste

45. The occupier of any work place or premises where industrial waste is being produced shall keep or store the waste before its disposal in a proper and efficient manner so as not to create a nuisance or to cause any risk, harm or injury to persons or animals or is likely to pollute the environment.

Notice requiring periodic removal of waste from premises

46.—(1) The Chief Administrative Officer may, by notice in writing, require the occupier of any work place or premises to remove periodically industrial waste from such work place or premises to a disposal facility.

(2) The Chief Administrative Officer may, by notice in writing, require any occupier upon whom a notice has been served under paragraph (1) to furnish evidence that the industrial waste from the work place or premises has been disposed of at a disposal facility in accordance with the notice.

Furnishing of information on industrial waste

47. The Chief Administrative Officer may, by notice in writing from time to time, require the owner or occupier of any work place or premises to furnish him with any information on the amount, type and nature of any industrial waste produced in such place and such other particulars as may be specified in the notice.

Waste brought to public disposal facility to be treated or recycled

48. The Chief Administrative Officer may, by notice in writing, require the occupier of any work place or premises to recycle or treat any industrial waste found or produced in those work place or premises at his own expense before it is brought to any disposal facility for disposal.

Toxic waste not to be brought to public disposal facility without permission

49.—(1) No toxic industrial waste or the residue from the treatment thereof shall be brought to any public disposal facility for disposal or treatment without the written permission of the local authority.

(2) An application for the written permission referred to in paragraph (1) shall be made to the local authority, giving details of the nature and composition of the toxic industrial waste and the residue thereof.

Excessive production of toxic waste

50. Where in the opinion of the local authority the quantity of toxic industrial waste produced in any work place or premises is or is likely to be excessive or unduly toxic, it may by notice require the occupier of the work place or premises to—

- (a) alter the method of operation or process used in the work place or premises;
- (b) alter, install, repair or replace any device, equipment or plant used in the work place or premises;
- (c) use other materials or substances other than those used in the work place or premises; or
- (d) take such other steps as may be necessary to reduce the quantity or toxicity of such waste.

Licensing of persons carrying on business of collection of industrial waste

51.—(1) The local authority may license any person who carries on the business of collecting, transporting, storing, disposing or treating of industrial waste, to collect, transport, store, dispose or treat industrial waste or refuse.

(2) Any person who collects or transports industrial waste or refuse shall ensure that the industrial waste or refuse or any liquid from waste or refuse is not dropped, scattered or spilled onto any public place.

PART X
MISCELLANEOUS

Damage to property of local authority or Government to be made good in addition to penalty

52.—(1) If through any act, neglect or default on account whereof any person has incurred any penalty under these Bylaws, where any damage to the property of the local authority or the Government is caused by that person, he shall be liable to make good the damage in addition to payment of penalty.

(2) The amount of such damage may, in case of dispute, be determined by the Court by which the person incurring the penalty was convicted.

(3) The amount of the damage shall be recovered by the local authority as a civil debt.

Receipts and notices may be given by officer authorized thereunto

53.—(1) All notices, orders, receipts, warrants and other documents which the local authority is empowered to give under these Bylaws may be given by any officer or employee authorized thereunto by the local authority.

(2) Where any such notice, order, warrant or document requires authentication, the signature or a facsimile thereof of the Chief Administrative Officer or any officer or employee authorized thereunto by the local authority affixed thereto shall be sufficient authentication.

Furnishing of information required by Chief Administrative Officer

54. The Chief Administrative Officer may, by notice in writing, require the owner or the occupier of any work place or premises to furnish him within fourteen days or such longer period as may be specified in the notice any information required by him for the purposes of these Bylaws.

Saving of prosecutions under other laws

55. Nothing in these Bylaws shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under these Bylaws or from being liable under that other written law to any other or higher punishment or penalty than that provided by these Bylaws except that no person shall be punished twice for the same offence.

Penalty

56. Any person who contravenes or fails to comply with any of the provisions of these Bylaws shall be guilty of an offence and, where no penalty is expressly provided, shall be liable, on conviction, to a fine not exceeding two thousand ringgit and, in the case of a second or subsequent conviction, to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment.

Inaccuracies in documents

57. No misnomer or inaccurate description of any person, premises, building, street or place named or described in any document prepared, issued or served under or for the purposes of these Bylaws shall in any way affect the operation of these Bylaws as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under these Bylaws shall be invalid for want of form.

Evidence

58.—(1) The contents of any document prepared, issued or served under or for the purposes of these Bylaws shall, until the contrary is proved, be presumed to be correct and the production of any book purporting to contain any apportionment made under these Bylaws shall, without any other evidence whatever, be received as *prima facie* proof of the making and validity of the appointment mentioned therein.

