

Akta Pemuliharaan Tanah

Land Conservation Act 1960 (Act 385)

Application

This Act Is Only Applicable in the States of Malaya and the Federal Territory of Kuala Lumpur.

By Virtue of Article 95a of the Federal Constitution, the Act Is Not Applicable in the States of Sabah and Sarawak. Likewise, the Sabah Law Relating to Soil Conservation Is Applicable to the Federal Territory of Labuan as Provided under Section 6(1) of the Federal Constitution (Amendment) Act 1984.

Since the Act Deals with the Matter Falling within the Sphere of State Legislatures, in Accordance with Article 76(3) of the Federal Constitution, It Can Only Become Effective in Any State If Adopted by a State Law.

Therefore the Act Was Adopted by the following States:-

- Johore Vide Enactment No. 15 of 1960;
- Kedah Vide Enactment No. 13 of 1960;
- Kelantan Vide Enactment No. 6 of 1960;
- Malacca Vide Enactment No. 7 of 1960;

- Enakmen Penempatan Terengganu, 1356.
- Negeri Sembilan Vide Enactment No. 21 of 1960;
- Pahang Vide Enactment No. 13 of 1960;
- Penang Vide Enactment No. 4 of 1960;
- Perak Vide Enactment No. 6 of 1960;
- Perlis Vide Enactment No. 12 of 1960;
- Selangor Vide Enactment No. 7 of 1960; and
- Terengganu Vide Enactment No. 9 of 1960;

Purpose

To Consolidate the Law Relating to the Conservation of Hill and the Protection of Soil from Erosion and Inroad of Silt.

Main Provisions

- The Main Provisions Are Contained in Part li and Part lii of the Act in General the Act Contains the following:
 - The Provision Relating to the Declaration of Areas as Hill Land by the State Authority and the Provision Prohibiting the Use of Hil L Land for Any Purpose Other than for Limited Agricultural Purpose and for Mining;
 - The Provision Enabling the Land Administrator to Take Action against Any Landowner Whose Land Has Caused or Is Likely to Cause Damage to Other Land, Water Course or Has Interfered or Is Likely to Interfere with the Due Cultivation of Other Land by Earth, Mud, Silt, Gravel or Stone from His Land;
 - The Provisions Enabling the Land Administrator to Take Action against Any Landowner Whose Land Has Been Damaged or Is Likely to Be Damaged as a Result of Erosion or Displacement of Earth, Mud, Silt, Gravel or Stone upon or from Such Land.

Penalty

Any Person Who without Reasonable Excuse Fails to Comply with Any Order Made under, or Any Provision of This Act, Requiring Him to Do or Prohibiting Him from Doing Any Act or Thing Shall Be Liable to a Fine of Not Exceeding Five Thousand Ringgit and in Default of Payment Thereof to Imprisonment for a Term Which May, Subject to Section 283 of the Criminal Procedure Code, as the Circumstances May Require, Extend to Six Months.