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No. A2

The following Ordinances passed by the Dewan Undangan Negeri on 18th, 19th and 20th May, 2022, and assented to by Tuan Yang Terutama Yang di-Pertua Negeri on 26th May, 2022, are published pursuant to Article 26(3) of the Constitution of the State:

<i>Chapter No.</i>	<i>Short Title</i>
Chapter A200 ...	Land Code (Amendment) Ordinance, 2022
Chapter A201 ...	Forests (Amendment) Ordinance, 2022
Chapter A202 ...	Supplementary Supply (2022) Ordinance, 2022



LAWS OF SARAWAK

Chapter A200

LAND CODE (AMENDMENT) ORDINANCE, 2022

LAND CODE (AMENDMENT) ORDINANCE, 2022

Date Passed by Dewan Undangan Negeri	18th May, 2022
Date of Assent	26th May, 2022
Date of Publication in <i>Gazette</i> ...	7th June, 2022

LAWS OF SARAWAK

Chapter A200

LAND CODE (AMENDMENT) ORDINANCE, 2022

An Ordinance to provide for amendments to the Land Code [Cap. 81 (1958 Ed.)].

[]

Enacted by the Legislature of Sarawak—

Short title and commencement

1.—(1) This Ordinance may be cited as the Land Code (Amendment) Ordinance, 2022, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

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

Amendment of section 2

2. Section 2 of the Land Code [*Cap. 81 (1958 Ed.)*] (in this Ordinance referred to as the “Principal Ordinance”) is amended by:

(a) substituting the definition of “land” with the following new definition—

““land” includes—

(i) that surface of the earth and all substances forming that surface;

(ii) the earth below the surface and all rock materials, minerals and substances under the surface;

(iii) all vegetations and other natural products whether on or below the surface;

(iv) all things attached to the earth or permanently fastened to anything attached to the earth;

(v) land covered with water within the boundary of the State of Sarawak; and

(vi) that column of the airspace above the surface of the earth on the land.”

(b) adding the following new definitions of “carbon storage” and “spectrum” after the definitions of “building” and “sale” respectively—

““carbon storage” means any cavity, well, structure, facility or plant built, installed or maintained on any land, whether on or below the surface, for the purpose of permanent storage, capture, retention, dumping or sequestration of carbon dioxide or greenhouse gases of any form or description; and

“spectrum” shall have the same meaning as that assigned in section 6 of the Communication and Multimedia Act, 1988 [*Act 588*].”

Amendment of section 12

3. Section 12 of the Principal Ordinance is amended by inserting immediately after the word “thereof” the words “and in the column of airspace above the earth of the land,”.

New Section 32B

4. The Principal Ordinance is amended by adding the following new section 32B:

“Use of land for carbon storage requires Licence

32B.—(1) No person, whether or not he is a registered proprietor or a lawful occupier of the land, may use or permit the use of his land, for carbon storage without approval of the State Planning Authority and a licence issued to him by the Superintendent.

(2) A licence issued under sub-section (1) shall be in such form as may be determined by the Director and for such period and upon such terms and conditions stipulated in the licence.

(3) Any person who contravenes the provisions of sub-section (1) or shall breach any of the terms and conditions in his licence shall be guilty of an offence and shall, on conviction be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for not exceeding five years or to both.”

Amendment to section 37

5. Section 37 of the Principal Ordinance is amended by adding immediately after paragraph (c) the following new paragraphs (d) and (e):

“(d) the right of the Government to regulate and control the use of spectrum in the column of the airspace above the land in accordance with Rules made under section 213; and

(e) the right of the Government to regulate or control the use of the land either on the surface of the earth or below the surface of the earth thereof, for carbon storage in accordance with Rules made under section 213.”

Amendment to section 209B

6. Section 209B(1) of the Principal Ordinance is amended by inserting after “32A” the word “, 32B”.

Amendment to section 213

7. Section 213(1) of the Principal Ordinance is amended by:

(a) deleting the word “and” at the end of paragraph (j); and

(b) adding after paragraph (k) the following new paragraphs (l) and (m)—

“(l) regulating and controlling the use of airspace above the land including spectrum and other property found in the column of the airspace above the land and the erection, maintenance and occupation of any structure in that airspace; and

(m) regulating and controlling the use of land for carbon storage either on the earth or below the earth of the land within the boundary of Sarawak and matters incidental thereto.”

Amendment to section 227

8. Section 227 of the Principal Ordinance is amended by substituting sub-paragraph (viii) of the definition of “develop” or “development” with the following new sub-paragraph:

“(viii) the use of any land, including decommissioned oil and gas facilities thereon, for carbon storage or the building, installing and maintaining any carbon storage, or for the deposit, treatment or storage of wastes notwithstanding that the land is comprised of a site already or previously used for that purpose, if the superficial area or the height of the wastes deposit is thereby extended; and”.

Amendment to section 231

9. Section 231(1) of the Principal Ordinance is amended by adding after paragraph (*d*) the following new paragraph (*dd*):

“(*dd*) precise location and size of the area to be used for carbon storage and where the land is on the foreshore or the beds of the sea within the boundaries of Sarawak as extended by the Sarawak (Alteration of Boundaries) Order in Council, 1954 [*G.N.S. 50/54*] the geological formation of the area intended for carbon storage;”.