(2) All records, registers and other documents kept by the local authority for the purposes of these Bylaws shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, and subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

Presumption and duty of owner of vehicle, etc.

59.—(1) In the prosecution of any offence under bylaw 6(3), 13, 18 or 20 and if it is shown that any waste, matter or thing was found, deposited, thrown, kept, left, dropped, spilled, scattered in contravention of any such bylaw, on, from or in the vicinity of any land or building or from any vehicle, it shall be presumed unless the contrary is proved, that the waste, matter or thing was deposited, thrown, kept, left, dropped, spilled or scattered by or with the permission of the occupier and owner of the land or building or of the driver or person having charge or control of the vehicle, as the case may be, at the material time.

(2) Where the driver or person having charge or control of a vehicle is alleged or suspected to be guilty of an offence under bylaw 18 or 20:

(a) the owner of the vehicle shall, on being required by a police officer or any officer of the local authority, give the name and address of the person driving or having the charge or control of the vehicle at the time of the alleged offence, and such other information as such officer may require, and if he fails to do so within fourteen days of the date of receipt of such request, he shall be guilty of an offence unless he proves to the satisfaction of the Court that he did not know and could not with reasonable diligence have ascertained the information required; and

(b) any other person who was or should have been in charge or in control of the vehicle shall, if so required as aforesaid, give any information which is in his power to give, and which may lead to the identification of the driver, and if, within seven days of the date on which the information was required from him, he fails to do so, he shall be guilty of an offence.

Jurisdiction of Magistrate's Courts

60. A Magistrates Court shall have jurisdiction to try any offence under these Bylaws and to impose the full penalty or punishment in respect of any such offence.

Exemption

61.—(1) The local authority may, after consultation with the Minister, either permanently or for such period as it may think fit, exempt any person or premises or any class of persons or premises from any of the provisions of these Bylaws.

(2) Such exemption may be withdrawn at the discretion of the local authority without assigning any reason assigned therefor.

Revocation

62.—(1) The City of Kuching South (Cleansing and Painting of Buildings) Bylaws, 1993 [*Swk. L.G. 24/93*], and the City of Kuching North (Cleansing and Painting of Buildings) Bylaws, 1993 [*Swk. L.G. 41/93*], are revoked.

(2) The Antilitter Bylaws specified in the Schedule are revoked with effect from the dates of the coming into operation of these Bylaws in the respective local authorities.

SCHEDULE

(Bylaw 62(2))

ANTILITTER BYLAWS TO BE REVOKED

<i>Reference to the Bylaws</i>	<i>Local Authorities</i>
(a) Swk. L.G 30/83	Bau District Council
(b) Swk. L.G 21/84	Betong District Council (Formerly Saribas District Council)
(c) Swk. L.G 28/83	Bintulu Development Authority (Lembaga Kemajuan Bintulu)
(d) Swk. L.G 39/83	Dalat and Mukah District Council (Formerly Mukah District Council)
(e) Swk. L.G 32/83	Kanowit District Council
(f) Swk. L.G 33/83	Kapit District Council
(g) Swk. L.G 26/79	Council of the City of Kuching South (Formerly Kuching Municipal Council)
(h) Swk. L.G 34/83	Padawan Municipal Council (Formerly Kuching Rural District Council)
(i) Swk. L.G 35/83	Lawas District Council
(j) Swk. L.G 36/83	Limbang District Council
(k) Swk. L.G 38/83	Lubok Antu District Council
(l) Swk. L.G 18/84	Lundu District Council
(m) Swk. L.G 31/83	Maradong and Julau District Council (Formerly Binatang/Julau District Council)
(n) Swk. L.G 29/83	Marudi District Council (Formerly Baram District Council)
(o) Swk. L.G 23/84	Matu and Daro District Council
(p) Swk. L.G 20/82	Miri Municipal Council
(q) Swk. L.G 20/84	Saratok District Council (Formerly Kalaka District Council)
(r) Swk. L.G 40/83	Sarikei District Council
(s) Swk. L.G 42/83	Serian District Council (Formerly Upper Sadong District Council)
(t) Swk. L.G 19/82	Sibu Municipal Council
(u) Swk. L.G 41/83	Sibu Rural District Council
(v) Swk. L.G 37/83	Simunjan District Council (Formerly Lower Sadong District Council)
(w) Swk. L.G 19/84	Sri Aman District Council (Formerly Batang Lupar District Council)
(x) Swk. L.G 22/84	Subis District Council

Made by the Yang di-Petua Negeri this 6th day of May, 1999.

By Command,

DATUK AMAR JAMES WONG KIM MIN,
Minister of Environment and Public Health